

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. 02-FY-2020

MICHAEL PAULEY,

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 Michael Pauley ("Respondent") exhibited unprofessional conduct in the practice of medical imaging and radiation therapy, 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 and radiation therapy 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. 5622, and is subject to the license requirements of the Board.

4. At all times relevant, Respondent was employed as a nuclear medicine technologist by St. Mary's Medical Center in Huntington, West Virginia.

5. Respondent's license to practice medical imaging and radiation therapy expired on July 31, 2019.

6. Respondent performed medical imaging and/or radiation therapy work at St. Mary's Medical Center, while his license was expired, on August 1 and 5, 2019.

7. Respondent renewed his license on August 5, 2019.

8. The Board initiated a complaint via letter dated August 5, 2019.

9. Respondent answered the board-initiated complaint via correspondence received on August 29, 2019. Respondent admitted that he worked as a nuclear medicine technologist on an expired license.

10. The Board, at its meeting on November 21, 2019, voted to find probable cause for a violation of W. Va. Code § 30-23-24(a)(2) and W. Va. Code R. § 18-1-4.4.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. The Board has the authority, pursuant to W. Va. Code R. § 18-1-4.8, to levy penalties for working on an expired license.

4. Respondent's actions, as set forth in the above *Findings of Fact*, constitute violations of W. Va. Code § 30-23-24(a)(2) and W. Va. Code R. § 18-1-4.4.b.

CONSENT

I, Michael Pauley, 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, Michael Pauley, 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 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. 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.

[REST OF PAGE INTENTIONALLY LEFT BLANK]

WEST VIRGINIA MEDICAL IMAGING AND
RADIATION THERAPY TECHNOLOGY BOARD OF
EXAMINERS

By: Rosemary Trupo
Rosemary Trupo, Chairperson

Entered: Dec. 27, 2019
Date

REVIEWED AND AGREED TO BY:

Michael Pauley
Michael Pauley, Respondent

12/19/19
Date

This day personally appeared before me, Michael Pauley, 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, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 19th day of Dec, 2019

My Commission expires: June 26th, 2022

Clarissa Michels
Notary Public

