

**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. 03-FY-2017**

**TERRANCE FARLEY,  
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 Terrance Farley (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 him 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 case matter and the parties agree to entry of the following Order in disposition of this matter.

## FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. The Board is a regulatory board created for the purpose of regulating the practice of medical imaging or 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 because of authority granted to it by W. Va. Code §30-23-24.
3. That Terrance Farley is a licensee of the West Virginia Medical Imaging and Radiation Therapy Technology Board and is subject to the license requirements of said Board.
4. That all times relevant Terrance Farley ("Respondent") was employed by the Raleigh Regional Cancer Center as a licensed Radiation Therapist.
5. That on July 27, 2016, the Board received a complaint from Beth Daniels, Supervisor of the Radiation Therapy Department at Raleigh Regional Cancer Center stating that while the Respondent was working as a licensed Radiation Therapist fell asleep at the radiation therapy treatment console while performing a patient's radiation therapy treatment.
6. That further it was reported in the Complaint that the Respondent revealed that he had been taking several prescription medications due to a recent surgery. Respondent was mandated due to his employer guidelines to submit to a drug test and consented to such a drug test by Raleigh Regional Cancer Center. The drug test showed a positive test result for the previously disclosed prescription drugs and a Schedule I controlled substance which the Respondent had not disclosed to Raleigh Regional Cancer Center.

7. That the Board subpoenaed all the investigative records and drug results from Raleigh Regional Cancer Center during its investigation.

8. That the Respondent responded to the Complaint in a timely manner to the Board.

9. That the Respondent admits taking several prescribed medications from his treating physician. Respondent further admits that he had used cannabis prior to the drug test, but not on this work day in question. Respondent stated that he had tried cannabis to help alleviate the effect that one of the prescription drugs had on him. Respondent further states that he has been disciplined by his employer and is not to take any prescription medications while treating patients.

10. That an Informal Conference was held on October 13, 2016, regarding this matter before the Board's Ethics Committee. In attendance were the Respondent, his supervisor Beth Daniels and a representative from Raleigh Regional Cancer Center.

11. That the investigation confirmed the positive drug test and that the Respondent does not appear to have a drug addiction problem as a mandated drug screening was conducted by a health care professional revealing no substance abuse issues.

12. That the Board's Ethics Committee did review the complaint along with the response and subpoenaed materials, and based upon that review, did recommend a finding of probable cause in violation of W. Va. Code § 30-23-24(a)(12).

13. That the Board at its October 20, 2016, meeting, did by unanimous vote, find probable cause in violation W. Va. Code § 30-23-24(a)(12).

14. That the Respondent's actions constitute a violation of W. Va. Code § 30-23-24(a)(12) and that this violation is grounds for disciplinary action.

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice radiation therapy, pursuant to W. Va. Code § 30-23-24.
3. That the drug test confirmed that the Licensee was performing radiation therapy duties while impaired by the use prescription medications which adversely affected his fitness and ability to perform his radiation therapy duties. W. Va. Code § 30-23-24(a)(12)

### **CONSENT OF LICENSEE**

I, Terrance Farley, by affixing my signature hereto, acknowledge the following:

1. That 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. That 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. That I acknowledge that 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. That 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. That I admit that my actions were a violation of the Board's governing statute.

The Respondent, Terrance Farley, by affixing his 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 placed on probation for a period of three (3) years effective upon the entry date of this *Order* hereto.

2. During this three (3) year period of probation the Respondent must complete the following requirements:

a. Respondent shall be subject to random drug tests upon the request of the Board, and Respondent shall be responsible for the costs of these random drug tests. Respondent shall complete and provide a release in order for the results from the random drug tests to be released to the Board. The drug test provider shall be approved by the Board.

b. Respondent shall report to the Board any change in employment status within thirty (30) days of said change.

c. 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 no later than one year from entry date of this *Order*.

3. Any violation of this *Order*, including a positive drug test result other than a verified prescription medication, or failure to adhere to the terms of this *Order* shall result in the immediate suspension of the Respondent's license for the remainder of the probationary period.

4. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the American Registry of Radiologic Technologists.

5. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).
6. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

WEST VIRGINIA MEDICAL IMAGING &  
RADIATION THERAPY TECHNOLOGY  
BOARD OF EXAMINERS

By:

Tuanya A. Layton  
Tuanya Layton, Chairperson

Entered:

11-16-16  
DATE

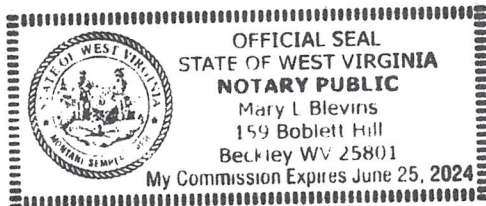
Agreed to by:

Terrance Farley  
Terrance Farley, Respondent

11-7-16  
DATE

Sworn and subscribed before me this 7 day of November, 2016.

My Commission expires: June 25, 2024



Mary L. Blevins  
Notary Public