

**WEST VIRGINIA MEDICAL IMAGING AND RADIATION
THERAPY TECHNOLOGY BOARD OF EXAMINERS**

IN THE MATTER OF:

TERESA D. TAYLOR,

West Virginia Medical Imaging License No. 3716.

MODIFIED CONSENT AGREEMENT

Now comes the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (hereinafter "Board"), by its Executive Director, Grady M. Bowyer, and Teresa D. Taylor, (hereinafter "Respondent"), for the purpose of modifying the Consent Agreement entered between the Board and Respondent on March 27, 2009.

FINDINGS OF FACT

1. Paragraph 16 of the Order in the original Consent Agreement states as follows:

16. Upon completion of the recognized program in drug rehabilitation, Respondent shall participate in a structured aftercare program, with a certified addictions counselor approved by the Board. As part of her sentencing, Respondent has completed addictions counseling, therefore the Board requires that Respondent attend Narcotics Anonymous (NA) meetings twice a week for six (6) months from the entering of this Consent Order. Respondent will be responsible for submitting monthly reflection summaries that have been signed off by a NA counselor/group leader to the Board in order illustrate Respondent's progress and her compliance with this modified aftercare program. Upon completion of the six (6) month period, the Respondent shall undergo a fitness determination at her own expense at OASIS, and report the results of said determination to the Board. **This requirement may be modified upon request to the Board by Respondent's certified addictions counselor.** (emphasis added).

2. On October 21, 2009, Respondent completed the fitness for duty evaluation as prescribed in paragraph 16 of the original Consent Agreement. The OASIS fitness determination was conducted by Lisa Q. Kaplan, M.A., NCC, NCGC, ALPS, LPC and the final disposition with recommendation was completed on November 3, 2009.

3. On November 16, 2009, the Board received the results of the OASIS fitness determination in accordance with that term of the original Consent Agreement. That report outlined a concluding recommendation that “[Respondent] resume out-patient addiction counseling for the next 18 months.” That report also provided the names of three facilities where Respondent could obtain these services.

CONSENT

Respondent, both in her individual capacity and as a licensed medical imaging technologist, by the execution hereof, agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that she is aware that she may pursue this matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent acknowledges that the Board may reject this proposal and may hold a hearing to impose such sanctions of a disciplinary nature as required by law and as it may otherwise deem appropriate.

3. Respondent consents to the entry of the following Order affecting her conduct as a state licensed medical imaging technologist.

ORDER

1. Pursuant to paragraph 16 of the original Consent Agreement, the Board hereby **ORDERS** that Respondent continue out-patient addiction counseling for eighteen (18) months as recommended by the OASIS fitness determination. Respondent may obtain this counseling from any of the three facilities recommended in the OASIS report or she may attend Narcotics Anonymous (NA) meetings once a week. Should Respondent choose to attend NA for this counseling, she must submit monthly reflection summaries that have been signed off by a NA counselor/group leader to the Board to illustrate Respondent's compliance with this modification to the original Consent Agreement.

2. The Board also, in considering Respondent's expressed issue with the required reporting time of drug-screening tests contained in paragraph 17 of the Order in the original Consent Agreement, hereby **ORDERS** that Respondent shall continue to submit to unannounced, witnessed drug-screening tests at the demand and to the specifications of the Board and at the Respondent's expense and that she must call in **DAILY NO LATER THAN 3:00PM**. Failure to call in by the time prescribed by this Board

will nullify any agreements between Respondent and the Board, and a hearing may be scheduled in this matter. All other provisions contained in paragraph 17 of the original Consent Agreement remain in full effect.

3. The Board further **ORDERS** that all other provisions contained in the original Consent Agreement executed by the parties and entered by this Board on March 27, 2009 shall remain in full effect for the duration of the original Consent Agreement.

AGREED TO BY:

Teresa D. Taylor
TERESA D. TAYLOR

1-31-10
DATE

ENTERED into the records of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners this:

3rd day of February, 2010.

**WEST VIRGINIA MEDICAL IMAGING AND RADIATION THERAPY
TECHNOLOGY BOARD OF EXAMINERS,**

By: *Grady M. Bowyer, RT*
GRADY M. BOWYER,
EXECUTIVE DIRECTOR

**WEST VIRGINIA MEDICAL IMAGING AND RADIATION
THERAPY TECHNOLOGY BOARD OF EXAMINERS**

IN THE MATTER OF:

TERESA D. TAYLOR,

West Virginia Medical Imaging License No. 3716.

CONSENT AGREEMENT

Now comes the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (hereinafter "Board"), by its Executive Director, Grady M. Bowyer, and Teresa D. Taylor, (hereinafter "Respondent"), for the purpose of resolving Board Complaint No. 02-FY2009, against Respondent. As reflected in this agreement, the parties have reached an understanding concerning the proper disposition of the matters in controversy, and the Board, approving such an agreement, does hereby find and Order as follows:

FINDINGS OF FACT

1. Respondent was issued license # 3716 to practice medical imaging in the State of West Virginia on or around October 7, 1997 and current license expires on October 31, 2008.
2. On August 5, 2008, Respondent notified the Board's office that she had been arrested in October, 2006 and charged with multiple offenses relating to attempting to obtain a prescription by fraud.

3. On August 13, 2008, Respondent's attorney submitted a packet detailing all aspects of the arrest and plea, which included the Diversion Agreement between the Respondent and the American Registry of Radiologic Technologist (ARRT).

4. On September 4, 2008, Respondent pled guilty of "Attempting to Commit a Felony", a felony, which was accepted by the courts and received a sentence of three (3) years of probation with specific conditions imposed by the Circuit Court of Jackson County.

CONCLUSIONS OF LAW

1. The Board is a state entity created by W. Va. Code § 30-23-1 *et seq.* and is empowered and authorized to regulate the practice of medical imaging and radiation therapy technology in West Virginia.

2. The Medical Imaging and Radiation Therapy Technology Act, pursuant to W. Va. Code § 30-23-1 *et seq.*, grants the Board power to make and enforce necessary rules and regulations for the licensing of medical imaging and radiation therapy technologists and the general practice of medical imaging and radiation therapy technology. The Act confers on the Board the right to take disciplinary action against licensees who violate its rules and regulations in order to protect the public interest and to preserve proper levels of education, experience and skill.

3. West Virginia Code § 30-23-9(b)(1) provides that "[t]he board shall suspend or revoke any license or temporary permit when it finds the holder thereof has. . . [b]een

convicted of a felony in any court in this state or any federal court in this or any other state within ten years preceding the date of the motion or complaint, which conviction remains unreversed. . . (.)"

4. By and through the attempted unlawful acquisition of controlled substances, and Respondent's guilty plea to a felony conviction in the courts, Respondent is in violation of West Virginia Code § 30-23-9(b)(1).

5. West Virginia Code § 30-1-8(a) provides that every Chapter 30 Board "may suspend or revoke the license of any person who . . . has been found to have engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct."

6. By and through the attempted unlawful acquisition of controlled substances, Respondent engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of West Virginia Code § 30-1-8 (a).

CONSENT

Respondent, both in her individual capacity and as a licensed medical imaging technologist, by the execution hereof, agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any

inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that she is aware that she may pursue this matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent acknowledges that the Board may reject this proposal and may hold a hearing to impose such sanctions of a disciplinary nature as required by law and as it may otherwise deem appropriate.

3. Respondent consents to the entry of the following Order affecting her conduct as a state licensed medical imaging technologist.

ORDER

1. On the basis of the foregoing, the Board hereby **ORDERS** that license number 3716, issued to Respondent, be placed on a suspended status until October 31, 2009. Upon completion of the suspension, license number 3716 is placed on probation for a period of two (2) additional years employment as a medical imaging technologist. The computation of such period is to begin on the date on which notice is received in the office of the Board that Respondent is employed as a medical imaging technologist and shall run only during such time that she is employed as a medical imaging technologist on at least a permanent part-time basis (forty hours every two weeks) or full time basis in the State of West Virginia.

2. The Board also Orders the Respondent to pay administrative costs in the amount of Three hundred, Sixty-nine dollars and Sixty cents (\$ 369.60).

To receive and maintain a probationary license after the license suspension, regardless of employment status, Respondent shall meet the following conditions:

General:

3. Respondent shall not violate the provisions of West Virginia Code § 30-23-1, *et seq.*

4. Respondent shall not commit any act which would be a crime under West Virginia or federal law. If Respondent is charged by any law enforcement agency with committing any such criminal act, the Board shall be notified in writing of the formal charge(s) against Respondent, and resolution of same.

5. Throughout the duration of this consent agreement, Respondent shall maintain a current and active license in the State of West Virginia. Respondent shall remain current on all licensing fees, satisfy all continuing education requirements and shall not allow her license to lapse or otherwise be placed on an inactive status.

6. Respondent shall not, under any circumstances, misrepresent the status of her license.

7. Respondent shall, within ten (10) days of employment or continuation of medical imaging and radiation therapy practice, cause the employer or immediate supervisor, to notify the Board, in writing, of the employer or supervisor's receipt of a copy

of this agreement. Respondent shall further cause the employer or supervisor to submit monthly reports to the Board describing Respondent's job performance, attendance, attitude, and other work behaviors during the first year of probation and, if her progress is satisfactory to the Board, quarterly thereafter. Said reports are due in the Board's office by the fifth (5th) day of the preceding month.

8. Respondent shall inform the Board in writing within ten (10) days of the date Respondent assumes the practice of medical imaging technology in the State of West Virginia and shall include the name, address, and telephone number of her employer. Respondent shall provide in writing the name of her immediate supervisor. Respondent shall inform the Board of any interruption in medical imaging technology practice or change in employment within ten (10) days of such interruption or change.

9. Respondent shall immediately inform their medical imaging technology employer, any prospective medical imaging technology employer, and the director of any medical imaging technology education program in which Respondent enrolls or teaches, that the Board has placed Respondent's license on probation, and shall provide a complete copy of this agreement to their employer(s). The Board may provide the employer(s) with a copy of this agreement and may communicate with the employer.

10. Respondent shall submit documentation of fifteen (15) contact hours of continuing education in drug and alcohol abuse each year during the time the license is on probation in addition to what is required by law.

11. Respondent shall report in person for appointment with the Board staff upon request.

12. Respondent shall submit copies of all documents to the Board's office that are submitted to the American Registry of Radiologic Technologists (ARRT) as part of her Alternative Disposition Agreement with the ARRT.

13. Respondent shall annually submit to the Board a written personal statement regarding their progress. The statement shall be due at the end of the first year and in each subsequent year during the month in which this agreement is accepted by the Board.

14. Respondent shall abstain from the use of alcohol and limit her use of drugs to those legally prescribed for a legitimate purpose by a physician, dentist or nurse practitioner duly licensed in the State of West Virginia. Respondent shall provide a copy of this Agreement to any prescribing physician, dentist or nurse practitioner. Respondent shall cause her physician, dentist or nurse practitioner to notify the Board in writing of any medications/drugs prescribed or given as samples and the condition for which said drug(s) has been prescribed within twenty-four hours (24) of receiving said prescription or samples. Respondent agrees that, if she accepts a prescription for narcotic or psychotropic drugs, the Board may impose additional probationary terms.

Rehabilitative:

15. Respondent must complete a recognized program in drug rehabilitation, and documentation of said completion must be provided to the Board. Because Respondent has completed a recognized program in drug rehabilitation as a part of her sentencing, the Board will accept the program required by Respondent's sentencing Order entered on September 4th, 2008 by the Circuit Court of Jackson County provided that proof of completion of such program is provided to the Board.

16. Upon completion of the recognized program in drug rehabilitation, Respondent shall participate in a structured aftercare program, with a certified addictions counselor approved by the Board. As part of her sentencing, Respondent has completed addictions counseling, therefore the Board requires that Respondent attend Narcotics Anonymous (NA) meetings twice a week for six (6) months from the entering of this Consent Order. Respondent will be responsible for submitting monthly reflection summaries that have been signed off by a NA counselor/group leader to the Board in order illustrate Respondent's progress and her compliance with this modified aftercare program. Upon completion of the six (6) month period, the Respondent shall undergo a fitness determination at her own expense at OASIS, and report the results of said determination to the Board. This requirement may be modified upon request to the Board by Respondent's certified addictions counselor.

17. Respondent shall submit to unannounced, witnessed drug-screening tests.

Said tests shall be on demand and to the specifications of the Board and **at Respondent's expense**. Receipt of a positive drug screen and or not calling **DAILY by noon** is deemed to be a violation of this Consent Agreement, and shall render the Consent Agreement null and void. Eating products containing poppy seeds will not constitute as an accepted reason for having a positive screen for opioids. Taking over the counter supplements will not constitute as an accepted reason for having a positive screen for any illegal drug.

18. Respondent shall coordinate any health care services she requires with one physician or registered nurse practitioner, who shall be informed of any services or prescriptions sought or obtained by Respondent from any physician, dentist or nurse practitioner. Respondent shall provide this individual, who serves as her point of contact for health care needs, with a copy of this agreement.

19. Respondent shall execute a release to permit the Board to obtain medical, drug testing results from other jurisdictions, or other health care records, which may be requested at any time while her license is on probation, regarding her physical or mental health and any treatment rendered.

20. Respondent shall submit to the Board a written personal statement regarding progress in recovery the first of every month. The statement shall be due in the Board office by the fifth day of each month.

Violation of Terms:

21. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Order, and result in the Consent Agreement being rendered null and void.

22. The Board shall immediately notify Respondent via certified mail of the specific nature of the charges. If the Respondent has been issued her Probationary license, that license shall be suspended as of the date of receipt of the certified letter.

a. Respondent may request reinstatement of her probationary license through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with this request.

b. If the Board does not accept a renewed or new agreement, Respondent shall be notified in writing. Respondent may request a hearing to seek reinstatement of her probationary license. If Respondent requests a hearing following suspension for violation of this agreement and does not prevail, the cost incurred in holding such hearing shall be borne by Respondent. If Respondent prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or Respondent in bringing the matter to hearing.

c. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of Respondent's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-23-1, et. seq. The Board shall bear the cost if it should seek a hearing following suspension of Respondent's probationary license for violation of this agreement. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by Respondent in bringing the matter to hearing.

Modification of Terms:

23. If Respondent is proceeding successfully in her treatment and rehabilitation, she may petition the Board after no less than one (1) year from the execution of this agreement for a modification of the terms of the agreement. In the event that the Board finds that Respondent has made significant progress, based upon all information available, the Board may, at its discretion, alter or amend certain provisions of this agreement.

Petition for Reinstatement:

24. Following the probationary period, Respondent may petition to appear before the Board and submit satisfactory evidence that she is presently able to safely engage in the practice of radiologic technology. Evidence in support of this request shall include, but not necessarily be limited to:

- a. Letter from the physician involved in Respondent's primary health care attesting to her ability to safely engage in the practice of medical imaging technology;
- b. Letter of reference from Respondent's employer, if employed;
- c. Letter from Respondent outlining her future plans; and payment of all fines and administrative costs, if any.

However, the terms of this Order shall remain in effect and subject to yearly review and appropriate revision by the Board until such time as Respondent's license is fully reinstated by the Board.

Consequences for Repeat Offenses

25. After the terms of this Consent Agreement have been satisfied, should the Board receive substantiated information that Respondent is or has attempting to illegally obtain drugs or substances including, but not limited to the both illegal drugs, illegally obtained prescription drugs and alcohol, such information will constitute a repeat offense. In the event of a second offense, the Board will conduct a hearing to suspend Respondent's license for a period of three (3) years with all other components of this Agreement outlined above remaining in place.

26. If, after the terms of the Consent Agreement for the second offense have been satisfied and the Respondent re-offends, then the Board will immediately take the

appropriate action for the **permanent revocation** of Respondent's license with the West Virginia Medical and Radiation Therapy Technology Board of Examiners.

AGREED TO BY:

Teresa D. Taylor
TERESA D. TAYLOR

3-23-09
DATE

ENTERED into the records of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners this:

27 day of March, 2009.

**WEST VIRGINIA MEDICAL IMAGING AND RADIATION THERAPY
TECHNOLOGY BOARD OF EXAMINERS,**

By: *G. M. Bowyer*
GRADY M. BOWYER,
EXECUTIVE DIRECTOR

3/27/09
DATE