

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

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

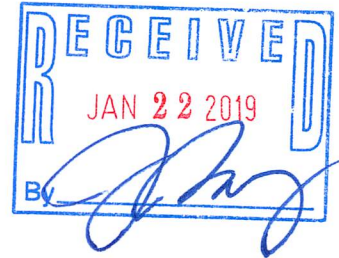
Complainant,

v.

Case No. 06-FY-2019

MISTY TRACY,

Respondent.



CONSENT AGREEMENT AND ORDER

After due investigation of a complaint, the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (“Board”) determined there was probable cause to believe that Misty Tracy (“Respondent”) 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 W. Va. Code R. §§ 18-1-1 *et seq.* 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 a 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 hereby adopts the following findings of fact:

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. Respondent is a licensee of the Board, holding License No. 10221, and is subject to the license requirements of the Board.

4. At all times relevant, Respondent was employed as a Medical Imaging Technologist at Jefferson Urgent Care in Charles Town, West Virginia.

5. Respondent's license to practice medical imaging expired on June 30, 2018.

6. Respondent performed work as a Medical Imaging Technologist at Jefferson Urgent Care while her license was expired on July 1, 2, 5, 6, 10, 11, 14, 15, 16, 19, 20, 25, 26, 28, 29, 30 and August 2, 3, 7, 8, 11, and 12, 2018.

7. Respondent renewed her license on August 13, 2018.

8. The Board initiated a complaint via letter dated August 15, 2018.

9. Respondent answered the board-initiated complaint via letter dated September 4, 2018. Respondent admitted that she worked as a Medical Imaging Technologist on an expired license.

10. The Board, at its meeting on November 15, 2018, 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 facts and matters set out in the above *Findings of Fact*, 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 above *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, Misty Tracy, by affixing my signature hereto, acknowledge the following:

1. 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. 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. 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. 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. 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 status of my license.

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

The Respondent, Misty Tracy, by affixing her signature hereto, 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 website, 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(5).
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.

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WEST VIRGINIA MEDICAL IMAGING AND RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS

By: Tuanya Layton
Tuanya Layton, Chairperson

Entered: 1/22/2019
Date

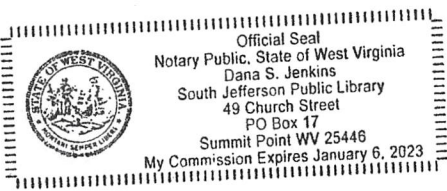
REVIEWED AND AGREED TO BY:

Misty Tracy
Misty Tracy, Respondent
1/14/19
Date

This day personally appeared before me, Misty Tracy, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 14th day of January, 2019.

My Commission expires: January 6, 2023



Dana S Jenkins
Notary Public