

**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. 03-FY-2024

TORI ELIZABETH ROBINSON,

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 Tori Elizabeth Robinson (Respondent) performed medical imaging procedures in West Virginia without a valid West Virginia medical imaging license in violation of the provisions of West Virginia Code Sections 30-23-2(a), and 30-23-22. 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 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. Tori Elizabeth Robinson is a licensee of the Board, License No. 11562 (magnetic resonance imaging, radiography), and is subject to the license requirements of said Board.

2. On October 9, 2023, the Board initiated a complaint against Respondent pursuant to West Virginia Code Section 30-23-25 for performing medical imaging procedures in West Virginia without a valid West Virginia medical imaging license.

3. Respondent is employed with Cabell Huntington Hospital as a medical imaging technologist.

4. Nancy Godby, Director of Radiology at Cabell Huntington Hospital, confirmed that Respondent worked numerous shifts at Cabell Huntington Hospital between August 31, 2023, and October 5, 2023, without her West Virginia medical imaging license. Respondent worked on the following dates without a valid West Virginia license: September 5, 2023; September 7, 2023; September 8, 2023; September 10, 2023; September 12, 2023; September 13, 2023; September 14, 2023; September 15, 2023; September 17, 2023; September 19, 2023; September 20, 2023; September 21, 2023; September 22, 2023; September 23, 2023; September 26, 2023; September 27, 2023; September 28, 2023; September 29, 2023; October 3, 2023; October 4, 2023; and October 5, 2023.

5. Respondent's license expired on August 31, 2023. Her license was reinstated on October 6, 2023.

6. An Informal Conference was held on October 19, 2023, regarding this matter before the Board's Ethics Committee. In attendance to discuss the facts and circumstances of this

matter with the Board's Ethics Committee were Respondent; Nancy Godby, Directory of Radiology at Cabell Huntington Hospital; Stacy Davis, Assistant Director of Radiology at Cabell Huntington Hospital; and Jennifer Rice, Compliance Officer at Cabell Huntington Hospital.

7. The Board's Ethics Committee recommended a finding of probable cause in violation of West Virginia Code Sections 30-23-2(a) and 30-23-22.

8. The Board's Ethics Committee further acknowledged that Respondent has taken full responsibility for her actions and has taken steps to prevent her license from lapsing in the future.

9. The Board, at its October 19, 2023, meeting, did by unanimous vote, find probable cause that Respondent violated West Virginia Code Sections 30-23-2(a) and 30-23-22.

10. Respondent's actions constitute a violation of West Virginia Code Sections 30-23-2(a) and 30-23-22.

11. The Board and Respondent desire to resolve this complaint with 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. 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 West Virginia Code Section 30-23-1, et seq.

4. That based upon the allegations set forth 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. Respondent's actions violate West Virginia Code Sections 30-23-2(a) and 30-23-22. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

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

1. Respondent acknowledges that the Board has jurisdiction over her and her 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 she may pursue this matter through appropriate administrative and/or court proceedings and is further aware of her 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 she may have otherwise claimed as a condition of this Consent Agreement and Order.

8. The Respondent, by affixing her signature herein, agrees to the following:

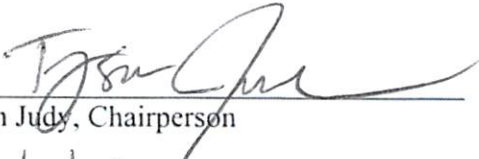
ORDER

Based on 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 administrative and legal expenses in the amount of \$250.00 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 and to the West Virginia Secretary of State's Office.
4. That this document is a public record as defined in W. Va. Code § 29B-1-2(5).
5. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

WEST VIRGINIA MEDICAL IMAGING &
RADIATION THERAPY TECHNOLOGY
BOARD OF EXAMINERS

By:




Tyson Judy, Chairperson

Entered:

11/2/23
DATE

Agreed to by:



Tori E. Robinson, Respondent

11-1-23
DATE