

IN THE MATTER OF  
  
THE APPLICATION FOR A MEDICAL  
RADIOLOGIC TECHNOLOGY GENERAL  
CERTIFICATE

BY  
  
WILLIAM HANDWERK, MRT

BEFORE THE

TEXAS BOARD OF MEDICAL  
RADIOLOGIC TECHNOLOGY

AGREED ORDER

On September 20, 2016, came on to be heard before the Texas Board of Medical Radiologic Technology (the "Board"), duly in session, the matter of the application for a Texas medical radiologic technology general certificate by William Handwerk ("Applicant").

On September 20, 2016, Applicant appeared in person, without counsel, before the Licensure Committee of the Board ("Committee"). The Committee, after hearing from Applicant and after considering Applicant's application, recommended that Applicant be granted a Texas medical radiologic technology general certificate with certain terms and conditions, as set forth below, subject to the consideration and approval of the Board.

Based on the recommendation of the Committee, and with the consent of Applicant, as evidenced by Applicant's signature on this Agreed Order, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds that:

1. General Findings:

- a. Applicant received all notice required by law. All jurisdictional requirements have been satisfied. Applicant waives any defect in notice and any further right to notice or hearing under TEX. OCC. CODE ANN. Title 3, Subtitle K, Chapter 601 (the "Act") or the Rules of the Board.

- b. Applicant applied for a Texas medical radiologic technology general certificate on March 6, 2016. Applicant is not licensed or certified in any other state.
- c. Applicant graduated from the Radiologic Technology Program at Blinn College in May 2016.

2. Specific Findings:

- a. In May of 2012, Applicant was subject to the following convictions and deferred adjudications:
  - I. Applicant was convicted of misdemeanor Driving While Intoxicated, based upon an arrest in 2010, for driving under the influence of Xanax, a controlled substance. Applicant was placed under a community supervision program, the terms of which included requirements of abstinence from drugs and alcohol and a DWI offender reeducation program. Based upon his compliance with the terms of his community supervision program, the case was discharged in 2013.
  - II. Applicant was subject to deferred adjudication for misdemeanor family assault in Brazos County, based upon an incident that occurred in September 2011 in which Applicant had been abusing alcohol. Applicant was placed under a community supervision program, the terms of which included abstinence from drugs and alcohol. Based upon his continued compliance with the community supervision program terms, the case was dismissed in 2014.
  - III. Applicant was subject to deferred adjudication for a felony charge of possession of a cocaine (less than one gram). He was initially arrested and charged with public intoxication, and during the police's search of Applicant, he was discovered to possess cocaine, resulting in the felony charge. The incident occurred in October of 2011. Applicant was placed under a community supervision

program for four years, the terms of which included abstinence from alcohol and drugs. Based upon his compliance with community supervision program terms, the case was dismissed in 2015.

- b. Applicant has cooperated with Board staff in the investigation of the allegations related to this Agreed Order. Applicant's cooperation, through consent to this Agreed Order, pursuant to the provisions of Sections 601.052(4) and 601.301 of the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Applicant 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 the following:

1. Section 601.302(11) of the Act authorizes the Board to take disciplinary action against Applicant based upon Applicant being convicted of or pleading nolo contendere to a crime directly related to the practice of radiologic technology.
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 601.052(4) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
4. Section 601.052(1)(J) authorizes the Board to require Applicant to submit to an evaluation by the Texas Physician Health Program as a prerequisite to obtaining a certificate.

#### ORDER

Based on the Findings and Conclusions of Law, the Board ORDERS that Applicant is hereby GRANTED a Texas General Medical Radiologic Technology Certificate under the following terms and conditions:

1. No later than 30 days from the date of the entry of this Order, Applicant shall submit to an evaluation by the Texas Physician Health Program (PHP). Applicant shall comply with any and all recommendations made by the PHP following such evaluation. This term shall be considered satisfied upon the Board's receipt of notice of resolution from the PHP.

2. Applicant shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Applicant has privileges, has applied for privileges, applies for privileges, or otherwise practices Applicant shall comply with all the provisions of the Act and other statutes regulating the Applicant's practice.

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

4. Applicant shall inform the Board in writing of any change of Applicant'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 violation of this Order and a basis for disciplinary action by the Board against Applicant pursuant to the Act. Applicant 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. Applicant waives the 45-day notice requirement provided by §601.311 of the Act and agrees to 10 days' notice.

5. Any violation of the terms, conditions, or requirements of this Order by Applicant shall constitute a violation of §601.302(9) of the Act, and shall constitute a basis for disciplinary action by the Board against Applicant pursuant to the Act.

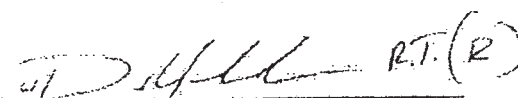
6. This Order shall automatically terminate upon Applicant's submission of sufficient evidence to the Compliance Division of the Board that Applicant successfully completed the requirements ordered in Ordering Paragraph No. 1.

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

THIS ORDER IS A PUBLIC RECORD.

I, WILLIAM HANDWERK, 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.

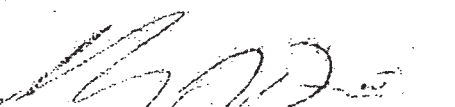
DATED: Oct 5<sup>th</sup>, 2016.

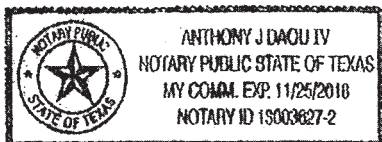
  
WILLIAM HANDWERK, MRT  
Applicant

STATE OF Texas §  
COUNTY OF Brewer §

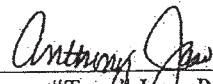
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 5 day of October, 2016.

(Notary Seal)

  
Signature of Notary Public



SIGNED AND ENTERED by the presiding officer of the Texas Board of Medical Radiologic Technology on this 27<sup>th</sup> day of October, 2016.



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