

IN THE MATTER OF
THE LICENSE OF
ERIC WADE RISNER, MRT

BEFORE THE

TEXAS BOARD OF MEDICAL
RADIOLOGIC TECHNOLOGY

AGREED ORDER

On the 15 day of November, 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 Eric Wade Risner, MRT (Respondent).

On September 8, 2016, Respondent appeared in person, without counsel, 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 Allan Shulkin, M.D., a member of the Board, and Nancy Seliger, a member of a District Review Committee (Panel). Nikki Karr represented Board staff.

BOARD CHARGES

The Board charged that Respondent pled guilty to and received deferred adjudication for injury to a child with intent for bodily injury, a 3rd degree felony, on September 3, 2008.

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. GMR00025665. Respondent was originally issued this license to practice as a medical radiologic technician in Texas on September 15, 2003. Respondent is not licensed to practice in any other state.
- c. Respondent is 36 years of age.

2. Specific Panel Findings:

- a. On March 10, 2006, Respondent was arrested in Kaufman, Texas, for sexual assault of a child, a 2nd degree felony. On September 3, 2008, Respondent pled guilty to and received deferred adjudication for injury to a child with intent for bodily injury, a 3rd degree felony.
- b. Respondent was released from deferred adjudication probation on September 14, 2010.
- c. Respondent lied to the Board investigator via phone about the underlying allegations. Respondent was advised that court records would be obtained by Board staff to corroborate his story. Respondent then recanted his false story. Respondent admitted to lying and said he did it because he was scared.

3. Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
 - i. Respondent was contrite at the ISC.
 - ii. Respondent presented a letter of recommendation from his employer showing his present value to the professional community.
 - iii. 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 601.301 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.
3. 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; specifically:
 - a. Board Rule 140.514(b)(5), 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).
 - b. Board Rule 140.514(b)(11), being convicted of or pleading nolo contendere to a crime directly related to the practice of radiologic technology.
 - c. Board Rule 140.514(c)(2), 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.
 - d. Board Rule 140.514(c)(25), interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts to the department or its authorized representative or by use of threats or harassment against any person.
4. Section 601.302(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violating this chapter, a rule adopted under this chapter, an order of the advisory board previously entered in a disciplinary proceeding, or an order to comply with a subpoena issued by the advisory board.
5. 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. Within one year from the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least eight (8) hours of continuing education ("CE") that satisfies the criteria set forth in 25 Tex. Admin. Code Section 140.511 on the topic of ethics. The CE must be approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CE requirements set forth in this paragraph shall be in addition to all other CE required for licensure maintenance.

2. 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.

3. 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.

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

5. 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.

6. 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 22 Tex. Admin. Code §140.512 of the Board Rules and agrees to 10 days notice.

7. 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.

8. 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, ERIC WADE RISNER, 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.

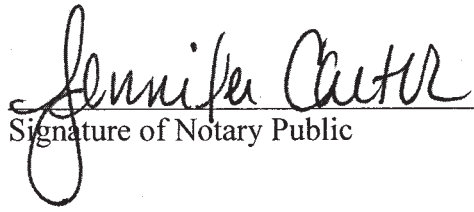
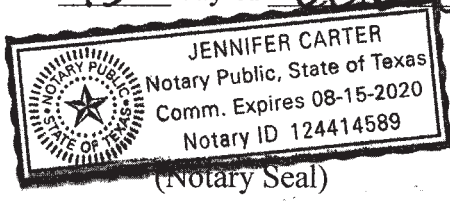
DATED: October 13, 2016.



Eric Wade Risner, MRT
Respondent

STATE OF Texas §
COUNTY OF Kaufman §
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 13th day of October, 2016.



Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Board of Medical Radiologic Technology on this 15 day of November, 2016.



FOR

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