

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF APPLICATION
LICENSED RADIOGRAPHER CREDENTIAL
FOR

ORDER GRANTING
LIMITED LICENSE

MIRANDA MCGINN,
APPLICANT.

ORDER 0007349

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Miranda McGinn
Hobart, WI 54155

Radiography Examining Board
Division of Policy Development
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this renewal application, subject to the approval of the Radiography Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Applicant Miranda McGinn (Birth Year: 1991) is licensed by the State of Wisconsin as a(n) Licensed Radiographer having Licensed Radiographer credential number 6463-142, first issued on August 26, 2014, and current through August 31, 2020. Applicant's most recent address on file with the Department of Safety and Professional Services (Department) is in Hobart, WI 54155.

2. On or about July 22, 2020, Applicant filed an application to renew the above-referenced credential.

3. Information on file establishes that Applicant had the following violation(s) and/or conviction(s):

- a. On or about August 7, 2019 –OWI 1st, an ordinance violation.
4. The facts and circumstances of your OWI include but are not limited to the following:
 - a. On Sunday, 1/13/19 at about 1:25am, an officer was dispatched for a report of a reckless driver speeding and swerving from lane to lane. The officer initiated a traffic stop and smelled alcohol. Applicant was driving and her passenger was heavily intoxicated. Applicant underwent SFST and showed indications of impairment. Applicant admitted she had one vodka mixed drink. Applicant was arrested for OWI. Applicant “requested her cell phone from her vehicle so she could inform her employer she could no longer be on call.” A breath test taken at the jail showed a BAC of .13 g/210L..
5. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Radiography Examining Board (Board) has jurisdiction over this matter, pursuant to Wis. Stat. § 462.03, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. The facts and circumstances of the violation(s) and/or conviction(s) referenced above substantially relate to the practice of a(n) Licensed Radiographer. A substantial relationship occurs where “the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed.” *County of Milwaukee v. Labor & Indus. Review Comm’n*, 139 Wis. 2d 805,824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.* Applicant was operating a motor vehicle in a hazardous manner while intoxicated and also while she was on call at her job. Applicant has been found to have violated Wisconsin Statutes § 346.63(1)(a), subject to Wis. Stat §§ 111.321, 111.322, and 111.335.
3. As a result of the conclusions stated above, Applicant’s Licensed Radiographer credential renewal application is subject to denial, pursuant to Wis. Stat. §§ 440.08(4) and § 462.03.

ORDER

1. The attached Stipulation is accepted.
2. Applicant Miranda McGinn’s Licensed Radiographer credential, (no. 6463-142) is hereby LIMITED and subject to the following limitations, terms, and conditions from the date of this Order.

Practice Limitations

3. Applicant shall show a copy of this Order to her current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

4. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change. In addition, Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.

5. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

Department Monitor

6. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
4822 Madison Yards Way, P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dspsmonitoring@wi.gov

You may also submit this information online via the Department's Monitoring Case Management System at

<https://app.wi.gov/DSPSMonitoring>

Petitions for Modification

7. Applicant may petition the Department for modification of the terms of this Order after completion of one (1) year of practice in compliance with all terms and conditions of this Order. Applicant's petition must include her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling one (1) year of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment, and, if applicable, her treatment provider expressly supporting the specific modifications sought. A denial of such a petition for

modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

8. Applicant may petition the Department for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least one (1) year.

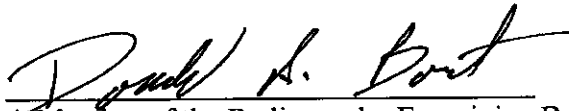
Costs

9. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

10. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Department may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 20 day of April, 2021.

A handwritten signature in black ink, appearing to read "David L. Bort", written over a horizontal line.

A Member of the Radiography Examining Board

STATE OF WISCONSIN
BEFORE THE RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF
LICENSED RADIOGRAPHER CREDENTIAL
RENEWAL APPLICATION FOR

MIRANDA MCGINN,
APPLICANT.

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STIPULATION
ORDER 0007349

Applicant Miranda McGinn and the Radiography Examining Board, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a review of Applicant's renewal application for a(n) Licensed Radiographer credential. Applicant consents to the issuance of the Order attached as resolution of that application.

2. Information received by the Board reflects a basis for denial of Applicant's renewal application.

3. Based upon the information of record herein, the Board agrees to issue and Applicant agrees to accept an Order Granting a Limited License for renewal of a(n) Licensed Radiographer credential, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.

4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:

- the right to a hearing on the conduct allegations against Applicant, related to the denial of the renewal application, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Applicant;
- the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
- the right to testify on Applicant's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, pleading, appearance, or consent of the parties. Applicant waives all rights to any appeal of the Board's order, if adopted in the form as attached.

7. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Board for further actions. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration.

8. The parties to this Stipulation agree that the attorney or other agent for the Board and any member of the Board ever designated as a liaison may appear before the Board in open or closed session, without the presence of Applicant, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such liaison may vote on whether the Board should accept this Stipulation and issue the attached Order Granting Limited License.

9. Applicant is informed that should the Board adopt this Stipulation, the Board's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.

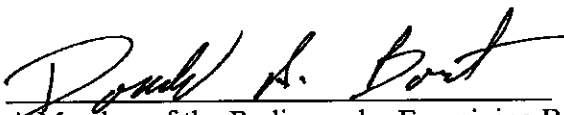
10. The Division of Policy Development joins Applicant in recommending the Board adopt this Stipulation and issue the attached Order Granting Limited License.



Miranda McGinn, Applicant
Hobart, WI 54155
License no. 6463-142



Date



A Member of the Radiography Examining Board

April 20, 2021

Date