

**BEFORE THE WEST VIRGINIA MEDICAL IMAGING & RADIATION
THERAPY TECHNOLOGY BOARD OF EXAMINERS
IN THE MATTER OF NAME
LICENSE NO. 8380 CASE NO. 01-FY 2012**

CONSENT AGREEMENT FOR PAYMENT OF MONETARY PENALTY

Come now JAMES D. EVERETT and the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners (hereinafter Board), for the purpose of agreeing to what disciplinary action shall be taken against JAMES D. EVERETT by the Board pursuant to W. Va. Code §30-23-2 (2009). As reflected in this document, JAMES D. EVERETT and the Board have reached an agreement as to the proper disposition of this matter, and do hereby agree to the following findings, conclusions, and order.

FINDINGS OF FACT

1. JAMES D. EVERETT holds License No. 8380, issued by the Board. Said license lapsed effective DECEMBER 31, 2011

2. Information was received by the Board from JEFFERSON MEMORIAL HOSPITAL on JANUARY 10, 2012 which indicated that the licensee was employed as a medical imaging technologist in the State of West Virginia and that JAMES D. EVERETT did performed duties of a medical imaging technologist during the period the license was lapsed. Specifically, JAMES D. EVERETT worked a shift of eight (8) hours as a medical imaging technologist on three (3) separate dates of January 4,5 and 6, 2012.

CONCLUSIONS OF LAW

1. Pursuant to W. Va. Code §30-23 et seq., the Board is the duly constituted state entity empowered to regulate the practice of medical imaging & radiation therapy technology in the state of West Virginia.

2. W. Va. Code §30-23-24 permits the Board to revoke, suspend, or otherwise discipline any license to practice medical imaging and radiation therapy technology upon proof of certain enumerated infractions. Specifically, W. Va. Code §30-23-2 provides for the discipline of a license based upon satisfactory proof that the "...license, apprentice license or permit has not expired, been suspended or revoked."

3. The Board's Legislative Rules, 18 C.S.R. 1 4.8(a)(3), state that the Board may impose penalties up to five hundred dollars (\$ 500.00) to a licensee based upon satisfactory proof that the licensee is guilty of "...working on an expired license..."

4. The Board concludes that the above-stated Findings of Fact support the sanction of disciplinary action pursuant to W. Va. Code § 30-23-2, W. Va. Code § 30-23-24 and 18 C.S.R. 1 4.8(a)(3).

CONSENT

JAMES D. EVERETT, by signing hereon, agrees to the following:

1. Licensee acknowledges that he is aware of his option to retain legal counsel and to be represented by legal counsel at a formal hearing before the Board.

2. He intelligently and voluntarily waives his right to a formal hearing before the Board in this matter.

3. He acknowledges that he is fully aware that without his consent, no legal action can be taken against him, except pursuant to W. Va. Code §30-23-24 (a)(2).

4. He acknowledges that the execution of this document constitutes disciplinary action by the Board. It is therefore considered to be public information, and information regarding this matter is available to any employer, prospective employer, or any other individual who may inquire as to his licensure status.

5. He consents to the payment of the following monetary penalty as stated below.

MONETARY PENALTY

On the basis of the foregoing, the Board and JAMES D. EVERETT hereby agree to the assessment of the following penalty:

Upon the execution of this Agreement, the following monetary penalty shall be imposed upon License No. 8380, belonging to JAMES D. EVERETT:

1. W. Va. Code §30-1-8(a) states in pertinent part that "...every board referred to in this chapter is further authorized to enter into consent decrees, to reprimand, to enter into probation orders, to levy fines not to exceed one-thousand dollars per day per violation, or any of these, singly or in combination. Each board is also authorized to assess administrative costs."

JAMES D. EVERETT shall be assessed a monetary penalty in the amount of two hundred dollars (\$200.00) for each thirty (30) day period or portion thereof during which he was employed without a current license and performed the duties of a medical imaging technologist for a total of two hundred dollars (\$ 200.00). Said penalty shall be in accordance with the following terms:

a. a civil fine in the amount of One Hundred Dollars(\$ 100.00);

b. administrative costs in the amount of fifty dollars(\$ 50.00).

c. preparation fee in the amount of fifty dollars (\$ 50.00)

The total amount due the Board by JAMES D. EVERETT, therefore, equals two hundred dollars(\$ 200.00). This amount shall be payable to the Board according to the terms contained in Attachment A, which accompanies this Agreement.

In accordance with the Board's Code section, 30-23-24 (a), the Board may revoke, suspend, or otherwise discipline a license based upon satisfactory proof that the licensee is guilty of "...30-23-24 (a)(7). Failure to comply with any order or final decision of the board"

AGREED TO BY JAMES D. EVERETT:

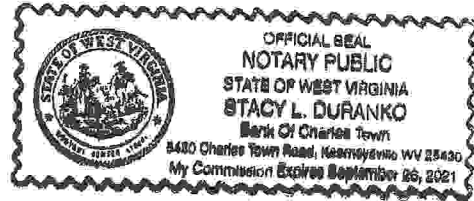
J. D. Everett
SIGNATURE

4-4-12
DATE

Sworn and subscribed before me this 4th day of April, 2012.

My Commission expires: September 26, 2021

Stacy L. Duranko
Notary Signature



Entered this 9th day of April, 2012.

Grady M. Bowyer, R.T.
Grady M. Bowyer, R.T.(R)
Executive Director
West Virginia Medical Imaging & Radiation
Therapy Technology Board of Examiners