

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

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

**Complainant,**

**v.**

**Case No. 10-FY-2019**

**STARLENE JOHNSON,**

**Respondent.**

**CONSENT AGREEMENT AND ORDER**

Upon due investigation, the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (“Board”) determined there was probable cause to believe that Starlene Johnson (“Respondent”) exhibited unprofessional conduct in the practice of medical imaging and radiation therapy technology, in violation of the provisions of W. Va. Code §§ 30-23-1 *et seq.* and W. Va. Code R. §§ 18-1-1 *et seq.* Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of this matter and the parties agree to entry of the following Order in disposition of this matter.

**FINDINGS OF FACT**

The Board hereby adopts the following findings of fact:

1. The Board is a regulatory board created for the purpose of regulating the practice of medical imaging and radiation therapy technology. W. Va. Code § 30-23-1 *et seq.*

2. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke, or otherwise discipline an individual's license to practice medical imaging and radiation therapy technology. W. Va. Code § 30-23-24; W. Va. Code R. §§ 18-4-1 *et seq.*

3. Respondent is a licensee of the Board, holding License No. 5590, and is subject to the license requirements of the Board.

4. At all times relevant, Respondent was employed as a radiation therapy technologist at 21st Century Oncology in Princeton, West Virginia.

5. In correspondence dated December 12, 2018, the American Registry of Radiologic Technologists ("ARRT") informed the Board that Respondent's "certification and registration was publicly reprimanded for unprofessional conduct involving misadministration of radiation."

6. On January 23, 2019, the Board issued a subpoena to ARRT and requested documents regarding its disciplinary action against Respondent.

7. On or about February 12, 2019, the Board received the requested documents from ARRT. Included with the documents was a letter from Respondent to ARRT describing the "misadministration of radiation" incident that occurred on August 27, 2018. Respondent states in that letter:

I, Starlene Johnson was involved in a Medical Event on August 27th, 2018. I interchanged the dosimetry plan on a patient with the same last name and both were prostate patients. I took the patient in the room for set up and treat. Upon returning to the treatment console I proceeded to scan patient and did not perform the Time Out Procedure. After the scan I continued to treat the patient. When the monitor units were recorded I realized it was the wrong patient.

8. Having reviewed the information received from ARRT, the Board voted to initiate a complaint against Respondent at its meeting on May 23, 2019. That complaint was mailed to Respondent on June 21, 2019.

9. Respondent requested and was granted an extension of time to respond to the complaint. In a letter from her attorney dated July 26, 2019, Respondent responded to the Board's complaint and provided additional factual information regarding the August 27, 2018 incident.

10. On August 15, 2019, Respondent attended an informal conference with the Board's Ethics Committee, together with her attorney and the Regional Leader and Medical Director of 21st Century Oncology. Respondent and the Medical Director further addressed the circumstances surrounding the August 27, 2018 incident and answered questions from the Board.

11. Upon recommendation of the Ethics Committee, the Board, at its meeting on August 22, 2019, voted to find probable cause for a violation of W. Va. Code § 30-23-24(a) and W. Va. Code R. §§ 18-5-4.1.7, 18-5-5.1.4, and 18-5-5.1.5.a-b.

#### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction to take disciplinary action against Respondent.
2. Based upon the facts and matters set out in the above *Findings of Fact*, and pursuant to W. Va. Code § 30-23-24, the Board may revoke, suspend, or otherwise discipline the Respondent's license to practice medical imaging and radiation therapy technology.
3. Respondent's conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-23-24(a) and W. Va. Code R. §§ 18-5-4.1.7, 18-5-5.1.4, and 18-5-5.1.5.a-b. Such conduct is therefore grounds for disciplinary action

#### **CONSENT**

I, Starlene Johnson, by affixing my signature hereto, acknowledge the following:

1. I have had the opportunity to consult with counsel and execute this *Consent Agreement* voluntarily, freely, without compulsion or duress, and mindful that it has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly, and voluntarily waive such rights.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge 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 the status of my license.

6. I admit that my actions were a violation of the statutes and rules of the Board.

The Respondent, Starlene Johnson, by affixing her signature hereto, agrees to the following:

### **ORDER**

On the basis of the foregoing, the Board does hereby **ORDER** and **DECREE** that:

1. Respondent is hereby **REPRIMANDED** for her actions in this matter.
2. Respondent shall reimburse the Board for all of the administrative and legal expenses incurred by the Board in the investigation and disposition of this case within thirty (30) days of entry of this *Consent Agreement and Order*.

3. The Board is bound by agreement and law to report the results of all disciplinary actions, including the instant matter, on the Board's website, to the West Virginia Secretary of State's Office, and to the ARRT.

4. This document is a public record as defined in W. Va. Code § 29B-1-2(5).

5. Respondent acknowledges that failure to comply with this *Consent Agreement and Order* may result in additional disciplinary action.

6. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

WEST VIRGINIA MEDICAL IMAGING AND RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS

By: \_\_\_\_\_  
Rosemary Trupo, Chairperson

Entered: \_\_\_\_\_  
Date

REVIEWED AND AGREED TO BY:

Starlene Johnson  
Starlene Johnson, Respondent

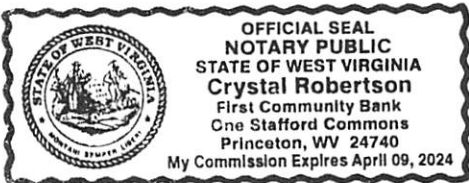
9-30-2019  
Date

This day personally appeared before me, Starlene Johnson, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true, and correct, to the best of her knowledge and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 30<sup>th</sup> day of September, 2019.

My Commission expires: April 9, 2024

Crystal Robertson  
Notary Public



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WEST VIRGINIA MEDICAL IMAGING AND  
RADIATION THERAPY TECHNOLOGY BOARD OF  
EXAMINERS

By: *Rosemary Trupo*  
Rosemary Trupo, Chairperson

Entered: *Oct 2, 2019*  
Date

REVIEWED AND AGREED TO BY:

*Starlene Johnson*  
Starlene Johnson, Respondent

*9-30-2019*  
Date

This day personally appeared before me, Starlene Johnson, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true, and correct, to the best of her knowledge and belief, and executed the document voluntarily on the date shown above.

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