

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

**WEST VIRGINIA MEDICAL IMAGING AND
RADIATION THERAPY TECHNOLOGY BOARD,**

Complainant,

v.

Complaint No. 07-FY-2024

**CATHERINE VIRGINIA HESS,
License No. 9933,**

Respondent.

SUMMARY SUSPENSION ORDER

The West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (“Board”) is the agency of the State of West Virginia responsible for the licensure and professional discipline of all medical imaging technologists in West Virginia. *See* W. Va. Code §§ 30-23-5 *et seq.* In circumstances in which the Board determines that a licensee’s continuation in practice constitutes an immediate danger to the public, the Board is authorized to temporarily and summarily suspend the medical imaging technologist’s license, prior to a disciplinary hearing, pending institution of proceedings to determine further disciplinary action. *See* W. Va. Code § 30-1-8(e)(1).

For the following reasons, the Board hereby SUMMARILY SUSPENDS Respondent’s license in the State of West Virginia, effective July 2, 2024:

1. Respondent holds a medical imaging technologist license in radiography issued on January 11, 2016.

2. On February 10, 2024, Respondent self-reported to the Board an ethics violation relating to her alleged impairment on duty. Respondent's drug test came back positive for opiates in her system. Respondent asserts that the positive drug test was the result of her taking the "wrong medication in the middle of the night" while sick with an upper respiratory infection and flu-like symptoms.

3. On February 16, 2024, Respondent's employer, Sherrie Humbertson of Valley Health Spring Mills Imaging in Martinsburg, West Virginia, filed a complaint with the Board regarding Respondent's positive drug test for oxymorphone and oxycodone. The complaint provides as follows:

Catherine Hess was found sleeping in a meeting on Thursday, January 25th, found sleeping in the front office by a patient on January 26th and again on Monday January 29th. I was off Friday and Monday, my staff informed me of what happened on Friday and Monday and VH initiated the drug test on the 30th as soon as possible. We received notice on February 6th that the test had come back positive. Catherine was terminated by phone on February 6th.

4. On March 21, 2024, the Board initiated a Complaint against Respondent pursuant to West Virginia Code § 30-23-25 for violating the Code of Ethics of the profession. Pursuant to the Code of Ethics, an individual shall not "engage 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." West Virginia Code R. § 18-5-5.1.7.

5. On May 16, 2024, the Board found probable cause that Respondent exhibited unprofessional and unethical conduct in the practice of medical imaging, in violation of West Virginia Code of Regulations § 18-5-5.1.7.

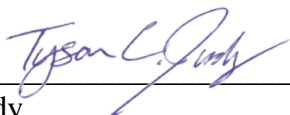
6. The Board, at its meeting on June 20, 2024, voted unanimously to suspend Respondent's license based on these allegations and potential violations.

7. West Virginia Code § 30-1-8(e)(1) provides that the Board "is authorized to suspend or revoke a certificate, license, registration or authority prior to a hearing if the person's continuation in practice constitutes an immediate danger to the public..."

8. Because Respondent's impairment on duty and positive drug test for oxycodone and oxymorphone places the public at risk, the Board finds that Respondent's continuation in practice poses an immediate danger to the public. Therefore, the Board hereby ORDERS that Respondent's license be SUMMARILY SUSPENDED effective July 2, 2024, pending further disciplinary proceedings. Respondent shall be given the opportunity to challenge her summary suspension at the August 20, 2024, hearing set in this matter. Respondent may file a response to this summary suspension order within thirty (30) days of receipt of this order. Respondent has the right to a hearing regarding this summary suspension order as set forth in West Virginia Code § 30-1-8(h).

The Executive Director of the Board is directed to send a copy of this order to Respondent via certified and regular mail, and via e-mail to her last known address with the Board. A copy of this order must be forwarded to the ARRT and Respondent's current employer (if she remains employed as a medical imaging technologist).

Entered: July 2, 2024



Tyson Judy
Chair