

**BEFORE THE STATE OF NEW MEXICO
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY & HEARING AID
DISPENSING PRACTICES BOARD**

**IN THE MATTER OF:
TERESA ANN MOORE,**

Case No. HAD 14-08-02

Respondent.

DEFAULT ORDER

THIS MATTER came before a quorum of the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board (hereafter “the Board”), and with a quorum present and a majority voting in the affirmative, the Board finds as follows:

1. Respondent submitted an application for licensure as a hearing aid dispenser on September 13, 2014.
2. Respondent was previously sentenced to five years of probation, required to pay \$60,000 in restitution and required to complete substance abuse and mental health treatment programs.
3. On August 1, 2014, the board voted to issue a Notice of Contemplated Action to deny the application unless Respondent requested a hearing to rebut the evidence.
4. A Notice of Contemplated Action (“NCA”) was served upon Respondent on October 30, 2015 in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 to -34 (1957, as amended through 2013).
5. The Board mailed Respondent the NCA in case number HAD 14-08-02 via certified mail, return receipt requested, to Respondent’s address located at 1506 Elfego Baca Dr. SW, Albuquerque NM 87121 and the U.S. Postal Service confirmed delivery of Certified Mail on November 2, 2015.
6. The NCA stated that the Board had sufficient basis to deny Respondent’s application for licensure based on the revocation of her license for Medicaid fraud and money owing to clients.

7. Section 61-1-5 of the ULA provides that, where notice is served via certified mail, "it shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice or decision to the addressee or refusal of the addressee to accept delivery of the notice or decision." NMSA 1978, § 61-1-5.
8. Respondent failed to request a hearing within twenty (20) days of receipt of the NCA as required under Section 61-1-4 of the ULA.
9. Pursuant to the provisions of the ULA, specifically Section 61-1-4(E), if Respondent does not request a hearing, the Board may proceed to take the action contemplated in the notice and such action shall not be subject to judicial review.
10. It is therefore ordered and adjudged that Respondent failed to respond to a properly served NCA in case number HAD 14-08-02 and is therefore found to be in default.
11. The application of Respondent TERESA ANN MOORE, is hereby denied. This action is final and is not subject to judicial review.

IT IS SO ORDERED.

**FOR THE NEW MEXICO BOARD OF
SPEECH-LANGUAGE PATHOLOGY,
AUDIOLOGY AND HEARING AID
DISPENSING PRACTICES**

8-23-16
Date


Dr. Richard Cram
Board Chair

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Default Order was mailed by certified mail to:

TERESA ANN MOORE
1506 ELFEGO SW Baca Dr. SW
ALBUQUERQUE NM 87121

Certified Mail #: 9171 9690 0935 0079 156723

By: Sheila Harris

Teresa Moore
1506 El Fego Baca Dr. SW
Albuquerque, NM 87121
HAD-14-08APP

9171 9690 0935 0079 1567 73

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <i>Kat Sommerville</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <p>Teresa Moore 1506 El Fego Baca Dr. SW Albuquerque, NM 87121 HAD-14-08APP</p>	B. Received by (Printed Name) <i>Kat Sommerville</i> C. Date of Delivery <i>8/26/16</i>
2. Article Number (Transfer from service)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below <i>1506 El Fego Baca Dr SW</i> AUG 29 2016 <i>3Y:</i>
PS Form 3811, July 2013	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	9171 9690 0935 0079 1567 73

PS Form 3811, July 2013

Domestic Return Receipt

BEFORE THE NEW MEXICO SPEECH LANGUAGE PATHOLOGY,
AUDIOLOGY, AND HEARING AID DISPENSING PRACTICES BOARD

IN THE MATTER OF:

TERESA ANN MOORE,

Applicant.

Case No.: HAD-14-08-02-APP

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the New Mexico Speech Language Pathology, Audiology, and Hearing Aid Dispensing Practices Board ("Board") has before it sufficient evidence that, if not rebutted or explained at a formal hearing, will justify the Board denying your application for licensure and imposing such other penalties as may be permitted by law.

The Board has jurisdiction to hear this matter and to deny your application for licensure pursuant to the Uniform Licensing Act (ULA), NMSA 1978, §§ 61-1-1 *et seq.*, the Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Act ("Act"), NMSA 1978, §§ 61-14B-1 *et seq.*, and the Rules of the Board ("Rules"), 16.26.1.1 NMAC *et seq.*

The Act provides:

- A. The board may deny, revoke, suspend or impose conditions upon any license held or applied for under the [Act] in accordance with the procedures set forth in the [ULA] upon findings by the board that the licensee or applicant: ...

(2) has been convicted of a felony. A certified copy of the record of conviction shall be conclusive evidence of the conviction; [or]

...

(16) has had a license, certificate or registration to practice speech-language pathology, audiology or hearing aid dispensing revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for actions of the licensee similar to acts described in this section. A certified copy of the record of the jurisdiction taking such disciplinary action will be conclusive evidence thereof.

NMSA 1978, § 61-14B-21.

NATURE OF EVIDENCE AGAINST APPLICANT

1. Applicant Teresa Ann Moore (hereinafter, "Applicant") held a license to practice hearing aid dispensing in the State of New Mexico from August 14, 2003 to March 26, 2008.

2. Applicant's previous license to practice hearing aid dispensing in the State of New Mexico was revoked on or about March 26, 2008. The Board revoked this license due to Medicaid fraud and \$3,500 owed by Applicant to a senior citizen.

3. On or about January 18, 2008, Applicant pleaded guilty to one count of Health Care Fraud, a felony, pursuant to 18 U.S.C. § 1347. This Health Care Fraud consisted of Applicant's submission of billing to Medicaid for hearing aid services that were not provided. Applicant was sentenced to five years of probation, required to pay \$60,000 in restitution, and required to complete substance abuse and mental health treatment programs, among other conditions. (*See United States v. Moore*, 1:07-cr-1329-BB (D.N.M.), Judgment (Feb. 3, 2008), attached as Exhibit A.)

4. In October 2013, Applicant submitted an application for licensure as a hearing aid dispenser to the Board.

5. Because Applicant has been convicted of a felony – particularly a crime related to her previous work as a hearing aid dispenser and that demonstrates a violation of her ethical duties to clients – and because Applicant’s previous license as a hearing aid dispenser was revoked for Medicaid fraud and money owing to clients, Applicant’s application for a hearing aid dispenser license should be denied.

APPLICANT’S RIGHT TO A HEARING

The hearing, if requested, will be conducted in accordance with the Uniform Licensing Act (“ULA”). The ULA provides as follows regarding a licensee or applicant’s opportunity for a hearing:

Every licensee or applicant shall be afforded notice and an opportunity to be heard, before the board has authority to take any action, which would result in:

- A. denial of permission to take an examination for licensing for which application has been properly made as required by board rule;
- B. denial of a license after examination for any cause other than failure to pass an examination;
- C. denial of a license for which application has been properly made as required by board rule on the basis of reciprocity or endorsement or acceptance of a national certificate of qualification;
- D. withholding the renewal of a license for any cause other than:
 - (1) failure to pay the required renewal fee;
 - (2) failure to meet continuing education requirements;
 - or
 - (3) issuance of a temporary license extension if authorized by statute;
- E. suspension of license;
- F. revocation of a license;
- G. restrictions or limitations on the scope of a practice;
- H. the requirement that the applicant complete a program of remedial education or treatment;

- I. monitoring of the practice by a supervisor approved by the board;
- J. the censure or reprimand of the licensee or applicant;
- K. compliance with conditions of probation or suspension for a specific period of time;
- L. payment of a fine for a violation not to exceed one thousand dollars (\$1,000) for each violation, unless a greater amount is provided by law;
- M. corrective action, as specified by the board; or
- N. a refund to the consumer of fees that were billed to and collected from the consumer by the licensee.

NMSA 1978, § 61-1-3.

The ULA further provides as follows regarding the rights of persons entitled to a hearing:

- A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.
- B. Upon written request to another party, any party is entitled to: (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing. The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

- C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

NMSA 1978, § 61-1-8.

CONCLUSION

The evidence before the Board, summarized above, if not rebutted or explained at a formal hearing, is sufficient to justify the Board taking disciplinary action against you, including the denial of your application for licensure, as may be permitted by law. **The Board will take the contemplated action unless, within twenty (20) days after service of this Notice, the Applicant requests a formal hearing by certified mail return receipt requested. Such a request for a formal hearing should be mailed to Vanessa Montoya, Compliance Liaison; New Mexico Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Board; P.O. Box 25101; Santa Fe, NM 87504.**

10/30/15
Date

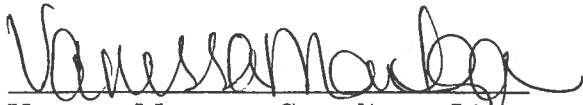
Victoria S. Smidt
Chairperson
New Mexico Speech Language Pathology,
Audiology & Hearing Aid Dispensing
Practices Board
Regulation and Licensing Department

Administrative Prosecutor:

Nicholas M. Sydow
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, NM 87504-1508
Tel.: (505) 222-9088
Fax: (505) 222-9086

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Contemplated Action was mailed to the Applicant, Teresa Ann Moore, on this 30th day of October, 2015, via certified mail return receipt requested.



Vanessa Montoya, Compliance Liaison
Regulation and Licensing Department
New Mexico Speech Language Pathology, Audiology & Hearing Aid Dispensing
Practices Board

PO Box 25101
Santa Fe, NM 875054
(505) 476-4643

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Street & Apt. No., or PO Box No.	1506 El Fego Baca Dr. SW
City, State, ZIP+4	Albuquerque, NM 87121

PS Form 3800, July 2014

See Reverse for Instructions

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Your item was delivered at 1:19 pm on November 2, 2015 in ALBUQUERQUE, NM 87121.		
November 2, 2015 , 1:58 am	Departed USPS Facility	ALBUQUERQUE, NM 87101
October 30, 2015 , 9:48 pm	Arrived at USPS Facility	ALBUQUERQUE, NM 87101
October 30, 2015 , 5:15 pm	Departed Post Office	SANTA FE, NM 87507
October 30, 2015 , 4:06 pm	Acceptance	SANTA FE, NM 87507

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