

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF RADIOLOGIC TECHNOLOGISTS**

vs.

BOLIVAR ANTONIO HERNANDEZ (RAD01253)

CONSENT ORDER

Pursuant to Rhode Island General Laws Section 5-68.1-11 and the Rules and Regulations promulgated thereunder, the Department of Health, Board of Radiologic Technology (hereinafter "Department") has investigated a complaint charging Bolivar Antonio Hernandez (hereinafter "Respondent"), with violations of Chapter 5-68 of the Rules and Regulations. After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent was a radiographer licensed to operate in the State of Rhode Island.
2. On August 12, 2011, Respondent's license as a radiographer was summarily suspended by the Department in relation to Respondent's actions on or about April 24, 2011 while employed as a CT Scan Technician at Kent County Hospital located at 455 Tollgate Road, Warwick, RI. On or about April 24, 2011, Respondent had brought his eight-year old daughter to Kent County Hospital pursuant to an alleged toe injury. Respondent, without registering his daughter through the Emergency Department, performed a CT scan of her toes. Respondent failed to have his daughter evaluated by a licensed physician and failed to obtain a prescription order for the CT scan. Respondent, in order to

perform the CT scan, falsified a medical record under his daughter's name.

Respondent further created and took possession of a CD of the scanned images of his daughter's toes.

Pursuant to Section 5-68.1-11, this conduct constitutes unprofessional conduct in the State of Rhode Island.

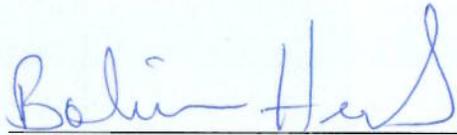
The parties agree as follows:

1. Respondent was a radiographer able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
4. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Department;
 - b) The right to produce witnesses and evidence in its behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by the Department;
 - e) The right to further procedural steps except for those specifically contained herein;

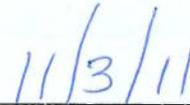
- f) Any and all rights of appeal of this Consent Order;
- g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
- h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
- i) Any objection to the fact that the Department reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing.
- j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Department.
6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
7. Respondent's license to practice shall be suspended commencing August 8, 2011.
8. Said suspension shall terminate upon acceptance of this agreement by the parties as signified by their signatures hereon.
9. Respondent acknowledges that he has sought medical treatment and/or counseling with a licensed physician and shall continue such treatment and/or counseling as the healthcare professional rendering care deems appropriate.

10. Respondent shall, in writing, request reinstatement of his license, and he shall be required to obtain approval from the healthcare professional rendering mental health treatment. Such approval shall be in writing and include justification that Respondent is mentally competent and able to safely and effectively discharge his duties in the administration of radiation to patients. The healthcare professional rendering care shall submit this clearance only if in the professional judgment of the healthcare professional it is medically appropriate.
11. Respondent shall obtain additional training in the field of radiation safety. Said training shall require approval by the Board and documentation of completed training shall be submitted to the Department within six (6) months of the ratification of this consent order.

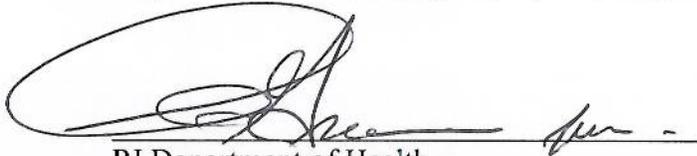


Bolivar Antonio Hernandez
License #RAD01253



Date

Approved on this 4th day of NOV. 2011



RI Department of Health