

**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,**

RECEIVED DEC 13 2017

v.

Case No. 03-FY-2018

**BRITTANY RUSSELL,
Respondent.**

COMPLAINT

The West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (“Board”) has instituted an investigation into allegations that certain conduct by you may constitute a violation of W. Va. Code § 30-23-1 *et seq.* and/or the legislative rules promulgated thereunder. The Board has made a finding of probable cause to file a complaint for disciplinary action.

The charge is as follows:

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. Brittany Russell (“Respondent”) is a licensee of the Board and is subject to the license requirements of the Board.
4. At all times relevant Respondent was employed as a Medical Imaging Technologist, License No. 8710, at Webster County Memorial Hospital.

5. Respondent's license to practice medical imaging expired on September 30, 2017.
6. Respondent performed procedures as a Medical Imaging Technologist at Webster County Memorial Hospital while her license was expired on October 1, 2017.
7. Respondent renewed her license on October 2, 2017.
8. The Board initiated a complaint via letter dated October 3, 2017.
9. Respondent answered the board initiated complaint in a timely manner via electronic mail dated October 3, 2017. Respondent admitted that she had worked at Webster County Memorial Hospital on October 1, 2017, on an expired license while practicing as a Medical Imaging Technologist.
10. Respondent appeared before the Board's Ethics Committee on November 9, 2017.
11. The Board at its November 16, 2017, 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.
12. The acts described above, if proven to be true, would constitute a violation of W. Va. Code § 30-23-24(a)(2) and W. Va. Code R. § 18-1-4.4.b.
13. The Board has the power to hold a hearing and to place on probation, suspend a license, reprimand a licensee, revoke a license, or take other disciplinary action under W. Va. Code § 30-23-1 *et seq.* and the rules promulgated thereunder.
14. Respondent has the right to present testimony and evidence on her behalf. The Respondent may testify as a witness, and subpoena other witnesses and documents to present on her own behalf. The Respondent has the right to cross-examine any witnesses who may testify, and the Respondent may be represented by an attorney at her own expense.

15. This hearing will continue until evidence is fully submitted and the Board, or its hearing examiner, will recommend findings of fact and conclusions of law which may be approved, disapproved or modified by the Board or by the hearing examiner if one is used. In the event guilt is found, disciplinary action may occur which can include the imposition of the costs and the expenses of this proceeding.

Dated this 4th day of December, 2017.

WEST VIRGINIA MEDICAL
IMAGING AND RADIATION THERAPY
TECHNOLOGY BOARD OF
EXAMINERS

by: Tuanya Layton
Tuanya Layton, Board Chair

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Case No. 03-FY-2018

**BRITTANY RUSSELL,
Respondent.**

CONSENT AGREEMENT AND ORDER

After due investigation of a complaint, the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners (“Board”) determined that there was probable cause to believe that Brittany Russell (“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 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. Brittany Russell is a licensee of the Board and is subject to the license requirements of the Board.
4. At all times relevant Respondent was employed as a Medical Imaging Technologist, License No. 8710, at Webster County Memorial Hospital.
5. Respondent's license to practice medical imaging expired on September 30, 2017.
6. Respondent performed procedures as a Medical Imaging Technologist at Webster County Memorial Hospital while her license was expired on October 1, 2017.
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10. Respondent appeared before the Board's Ethics Committee on November 9, 2017.
11. The Board at its November 16, 2017, 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 allegations set out above in the *Findings of Fact* section 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 *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, Brittany Russell, 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 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 license status.

6. That I admit that my actions were a violation of the statute and rules of the Board.

The Respondent, Brittany Russell, 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 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 web page, 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 &
RADIATION THERAPY TECHNOLOGY
BOARD OF EXAMINERS

By: Tuanya Layton
Tuanya Layton, Chairperson

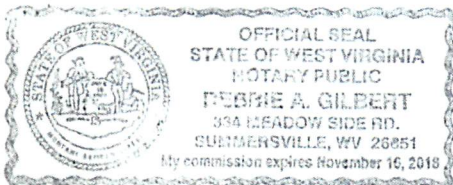
Entered: 12/15/2017
DATE

Agreed to by: Brittany Russell (RT(R))
Brittany Russell, Respondent

12/11/2017
DATE

Sworn and subscribed before me this 11th day of December, 2017.

My Commission expires: Nov. 16, 2018



Robin A. Gilbert
Notary Public