

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

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

v.

Case No. 04-FY-2022

**DANIEL GOBER,
Respondent.**

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners (Board) determined that there was probable cause to believe that Daniel Gober (Respondent) has exhibited unprofessional and unethical conduct in the practice of medical imaging, in violation of the provisions of W. Va. Code § 30-23-25 and the Rules of the Board, W. Va. Code R. § 18-5-1, *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 hearing, the parties have reached an agreement as to the appropriate disposition of this matter, with consideration to the necessary safeguards for protection of the public, and do hereby agree to the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. That Daniel Gober is a licensee of the Board, License No. 10009, and is subject to the license requirements of said Board.

2. On February 16, 2021, the Board initiated a complaint against Respondent pursuant to W.Va. Code § 30-23-25 following information received from Respondent's employer indicating that on November 24, 2021, Respondent showed up for work with alcohol in his system.

3. Respondent's employer also submitted an ethics violation report form with respect to this incident to The American Registry of Radiologic Technologists.

4. The Board notes that Respondent did not engage in any patient care on the day of this incident.

5. On December 8, 2021, Respondent self-reported this violation to the Board, immediately sought help from his supervisors, and has voluntarily taken steps toward his recovery.

6. Pursuant to W.Va. Code R. §18-5-5.1.7, unprofessional conduct includes "engag[ing] in actual or potential inability to practice medical imaging or radiation therapy technology with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals or any other material; or as a result of any mental or physical condition."

7. On January 4, 2022, the Board received letters in Respondent's support from his supervisor, Benjamin Parker, B.A. RT (R) (N), Assistant Director, Department of Radiology at West Virginia University Medicine-Ruby Memorial Hospital and Amy L. Bush, BSN, MBA, RN, CNOR, Vice President/Chief Operating Officer, West Virginia University Medicine.

8. On March 1, 2022, Respondent admitted to the allegations in the Board's Complaint.

9. An Informal Conference was held on March 24, 2022, regarding this matter before the Board's Ethics Committee. In attendance were Respondent and his supervisor, Benjamin Parker.

10. The Board's Ethics Committee recommended a finding of probable cause in violation of W.Va. Code R. § 18-5-5.1.7.

11. The Board's Ethics Committee further acknowledged that Respondent has taken full responsibility for his actions, has demonstrated an ongoing commitment to his own wellness and recovery, has received the support of his supervisors, and has further demonstrated his commitment to comply with workplace rules and policies.

12. The Board, at its March 24, 2022, meeting, did by unanimous vote, find probable cause that Respondent violated W.Va. Code R. § 18-5-5.1.7.

13. Given Respondent's commitment to addressing the issues that gave rise to this incident, the Board and Respondent desire to resolve this complaint through the use of this negotiated Consent Agreement and Order as follows:

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. The Board is a regulatory board created for the purpose of regulating the practice of medical imaging and radiation therapy technology. W.Va. Code § 30-23-6.
3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's license because of authority granted to it by W.Va. Code § 30-23-24.
4. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license. W.Va. Code §30-23-24.
5. That Respondent admits to breaching W.Va. Code R. § 18-5-5.1.7, which provides that engaging in unprofessional conduct includes "engag[ing] in actual or potential inability to

practice medical imaging or radiation therapy technology with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals or any other material; or as a result of any mental or physical condition.”

CONSENT OF LICENSEE

Respondent, by affixing his signature hereto, acknowledges the following:

1. Respondent acknowledges that the Board has jurisdiction over him and his conduct which precipitated this Consent Agreement and Order.

2. Respondent has been given the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and is mindful that it has legal consequences.

3. That 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.

4. Respondent is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and is further aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

5. Respondent expressly acknowledges that the entire agreement is contained in this Consent Agreement and Order and that no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Agreement and Order.

6. Respondent acknowledges that this Consent Agreement and Order is a public document available for inspection by the public in accordance with the provisions set forth in the West Virginia Freedom of Information Act (W.Va. Code § 29B-1-1, *et seq.*) and may be reported to other governmental agencies, professional boards and organizations.

7. Respondent waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that he may have otherwise claimed as a condition of this Consent Agreement and Order.

8. The Respondent, Daniel Gober, by affixing his signature hereon, agrees to the following:

ORDER

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

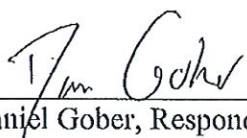
1. Respondent is hereby placed on probation.
2. Upon execution of this agreement, Respondent must enroll, participate in, and complete the WV Pharmacists Recovery Network Discipline Program.
3. Respondent will remain on probation for the period of time as recommended by the WV Pharmacists Recovery Network Discipline Program. Respondent's period of probation before this Board will end upon successful completion of the Pharmacists Recovery Network Discipline Program.
4. Respondent is required to submit certification of completion of the WV Pharmacists Recovery Network Discipline Program to end his period of probation.
5. Respondent shall reimburse the Board for attorney's fees in the amount of \$260.00 incurred by the Board in preparation of this consent agreement and order.
6. Respondent is required to pay the cost of any drug and alcohol tests performed under the Pharmacists Recovery Network Discipline Program.
7. Failure to adhere to the terms of this Order may result in further disciplinary action.
8. That this document is a public record as defined in W. Va. Code § 29B-1-2(5).

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

WEST VIRGINIA MEDICAL IMAGING &
RADIATION THERAPY TECHNOLOGY
BOARD OF EXAMINERS

By: 
Rosemary Trupo, Chairperson

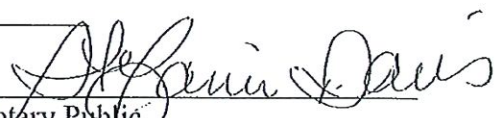
Entered: April 5, 2022
DATE

Agreed to by: 
Daniel Gober, Respondent

3.31.22
DATE

Sworn and subscribed before me this 31 day of March, 2022.

My Commission expires: 7/1/25


Notary Public