

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-17- 0757 .MRT
TEXAS MEDICAL RADIOLOGIC TECHNOLOGISTS LICENSE NO. GMR-00026386

IN THE MATTER OF THE
COMPLAINT AGAINST
AARON RONNING, MRT

BEFORE THE
TEXAS BOARD OF MEDICAL
RADIOLOGIC TECHNOLOGY

COMPLAINT

TO THE HONORABLE TEXAS BOARD OF MEDICAL RADIOLOGIC TECHNOLOGY
AND THE HONORABLE ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

The staff of the Texas Board of Medical Radiologic Technology (Board) files this Complaint against Aaron Ronning, MRT, (Respondent), for alleged violations of the Medical Radiologic Technologist Certification Act (Act), Title 3, Subtitle K, TEX. OCC. CODE ANN. Chapter 601 (Vernon Supp. 2016) and the rules adopted thereunder,¹ and would respectfully show the following:

I. SUMMARY OF FACTUAL ALLEGATIONS

Respondent was arrested for possession of a controlled substance stolen from a hospital pharmacy where he was an employee and he has a substantial arrest history.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a medical radiologic technologist and holds Texas Medical Radiologic Technologist License No. GMR-00026386, which was originally issued by the Texas Department of State Health Services (DSHS) on or around April 27, 2004. Respondent's license was in full force and effect at all times material and relevant to this Complaint.

¹ S.B. 202, Acts of the 84th Legislature, R.S. (2015) transferred several health care practitioner licensing and enforcement programs from the Department of State Health Services (DSHS) to the Texas Medical Board including the program regulating the practice of medical radiologic technology (MRT). S.B. 202 explicitly provides that any DSHS rule in effect on September 1, 2015 remains in effect until changed by the Board. The Board has not yet promulgated rules relating to the MRT program.

2. Respondent received notice of one or more Informal Settlement Conferences (ISC). The Board complied with all procedural rules.
3. No agreement to settle this matter has been reached by the parties.
4. All jurisdictional requirements have been satisfied.
5. The filing of this Complaint and the relief requested are necessary to protect the health and welfare of the citizens of the State of Texas.

III. APPLICABLE STATUTES AND STATUTORY VIOLATIONS

The following statutes, rules, and agency policy are applicable to the procedures for conduct of the hearing this matter:

A. General Statutes and Rules:

1. Section 601.304 of the Act requires the Board to adopt procedures governing formal disposition of a contested case before the State Office of Administrative Hearings (SOAH).
2. 25 TEX. ADMIN. CODE CHAPTER 140 sets forth the procedures promulgated under the statutory authority of §601.304 of the Act.
3. 1 TEX. ADMIN. CODE CHAPTER 155 sets forth the rules of procedure adopted by SOAH for contested case proceedings.
4. 1 TEX. ADMIN. CODE §155.507 requires the issuance of a Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law.
5. Section 601.302 of the Act and the rules set forth at 25 TAC §140.514 provide the Board with the legal authority to determine the charges on the merits, to impose sanctions for violation of the Act or a related rule, and to issue a Final Order.

B. Specific Violations Cited:

Respondent has violated one or more of the following provisions of the Act:

1. Section 601.302(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional conduct, as further defined by the following rules: 25 TAC 140.514(c)(2), engaging in conduct prohibited by federal, state or local laws.

2. Section 601.302(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under the Act; specifically, 25 TAC 140.514(b)(5), engaging in unprofessional conduct.

IV. FACTUAL ALLEGATIONS

Based on information and belief, Board staff alleges:

1. On or about July 4, 2015, Officer Nathan White with the Lumberton Police Department (LPD) responded to a call from Altus Hospital in regards to a theft of medications. Altus Hospital officials were contacted by a nurse, Kenny Fisher about missing medication. Mr. Fisher had allowed Respondent to use his key card to enter the pharmacy room earlier in the shift. Later on, during the medication count, it was noted that they were short 10 Xanax pills. Mr. Fisher confronted Respondent several times before Respondent admitted to taking the pills. He watched as Respondent retrieved the pills from his truck and brought them back to him.

2. Respondent denied his involvement with the missing medication several times before he confessed. Respondent admitted that he had used Mr. Fisher's badge to get into the pharmacy to get some eye drops and then used the keys to get into the medicine box to take the Xanax. Respondent stated that he then went out to his truck and placed the pills in the center console of his truck.

3. A warrant was issued for Respondent's arrest for the charges of possession of a controlled substance, a Class A misdemeanor.

4. On November 10, 2015, Respondent was issued a Judgment of Conviction with Probated Sentence. Respondent pled guilty to the possession of a controlled substance and ordered to pay a fine of \$500 with \$297 in court costs. In addition, Respondent was ordered to 90 days confinement in the Hardin County Jail.

5. Respondent's History of Arrest:

On or about July 29, 2000, Respondent was arrested by Beaumont Police Department. He was charged with driving with a suspended license. On February 22, 2001, Respondent was issued a Deferred Adjudication Order. Respondent was ordered to pay a fine of \$300 and a court cost of \$219. In addition, Respondent was to submit his fingerprints to the Sheriff's Office of Jefferson County and to abstain from the use or possession of any drugs, except those taken or

possessed under a doctor's order. Respondent was further ordered to perform 40 hours of community service.

On February 28, 2008, Jefferson County issued a warrant for Respondent's arrest and detention. On November 6, 2007, Respondent passed a check in the amount of \$50 in exchange for merchandise. The check was returned from the issuing bank not being honored and stamped insufficient funds. A certified letter was sent to Respondent, advising him of the check and allowed 10 days to comply with the restitution. No such compliance occurred.

On November 1, 2009, Respondent was arrested by Port Arthur Police Department in regards to an assault to a family member that caused bodily harm. He was convicted and sentenced to 90 days in jail and one year probation. Respondent was given a court fine of \$400 and a court cost of \$268.

8. By Respondent's conduct he has engaged in violating the following rules:
 - Section 601.302(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional conduct, as further defined by the following rules: 25 TAC 140.514(c)(2), engaging in conduct prohibited by federal, state or local laws.
 - Section 601.302(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under the Act; specifically, 25 TAC 140.514(b)(5), engaging in unprofessional conduct.

V. AGGRAVATING AND MITIGATING FACTORS

The rules set forth at 25 TAC §140.514(h) provide that the Board may consider certain factors that warrant more severe or restrictive disciplinary action. This case includes the following aggravating factors: 1) the severity of the offense; 2) danger to the public; and 3) the number of repetitions of offenses.

Board staff is aware of no mitigating factors that apply and demands that Respondent submit proof to substantiate any alleged mitigating factors.

VI. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS BOARD OF MEDICAL RADIOLOGIC TECHNOLOGY.

VII. PRAAYER

WHEREFORE, PREMISES CONSIDERED, Board staff requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint, and issue a Proposal for Decision containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act and rules adopted thereunder, as set forth in this Complaint.

Respectfully submitted,
TEXAS BOARD OF MEDICAL RADIOLOGIC
TECHNOLOGY
CHRISTOPHER PALAZOLA
Litigation Manager

SUSAN RODRIGUEZ
Supervising Attorney

By: Heather R. E. Pierce

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THE STATE OF TEXAS

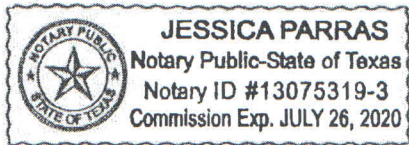
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COUNTY OF TRAVIS

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SUBSCRIBED AND SWORN to before me by Heather R. E. Pierce, J.D., on
October 18th, 2016.

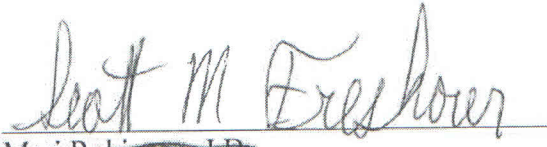


Notary without Bond

Jessica Parras

Notary Public, State of Texas

Filed with the Texas Board of Medical Radiologic Technology on Oct 17th, 2016.



~~Mari Robinson, J.D.~~

INTERIM Executive Director
Texas Board of Medical Radiologic Technologists

CERTIFICATE OF SERVICE

I certify that on the 18th day of October, 2016, a true and correct copy of the foregoing Complaint has been served as follows:

By Email to: docketing@soah.state.tx.us

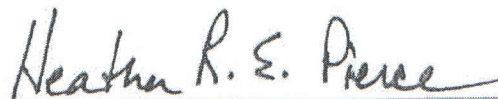
Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649

**By CMRRR No. 7008 2810 0000 1399 5960, and
by First Class Mail to:**

Aaron Ronning, pro se Respondent
816 S. 13th Street
Nederland, Texas 77627

By Hand Delivery to:

Robin Etheridge
Hearings Coordinator
Texas Board of Medical Radiologic Technologists
333 Guadalupe, Tower 3, Suite 610
Austin, TX 78701



Heather R. E. Pierce, J.D.