

**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. 07-FY-2023**

**Kayla G. Moore,  
Respondent.**

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**CONSENT AGREEMENT AND ORDER**

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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 Kayla G. Moore (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. Kayla G. Moore is a licensee of the Board, License No. 10915 (radiography), and is subject to the license requirements of said Board.

2. On January 24, 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 St. Mary's Medical Center as a radiation technologist.

4. The Board learned that Respondent worked on the following dates as a radiation technologist without a West Virginia medical imaging license: January 3 through January 10, 2023; January 12, 2023; January 13, 2023; January 16 through January 20, 2023; and January 22 through January 24, 2023.

5. Respondent's medical imaging license expired on December 31, 2022.

6. Respondent saw patients on the above-referenced dates until she realized that her license had expired.

7. Respondent renewed her license on January 24, 2023.

8. On January 25, 2023, Jeff. A. Adkins, Assistant Director of Radiology, St. Mary's Medical Center, submitted an e-mail indicating that Respondent had worked on the dates set forth above without a license.

9. By e-mail dated February 6, 2023, Respondent admitted the allegations in the Board's complaint.

10. An Informal Conference was held on February 16, 2023, regarding this matter before the Board's Ethics Committee. In attendance to discuss the facts and circumstances of this matter were Respondent and Jeff Adkins, Assistant Director of Radiology, St. Mary's Medical Center.

11. 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.

12. The Board's Ethics Committee further acknowledged that Respondent has taken full responsibility for her actions.

13. The Board, at its February 16, 2023, meeting, did by unanimous vote, find probable cause that Respondent violated West Virginia Code Sections 30-23-2(a) and 30-23-22.

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

15. 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 West Virginia Code Section 30-23-24.

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, Kayla G. Moore, by affixing her 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 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, to the West Virginia Secretary of State's Office, and ARRT.
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:

3/28/23  
DATE

Agreed to by:

  
\_\_\_\_\_  
Kayla G. Moore, Respondent  
3-20-23  
DATE