

IN THE MATTER OF  
THE LICENSE OF  
CHRISTOPHER A. BROWN, MRT

BEFORE THE

TEXAS BOARD OF MEDICAL  
RADIOLOGIC TECHNOLOGY

AGREED ORDER

On the 20 day of September, 2016, came on to be heard before the Texas Board of Medical Radiologic Technology (the Board), duly in session, the matter of the license of Christopher A. Brown, MRT (Respondent).

On May 26, 2016, Respondent appeared in person, with counsel, Amanda Ellis, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Julie Attebury, a member of the Board, and Courtney M. Townsend, Jr., M.D., a member of a District Review Committee (Panel). Claudia Kirk represented Board staff.

BOARD CHARGES

The Board charged that Respondent was arrested and given deferred adjudication after pleading guilty to possession of a controlled substance, a third degree felony.

BOARD HISTORY

Respondent has not previously received an Agreed Order or Remedial Plan from the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Radiologist Technologist Certification Act, Title 3, Subtitle K, Texas Occupations Code (the Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical Radiology License No. GMR00018627. Respondent was originally issued this license to practice as a medical radiologic technician in Texas on February 9, 1998. Respondent is not licensed to practice in any other state.
- c. Respondent is 42 years of age.

2. Specific Panel Findings:

- a. In 2013, Respondent was arrested and later pled guilty to the possession of a controlled substance, a third degree offense.
- b. Respondent was placed on deferred adjudication with community supervision for four years.

3. Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
  - i. Respondent does not have a prior disciplinary history.
  - ii. Respondent entered into an Alternative Disposition Agreement (ADA) with the American Registry of Radiologic Technologists (ARRT), which requires him to submit to random drug screening.
  - iii. Respondent is in compliance with all the terms of his community supervision and his ADA.
  - iv. Respondent was contrite at the ISC and has maintained his sobriety.
  - v. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

## CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 601.302(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's engaging in unprofessional conduct, including the violation of the standards of practice of radiologic technology established by the advisory board.
3. Section 601.302(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's impairment due to an illness, drug or alcohol dependency, or another physical or mental condition.
4. Board Rule 140.514(b)(5) authorizes the Board to take disciplinary action against Respondent based on Respondent's engaging in unprofessional conduct, including the violation of the standards of practice of radiologic technology established by the department, and as further defined in Section 140.514(c).
5. Board Rule 140.514(b)(6) authorizes the Board to take disciplinary action against Respondent based on Respondent's developing an incapacity that prevents the practice of radiologic technology with reasonable skill, competence, and safety to the public as the result of (B) drug or alcohol dependency.
6. Board Rule 140.514(c)(2) authorizes the Board to take disciplinary action against Respondent based on Respondent's engaging in conduct that is prohibited by state, federal, or local law, including those laws prohibiting the use, possession, or distribution of drugs or alcohol, specifically Tex. Penal Code Section 481.129.
7. Section 601.301 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.
8. Section 601.313 of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

## ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent shall comply with all the terms of his probation and AART ADA agreement.

2. Within 10 days from when Respondent receives any AART ADA reports, including his drug-screening reports, Respondent must provide a copy of the reports to the Board.

3. If Respondent early terminates his community supervision and/or AART ADA, Respondent must personally appear before the Board, a committee of the Board, or a panel of Board representatives to evaluate the need for further supervision.

4. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent is employed and/or practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

5. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

6. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

7. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with

Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

8. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Radiologic Technologist Certification Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

9. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

10. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, CHRISTOPHER A. BROWN, MRT., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 7.13, July 13, 2016.

*Christopher A. Brown*

Christopher A. Brown, MR  
Respondent

STATE OF Texas

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COUNTY OF Smith


SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 13<sup>th</sup> day of July, 2016.

*Jazmin Solis*  
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Board of Medical Radiologic Technology on this 20 day of September, 2016.

  
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Anthony "Tony" Jaso, Presiding Officer  
Texas Board of Medical Radiologic Technology