

**BEFORE THE WEST VIRGINIA RADIOLOGIC TECHNOLOGY
BOARD OF EXAMINERS**

IN THE MATTER OF:

**LORI B. HAUGHT,
West Virginia Radiologic Technology License No. 4392**

CONSENT AGREEMENT

Now comes the West Virginia Radiologic Technology Board of Examiners (hereinafter "Board"), by its counsel Gregory G. Skinner, Assistant Attorney General, and Lori B. Haught, (hereinafter "Respondent"), for the purpose of resolving the Board Complaint No. 08-FY2004, 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 a radiologic technologist license in the State of West Virginia on October 20, 2003.
2. Respondent was employed by West Virginia University Hospitals, Inc, Morgantown, West Virginia, as a nuclear medicine technologist.
3. Respondent's radiologic technologist license expires on November 30, 2004.
4. On June 1st and 2nd, 2004, Respondent accessed her estranged husband's medical records, without permission, in violation of Hospital Policy III.020.
5. On June 7, 2004, Respondent was informed of termination from West Virginia University Hospitals, inc for "Breech of Patient Confidentiality, in violation of

Hospital Policy III.020.

6. On June 15, 2004, West Virginia University Hospitals, Inc notified the Board that Respondent's employment had been terminated due to "Breach of Patient Confidentiality".

7. On August 20, 2004, information was received from West Virginia University Hospitals, Inc concerning the accessing of patient records and breach of patient confidentiality.

8. On September 7, 2004, Respondent responded to inquiry concerning termination from West Virginia University Hospitals, Inc. and admitted violation of Hospital Policy III.020, in that she did access estranged husband's medical records, specifically his laboratory results.

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 radiologic technology in West Virginia.

2. The Radiologic Technologists Act in W. Va. Code § 30-23-1 et seq. grants the Board power to make and enforce necessary rules and regulations for the licensing of radiologic technologists and the general practice of radiologic 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)(4) provides, in pertinent part, that the Board may take disciplinary action against a licensee who has "failed or refused to comply with

the provisions of this article or any reasonable rule promulgated by the board hereunder”

4. Pursuant to 18 C.S.R. § 4.4, “the Board may place a licensee on probation, . . . , upon satisfactory proof that a licensee ... engaged in conduct or... willful departure from accepted standards of professional conduct ... or the rules of the Board.”

5. “Unethical conduct” means, but is not limited to, the “unauthorized disclosure of information relating to a patient or his or her records.” 18 C.S.R. § 1-2(e)(5).

6. In the instant matter, Respondent engaged in unethical conduct, as defined by 18 C.S.R. § 1-2(e)(5), when she accessed patient records without consent or permission, in violation of W. Va. Code 30-23-9(b)(4) and 18 C.S.R. § 4-4.

7. Pursuant to the Standards of Practice, a licensee must respect “confidences entrusted in the course of professional practice,” respect a “patient’s right to privacy, conforming to the Health Information Portability & Accountability Act of 1996 (HIPAA) and requirements of protected health information (PHI),” and may only reveal “confidential information only as required by law or to protect the welfare of the individual or the community.” 18 C.S.R. § 5-4.9.

8. Pursuant to the Code of Ethics, a licensee may be disciplined for “revealing a privileged communication from or relating to a former or current patient, except when otherwise required or permitted by law.” 18 C.S.R. § 5-5.12.

9. Pursuant to the Code of Ethics, a licensee may be disciplined for “improper management of patient records” 18 C.S.R. §5-5.14..

10. In the instant matter, Respondent unlawfully accessed a patient’s medical records without consent or permission, in violation of W. Va. Code § 30-23-9(b)(4) and 18

C.S.R. §§ 5-4.9, 5-5.12 and 5-5.14.

CONSENT

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

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree 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 consents to the entry of the following Order affecting her conduct as a state licensed radiologic technologist.

ORDER

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. The radiologic technologist license of Respondent is hereby REPRIMANDED for her misconducted, as outlined herein.

2. Further, the radiologic technologist license of Respondent is hereby placed on PROBATION for a period of one (1) year. Upon completion of such period of probation, Respondent may request her license to practice Radiologic Technology within West Virginia be reinstated to full, unrestricted status;

3. That, prior to any request for reinstatement of her license, Respondent shall take a continuing education course in Medical Ethics, at Respondent's expense,


within the time frame of the probation. Respondent shall provide the Board with a completion certificate verifying Respondent's successful completion of the course. Such course shall not count toward any continuing educational requirements for licensure renewal.

4. In the event Respondent fails to provide to the Board such proper documentation of successful completion of the above referenced course within the applicable time frame, Respondent's license shall remain on probation until such time Respondent provides to the Board the same.

5. Respondent shall pay any costs associated with the investigation and preparation of this Consent Agreement in the amount of \$ 350.00.

6. In the event Respondent violates the terms of this Consent Decree, and, subsequent to notice and hearing, the Commission so finds a violation, then, in such event, the events giving rise to this Consent Decree shall be considered in the determination of the kind and extent of sanctions to be subsequently imposed. Such possibility of enhancement shall be effective during the pendency of the instant restrictions placed upon Respondent's license subsequent to the entry of this Order.

AGREED TO BY:



LORI B. HAUGHT

10/4/04
DATE

ENTERED into the records of the West Virginia Radiologic Technology Board of Examiners this:

10th day of November, 2004.

WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS,

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

11/10/04
DATE