

**BEFORE THE WEST VIRGINIA RADIOLOGIC TECHNOLOGY
BOARD OF EXAMINERS**

IN THE MATTER OF:

**CYNTHIA J. CLOSSON,
West Virginia Radiologic Technology License No. 1298**

CONSENT AGREEMENT

Now comes the West Virginia Radiologic Technology Board of Examiners (hereinafter "Board"), by its counsel Gregory G. Skinner, Assistant Attorney General, and Cynthia J. Closson, (hereinafter "Respondent"), for the purpose of agreement as to a possible disciplinary action on the license or license renewal of Respondent. As reflected in this agreement, the parties have reached an understanding concerning the proper disposition of the matters in controversy, and the Board, approving such an agreement, does hereby find and Order as follows:

FINDINGS OF FACT

1. Respondent was issued a radiologic technologist license in the State of West Virginia on December 4, 2002.
- ____ 2. Respondent was employed by United Hospital in Clarksburg, West Virginia, as a radiologic technologist.
- ____ 3. Respondent's radiologic technologist license expires on December 31, 2003.
4. On August 8, 2003, the American Registry of Radiologic Technologist (hereinafter "ARRT") notified the Board that Respondent's ARRT certificate had been revoked because Respondent had altered the expiration date of her certificate.
- ____ 5. Thus, Respondent misrepresented, through her actions, to the ARRT that

she had an active ARRT card and was therefore in compliance with Continuing Education requirements, when in fact, Respondent was not in such compliance.

6. On August 11, 2003, Respondent's employer, United Hospital, informed the Board that it terminated Respondent's employment with United Hospital as a result of Respondent altering the expiration date on her ARRT card.

7. Respondent admitted to the Board, by letter dated August 28, 2003 that she had "falsified my [her] ARRT card and turned it into my employer at United Hospital Center."

_____ 8. By letter to the Board dated August 28, 2003, Respondent explained that she had falsified her ARRT card because she "did not get enough C.E. [Continuing Education] credits and did not want to pay the fee."

9. Respondent further explained that her actions were due to her "drug addiction," and that she "went into a detox center," as a result on March 27, 2003.

_____ 10. Respondent maintains that she is currently in treatment for her admitted drug addiction.

CONCLUSIONS OF LAW

1. The Board is a state entity created by W. Va. Code § 30-23-1 et seq. and is empowered and authorized to regulate the practice of radiologic technology in West Virginia

2. The Radiologic Technologists Act in W. Va. Code § 30-23-1 et seq. grants the Board power to make and enforce necessary rules and regulations for the licensing of radiologic technologists and the general practice of radiologic technology. The Act confers on the Board the right to take disciplinary action against licensees who violate its rules

and regulations in order to protect the public interest and to preserve proper levels of education, experience and skill

_____3. Pursuant to W. Va. Code § 30-23-9(b)(2), “the Board shall suspend or revoke any license . . . when it finds the holder thereof has . . . obtained a license . . . by means of fraud or deceit.”

4. In the instant matter, Respondent has fraudulently altered her ARRT card in order to maintain, and subsequently obtain renewal of her West Virginia radiologic technologist license in violation of W. Va. Code § 30-23-9(b)(2).

CONSENT

The parties to this agreement have expressed an interest in resolving this matter by way of this Consent Agreement setting forth the various terms and conditions of the agreement rather than by a formal hearing and decision of the Board. Accordingly, Respondent, by signing her signature hereon, agrees to the following:

1. Respondent acknowledges that she understands her option, after consultation with an attorney if desired and careful consideration thereof, to pursue this matter through appropriate administrative or court channels if disciplinary charges would be brought and that Respondent intelligently, knowingly and voluntarily waives her right to do so.

2. Respondent admits she committed unlawful fraud and deceit, in violation of W. Va. Code § 30-23-9(b)(2), in altering the date of expiration of her ARRT card, as stated in the above referenced Findings of Fact, for the reasons stated therein;

3. Respondent agrees that the instant Consent Agreement further serves as

a formal REPRIMAND for her misconduct, as outlined herein;

4. Respondent accepts the suspension of her license to practice Radiologic Technology within the State of West Virginia for a minimum of three (3) years, after which Respondent may request her license to practice Radiologic Technology within West Virginia be reinstated;

5. That, prior to any request for reinstatement of her license, Respondent shall take thirty-six (36) hours of continuing education in the radiological sciences within the time frame of the suspension. Certificates of completion must be submitted to the Board;

6. Respondent must complete, and document said completion to the Board, a recognized program in drug rehabilitation whereas this, by her own admission, was the reason for her fraud and deceit;

7. Respondent agrees and shall submit to, and bear the cost of, three (3) to five (5) random drug tests at a time so chosen by the Board during this suspension;

8. In the event Respondent violates the terms of this Consent Agreement, and, subsequent to notice and hearing, the Board so finds a violation, then, in such event, the events giving rise to this Consent Agreement shall be considered in the determination of the kind and extent of sanctions to be subsequently imposed. Such possibility of enhancement of disciplinary action shall be effective during the time of Respondent's suspension, as provided herein;

9. That the Respondent will pay any costs associated with the investigation and preparation of this Consent Agreement in the amount of \$ 100.00;

10. That Respondent recognizes this document as a public record; and

_____11. All matters in controversy related to the instant Consent Agreement are hereby resolved, given future compliance with this Consent Agreement, unless such matters are reconsidered pursuant to Consent Condition Number Eight (8), as referenced above, of the instant Consent Agreement.

AGREED TO BY:

 SIGNATURE ON FILE
CYNTHIA J. CLOSSON

DATE

ENTERED into the records of the West Virginia Radiologic Technology Board of Examiners this:

 16 day of OCTOBER , 2003.

WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS,

By: SIGNATURE ON FILE
GRADY M. BOWYER,
EXECUTIVE DIRECTOR

DATE