

**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. 04-FY-2018**

**CHERIE PATE,**

**Respondent.**

**CONSENT AGREEMENT AND ORDER**

After due investigation of a complaint, the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (“Board”) determined that there was probable cause to believe that Cherie Pate (“Respondent”) has exhibited unprofessional and unethical conduct in the practice of medical imaging, in violation of the provisions of W. Va. Code § 30-23-1 *et seq.* and the Rules of the Board, W. Va. Code R. § 18-1-1 *et seq.* The 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 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:

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. 4203, and is subject to the license requirements of the Board.
4. At all times relevant, Respondent was employed as a Medical Imaging Technologist at Beckley Appalachian Regional Hospital in Beckley, West Virginia.
5. Respondent's license to practice medical imaging expired on November 30, 2017.
6. Respondent performed procedures as a Medical Imaging Technologist at Beckley Appalachian Regional Hospital while her license was expired on December 1, 2017 and December 4, 2017.
7. Respondent renewed her license on December 4, 2017.
8. The Board initiated a complaint via letter dated December 7, 2017.
9. Respondent answered the board initiated complaint in a timely manner via letter dated December 13, 2017. Respondent admitted that she worked as a Medical Imaging Technologist for two days after her license had expired.
10. Respondent appeared before the Board's Ethics Committee by telephone conference held on March 8, 2018.
11. The Board, at its March 22, 2018 meeting, 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 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, Cherie Pate, 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, Cherie Pate, 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, 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(4).
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: Tuanya A. Layton  
Tuanya Layton, Chairperson

Entered: 06/25/2018  
DATE

REVIEWED AND AGREED TO BY:

Cherie Pate  
Cherie Pate, Respondent

6-21-18  
DATE

Sworn to and subscribed before me this 21 day of 06, 2018.

My Commission expires: 10-24-2021

Elonda E. Henson  
Notary Public

