

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

IN THE MATTER OF:

**Linwood N. Williams,
West Virginia Radiologic Technology License No. 5139**

CONSENT AGREEMENT

Now comes the West Radiologic Technology Board of Examiners (hereinafter “Board”), by its counsel Jake Wegman, Assistant Attorney General, and Linwood N. Williams, (hereinafter “Respondent”), for the purpose of resolving the Board Complaint No. 01-FY 2007, against 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 currently holds radiologic technologist license no. 5139 in the State of West Virginia.
2. During all times relevant herein, Respondent was employed by the H. J. Thomas Memorial Hospital (hereinafter “Thomas Memorial”), located at 4605 MacCorkle Avenue, SW, South Charleston, West Virginia, 25309, as radiologic technologist.
3. On or around October 13, 2006, an anonymous complaint was received stating that respondent was suturing femoral artery sheaths.
4. Respondent admitted in his response to the complaint received on October 24, 2006 that he has used a single stitch to secure a femoral arterial sheath. He did this in Virginia, where he was employed as a radiologic technologist for fifteen years. He continued this practice under the direction, and with the approval of, a physician.

5. Respondent asserts he was unaware that securing a femoral arterial sheath with a single stitch was outside the scope of practice for a radiologic technologist until he was contacted by the Board after it received an anonymous complaint.

6. The Board took the position that suturing or applying a single stitch is recognized as outside the scope of practice for a person licensed as a radiologic technologist, credentialed in radiology, without any additional credentials. Respondent asserts he was properly trained in Virginia, experienced and supervised, and that using a single stitch to secure a femoral arterial sheath is not “suturing.”

7. Upon inquiry from the Board, Respondent voluntarily ceased and has agreed to continue to desist from using a single stitch to secure femoral arterial sheaths absent further direction from the Board.

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 the State of 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 R. § 18-5-1-17, an individual may not “practice outside the scope of practice authorized by the individual’s current state permit or license”.

CONSENT

Respondent, both in his individual capacity and as a licensed radiologic technologist, by the execution hereof, agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the entry of the following Order affecting his conduct as a state licensed radiologic technologist.

ORDER

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. Respondent has voluntarily ceased and has agreed to continue to desist from using a single stitch to secure femoral arterial sheaths absent further direction from the Board.

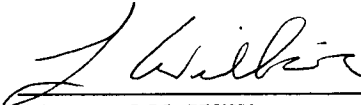
2. Respondent, within thirty (30) days of the date of entry of this order, agrees to pay to the Board the amount of three hundred dollars (\$300.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation and prosecution of the instant complaint, and the subsequent reimbursement to the Board thereof.

3. In the event Respondent violates the terms of this Consent Decree, and, subsequent to notice and hearing, the Board so finds a violation, then, in such event, the events

giving rise to this Consent Decree shall be considered in the determination of the kind and extent of sanctions to be subsequently imposed.

4. Based on the signing of this Consent Agreement, this complaint is now CLOSED.

AGREED TO BY:



Linwood N. Williams

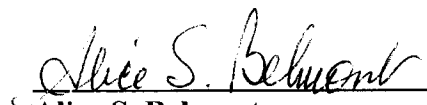
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DATE

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

14 day of June, 2007.

WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS,

By: 

Alice S. Belmont,
Chairperson

6/12/07

DATE