

**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. 11-FY-2022

Cullen L. Kelley

Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of the board-initiated complaint, the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (“Board”) determined there was probable cause to believe that Cullen L. Kelley (“Respondent”) exhibited unethical and unprofessional conduct in connection with the practice of medical imaging, 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 him 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. 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 medical imaging license pursuant to W.Va. Code § 30-23-24 and W.Va. Code R. §§ 18-4-1 *et seq.*

3. Respondent is a licensee of the Board, holding License No. 9518, and is subject to the license requirements of the Board.

4. On February 28, 2022, Respondent's medical imaging license expired.

5. The Board contacted Respondent's employer and learned that Respondent worked as a medical imaging technologist on March 1, March 2, and March 8, 2022, without a West Virginia medical imaging license.

6. Respondent renewed his medical imaging license on March 9, 2022.

7. The Board initiated a complaint via letter to Respondent dated March 12, 2022.

8. Respondent answered the board-initiated complaint via correspondence dated April 14, 2022. Respondent admitted to having worked as a medical imaging technologist in West Virginia without the required license. Respondent acknowledged that the failure to renew his medical imaging license was the result of an oversight on his part.

9. On April 21, 2022, Respondent attended an informal conference with the Board's Ethics Committee. His supervisors, Drew Rager, MRI Manager, WVU Medicine, and Alice Howlett, MRI Imaging Supervisor, WVU Medicine, further discussed the facts and circumstances of this matter during the informal conference.

10. The Board, at its meeting on April 21, 2022, voted to find probable cause for a violation of W.Va. Code § 30-23-25.

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 §§ 30-23-2(a) and 30-23-22, the Board may revoke, suspend, or otherwise discipline the Respondent's license to practice medical imaging technology.
3. Respondent's actions, as set forth in the above *Findings of Fact*, constitute violations of W.Va. Code § 30-23-25. It is unlawful to practice medical imaging without a license, and licensees are required to annually renew their license. *See* W.Va. Code §§ 30-23-2(a) and 30-23-22. Such conduct is therefore grounds for disciplinary action.

CONSENT

I, Cullen L. Kelley, 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, Cullen L. Kelley, by affixing his 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 his actions in this matter.

2. Respondent shall reimburse the Board for legal expenses in the amount of \$130.00 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, for posting to the Board's website, to the West Virginia Secretary of State's Office, and 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
Rosemary Trupo, Chairperson

May 17, 2022
Date

REVIEWED AND AGREED TO BY:

Cullen L. Kelley
Cullen L. Kelley, Respondent

5-13-22
Date

This day personally appeared before me, Cullen L. Kelley, 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 his knowledge and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 13 day of May, 2019.

My Commission expires: December 02, 2024

Sierra J. Pritt-Tator
Notary Public

