

**State of New Hampshire
Board of Registration for Medical Technicians
Concord, New Hampshire 03301**

In the Matter of:

Registrant: **Sophia Zeigfingher**

Registration No: **001707** **Expired: September 30, 2019**

(Misconduct Allegations)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medical technicians, the New Hampshire Board of Registration for Medical Technicians (“Board”) and Sophia Zeigfingher (“Ms. Zeigfingher” or “Respondent”), a medical technician registered by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 328-I:3; RSA 328-I:4; RSA 332-G; RSA 541-A, and Board of Registration for Medical Technicians Administrative Rule Medical Administrative Rule (“Mtec”) 204 and 205, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by medical technicians. Pursuant to Mtec 202 and 205, the Board has the authority to enter into settlement agreements without commencing a disciplinary hearing.
2. The Board first granted Respondent a registration to practice as a medical technician in the State of New Hampshire on September 6, 2017. Respondent was granted registration number 001707. Respondent’s registration expired on September 30, 2019.

3. The Board received two separate complaints from two different facilities, the most recent one being on April 19, 2019, while Respondent was working as a CT Technologist at a hospital in New Hampshire. At the time the second complaint was received, Respondent also held a license to practice as a medical imaging/radiation therapist and/or radiographer (No. 222) with the New Hampshire Board of Medical Imaging and Radiation Therapy, and that Board also received a complaint arising out of the same incident.
4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent testing positive for a controlled substance while working as a medical technician on two different occasions.
5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would introduce evidence from which the Board could conclude that Respondent engaged in professional misconduct, in violation of RSA 328-I:10, V (c), and Mtec 303.04 (b)(1), by the following facts:
 - A. On or about October 23, 2018, while working as an MRI Technologist at a hospital in New Hampshire, Respondent tested positive for controlled substances. There is no evidence that Respondent consumed the controlled substances while at work.
 - B. On or about March 21, 2019, while working as a CT Technician at a hospital in New Hampshire, Respondent tested positive for controlled substances. There is no evidence that Respondent consumed the controlled substances while at work.

- C. Since the two incidents occurred, Respondent has undergone intensive inpatient treatment. After successfully completing inpatient treatment, she has actively participated in ongoing daily outpatient care and treatment.
 - D. On September 30, 2019, Respondent's registration to practice as a medical technician expired. Respondent does not currently hold a license to practice as a medical technician in New Hampshire. Respondent is submitting a signed original Application for Registration of Medical Technicians, dated March 4, 2020, as part of this *Settlement Agreement*, which is attached as Attachment 1.
 - E. On or about October 11, 2019, Respondent entered into an Alternative Disposition Agreement with the American Registry of Radiologic Technologists ("ARRT"). A copy of the fully executed Alternative Disposition Agreement is attached to this *Settlement Agreement* as Attachment 2. A current certification and registration from AART is a requirement to obtain and maintain a valid license to practice as a medical imaging/radiation therapist and/or radiographer from the New Hampshire Board of Medical Imaging and Radiation Therapy.
6. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 328-I:10, V (c), and Mtec 303.04 (b)(1).
7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent, who held a valid registration to

practice as a medical technician in the State of New Hampshire when the conduct occurred.

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 328-I:10, VII:

- A. Respondent is **REPRIMANDED**.
- B. Respondent's signed original Application for Registration of Medical Technicians dated March 4, 2020, Attachment 1, is submitted to the Board as part of this *Settlement Agreement*. Respondent's Application for Registration of Medical Technicians is **GRANTED** as a **PROBATIONARY REGISTRATION**, on the effective date of this *Settlement Agreement*, and shall remain in effect as a valid probationary registration for the entire two (2) year period, provided Respondent complies with all of the terms and conditions of this *Settlement Agreement*.
- C. During the entire period that Respondent holds a probationary registration granted by the Board, Respondent **MUST** hold a concurrent active license to practice as a medical imaging/radiation therapist and/or radiographer granted by the New Hampshire Board of Imaging and Radiation Therapy **AND** a current certification and registration from AART.
- D. The Alternative Disposition Agreement with ARRT must remain in effect for the entire two (2) year period that Respondent holds a probationary registration. If for any reason, the Alternative Disposition Agreement with ARRT is terminated before the two (2) year period of probationary registration

has ended, Respondent must notify the Board within five (5) days. If this occurs, Respondent agrees that the terms and conditions contained in the Alternative Disposition Agreement with ARRT will remain in full force and effect until Respondent: 1) enters into a new *Settlement Agreement* that is approved by the Board; and/or 2) requests a hearing before the Board to petition to alter the terms and conditions of the Alternative Disposition Agreement that are in effect; and/or 3) requests a hearing before the Board to petition to terminate the remaining portion of the *Settlement Agreement*.

- E. If for any reason, during the period that Respondent holds the probationary registration, Respondent fails to comply with all of the terms and conditions of the Alternative Disposition Agreement with ARRT, Respondent must notify the Board of her noncompliance within five (5) days.
- F. Should Respondent fail to comply with any of the terms of this *Settlement Agreement*, the Board reserves the right to suspend Respondent's probationary registration or impose other authorized discipline in accordance with the following process.
 - a. The Board will notify Respondent, in writing, of the Board's finding of Respondent's non-compliance and the suspension and/or additional discipline it intends to impose for such non-compliance. Respondent will have ten (10) days, from the date of the Board's notification of non-compliance, to request a show cause hearing before the Board. If Respondent timely requests such a hearing, the Board will schedule a show

cause hearing for its next available hearing slot. At the hearing, Respondent will have the burden of demonstrating to the Board either why her probationary registration should not be suspended or additional discipline imposed for non-compliance, or that she is in compliance with the *Settlement Agreement*.

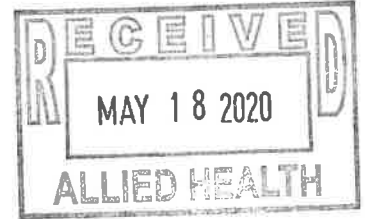
- b. Respondent has stipulated to the facts set out in Section 5 of this *Settlement Agreement* and the first paragraph of the Alternative Disposition Agreement with AART. Respondent acknowledges and agrees that those facts cannot be challenged in any hearing regarding enforcement of this *Settlement Agreement*. After the show cause hearing, the Board will issue an order explaining its reasons for imposing, or not imposing, a suspension of Respondent's probationary registration, and/or any other discipline within the terms of RSA 328-I:10.
- c. If Respondent does not request a show cause hearing within ten (10) days of the date of the Board's notification of non-compliance, the registration suspension and/or additional discipline outlined in the notice of non-compliance shall be imposed. Any imposed suspension or additional discipline shall remain in effect until Respondent comes into compliance with this *Settlement Agreement* and the Board notifies Respondent, in writing, that the suspension or additional discipline has been lifted, unless such discipline is a registration revocation.

- G. Respondent is assessed an **ADMINISTRATIVE FINE** in the amount of five hundred dollars (\$500.00). The entire amount of the administrative fine will be suspended, provided Respondent complies with all the terms and conditions of the *Settlement Agreement*. If Respondent is in noncompliance with any of the terms and conditions of this *Settlement Agreement*, the administrative fine will be imposed and Respondent shall pay this fine in full within thirty (30) days of the date of non-compliance, by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 121 South Fruit Street, Concord, New Hampshire.
9. Within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as a medical technician or work which requires a medical technician registration, or directly or indirectly involves patient care, and to any agency or authority which licenses, certifies or credentials medical technicians, with which Respondent is presently affiliated.
10. For a continuing period of two (2) years from the effective date of this agreement, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as a medical technician or for work in any capacity which requires a medical technician registration or directly or indirectly involves patient care, and to any agency or authority that licenses, certifies or credentials medical technicians, to which Respondent may apply for any such professional privileges or recognition.

11. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 328-I:10, and a separate and sufficient basis for further disciplinary action by the Board.
12. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
13. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
14. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein. Respondent further agrees that no coercion or duress from any person has caused her to sign this *Settlement Agreement*.
15. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
16. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

17. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this agreement.
18. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to or by the Board during its review of this *Settlement Agreement* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
19. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
20. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, she waives these rights as they pertain to the misconduct described herein.
21. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

In the Matter of Sophia Zeigfnger
N.H. Board of Registration for Medical Technicians
Settlement Agreement



FOR RESPONDENT

Date: 4/21/20

Sophia Zeigfnger
Sophia Zeigfnger
Respondent

Date: 4/21/2020

J.P. Crisp #265386 *for*
Jack P. Crisp, Jr., Esquire
Counsel for Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: May 11, 2020

Cynthia Gray RN
(Signature)

Cynthia Gray RN
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Registration for
Medical Technicians

/* [recused member(s)], Board members, recused.