

**WEST VIRGINIA MEDICAL IMAGING & RADIATION
THERAPY TECHNOLOGY BOARD OF EXAMINERS**

1715 Flat Top Road

P.O. Box 638

Cool Ridge, WV 25825-0638

Telephone: (304) 787-4398 Toll Free (in WV): (877) 609-9869 Fax: (304) 787-3030

Email: wvrtboe@suddenlinkmail.com Web Site: www.wvrtboard.org

March 3, 2010

BOARD MEETING

Members Present

Alice Belmont, Chairperson
Jamie Browning
Fred Gabriele M.D.
Melissa Haye
Nancy Godby
Nancy Oughton
James Wilson

Members Excused

Jean Morris
Grace Peters
Robert Smith M.D.
I. Elaine Moore M.D.

Office Staff

Grady Bowyer
Randy Fink
Nicole Cofer, Attorney

The meeting was called to order by Ms. Belmont, Chairperson, at 5:08 PM.

Ms. Belmont established that a quorum was present.

MINUTES:

A motion was made by Ms. Browning to accept the minutes of the December 1, 2009 meeting. Dr. Gabriele seconded the motion. The motion carried.

FINANCIAL REPORT:

The financial report, including the credit card expenditures, were presented by Mr. Fink. Dr. Gabriele made a motion to accept the financial report and credit card expenditures as presented. Mr. Wilson seconded the motion. The motion carried.

COMPLAINTS:

A. FINAL ORDER - KENNETH A. HARRISON - STAY GRANTED HEARING MARCH 18

Ms. Cofer informed the board that a hearing had been held at the request of Mr. Harrison to have a stay imposed on the status of his license suspension resulting from the Final Order of the Board. The Stay was granted and a hearing will be held in March concerning Mr. Harrison's appeal of the Final Order. This stay will allow Mr. Harrison to renew his license at this time. Mr. Bowyer indicated that a renewal request had been received but the amount of the fees submitted was not adequate to cover the period of time as imposed by the Stay. Ms. Cofer informed the board that she had sent Mr. Harrison's attorney a letter explaining the necessary fees required to fulfill the requirements of the stay issued by the court.

B. 03-FY 2009 - HEARING - RECOMMENDATION ON FINAL ORDER

Mr. Bowyer informed the Board that a hearing had been held regarding this complaint. The hearing examiner has not issued a decision because of sickness and other issues. The decision will be presented at the next board meeting.

C. 01-FY 2010 - FAILURE OF PRE-EMPLOYMENT DRUG SCREEN - NO RESPONSE TO CA

Mr. Bowyer informed the board that this person has not responded to the Consent Agreement sent by the Board. Ms. Haye stated that the ethics committee recommends that a license will not be issued to this person by the Board until this matter is resolved. Ms. Oughton made a motion to accept the recommendation of the ethics committee. Mr. Wilson seconded the motion and the motion carried. A letter be sent to the person stating that a license cannot and will not be issued until this matter is completely resolved.

D. 02 - FY2010 - SELF REPORT OF DRUG ABUSE - CA SIGNED - FAILED DRUG TEST

Mr. Bowyer informed the Board that the licensee had signed the Consent Agreement and then failed a drug test. Ms. Haye stated that the ethics committee recommends that the license of this individual be suspended for one year followed by three years probation. Also, the Consent Agreement will be modified to require drug testing will need to be performed by First Lab at the expense of the licensee. Other aspects of the Consent Agreement will remain in place. Mr. Wilson made a motion that the recommendation be accepted, Dr. Gabriele seconded the motion. The motion carried. Ms. Godby abstained.

E. FITNESS FOR DUTY REPORT- TERESA TAYLOR - MODIFIED CA ORDER

Mr. Bowyer informed the Board that Ms. Taylor's Consent Agreement was modified per the recommendation of the Ethics Committee. Ms. Taylor has signed the modified agreement requiring her to attend another eighteen (18) months of Narcotics Anonymous. She is abiding by the agreement.

F. 03-FY-2010 - BREACH OF PATIENT CONFIDENTIALITY - RECOMMENDATION

Ms. Godby informed the board that the Ethics Committee recommends that this individual receive a Consent Agreement requiring:

1. One (1) year license probation
2. Letter of reprimand
3. Must obtain three (3) Continuing Education Units (CEU) each in HIPAA, Radiation Safety and Ethics in addition to the 24 CEU's required to renew every two years. The CEU's must be approved by the Board prior to taking the training and completed during the one (1) year probation period. A report concerning the courses must be submitted to the Board within two (2) weeks of completion.

Dr. Gabriele made a motion to accept the recommendation of the Ethics Committee, Ms. Oughton seconded the motion. The motion carried.

G. 04 - FY - 2010 PATIENT CARE ISSUE - LETTER FROM ATTORNEY

Mr. Bowyer informed the Board that a letter had been received from the attorney representing this individual. Ms. Godby informed the Board that the Ethics Committee recommends that no action be taken at this time pending the receipt of additional information. Dr. Gabriele made a motion to accept the Ethics Committee recommendation, Ms. Oughton seconded the motion. The motion carried.

Upon completion of the Complaint discussions, Ms. Haye excused herself from the meeting.

OLD BUSINESS:

A. MOUNTAIN STATE - APPEAL OF CT PROGRAM REJECTION

Mr. Bowyer informed the Board that Mountain State University has written to appeal the rejection of their CT program application. Mountain State indicated that to address the boards concerns, they would not send any students to any shared sites for clinicals. After discussion, Mr. Wilson made a motion for the Board to reconsider the request for approval of a CT program at the next Board meeting provided the requested information is received at least thirty (30) days prior to the meeting:

- A list of facilities that have agreed to provide clinical experiences for the Mountain State CT students
- A letter from the Imaging Department Directors listing the volume of CT procedures and the specific types of CT procedures that the department will be able to provide the students.
- Demonstrate that all required competencies required by the ARRT can be acquired during the time frame of the students enrollment in the program.

Ms. Oughton seconded the motion. The motion carried.

Ms. Haye returned to the meeting.

B. CT TESTING FOR NUCLEAR & THERAPY

Ms. Belmont informed the Board that she had met with a Nuclear Medicine specialist and a Therapy specialist as approved at the last board meeting regarding the new CT Therapy and CT Nuclear tests. Ms. Belmont indicated the conclusion of the review of the two tests was that both tests were fair and covered the material needed to ensure that technologist have an acceptable knowledge regarding the safe operation of CT in their field. Ms. Belmont indicated that the two professionals agreed to produce an additional 50 questions to be incorporated in the test to give the ability to produce multiple tests. Ms. Belmont indicated that when those questions were ready that Ms. Haye had agreed to put the questions into a test making program that will scramble the questions and answers so a number of different test could be used. Ms. Belmont said she expected the answers to be ready by the next board meeting.

NEW BUSINESS

- A. Legislation
HB 4139 - PROVISIONS FOR ALL CHAPTER 30 BOARDS - IN SENATE
HB 4220 - RA - IN SENATE
HB 4221 - GRANDFATHER NM TECHS - NO ACTION
SB 328 - PROVISIONS FOR ALL CHAPTER 30 BOARDS - IN HOUSE

Mr. Bowyer briefed the Board regard three bills that are in the legislature that would affect the Board. Mr. Bowyer indicated that HB 4139 had passed the House but there was no certainty that the bill would pass the Senate. This bill makes changes to Chapter 30 Licensing Boards.

Mr. Bowyer discussed HB 4220. Mr Bowyer indicated that this bill would change the law to allow an RPA (Radiologic Physicians Assistant) to get a license as a RA (Radiology Assistant). Mr. Bowyer indicated that there was a great deal of opposition regarding this bill. The bill is currently in Senate Health and Human Resources and, if passed from that committee, will go to Government Organization.

HB 4221 Mr. Bowyer informed the Board that this bill would Grandfather Nuclear Medicine Technologists that have been practicing fifteen (15) of the last twenty (20) years in the field provided they got their license by 2012. Mr. Bowyer met with Delegate Perdue, Chairman of the House Health and Human Resources committee. After discussing the bill with Delegate Perdue, Mr Bowyer informing him that this Board has an established law regarding the licensing of Nuclear Medicine Technologists that gives practicing Technologists five (5) years to get the training and certification needed to work in the field. Mr. Bowyer indicated that he believed the bill would not go forward.

Senate Bill 328 Mr. Bowyer informed the Board that Senate Bill 328 would allow Boards to notify their licensees of any fee increases by email or posting the notice on their web page and mailing a postcard to the licensees. Mr. Bowyer indicated that the bill had been approved in the Senate and is moving through committees in the House.

B. BLUEFIELD STATE - PET TRACK & DELAY OF NM PROGRAM

Ms. Haye informed the Board that there would be a delay in starting of the Bluefield State Nuclear Medicine Program. Ms. Haye indicated that there are considerable changes taking place in the Standards and Requirements for Nuclear Medicine and that the school wanted to be sure the program would not have to be changed immediately after start up. Ms. Haye indicated that she would keep the Board informed of the developments regarding the program. Ms. Haye informed the Board that Bluefield State was ready to move ahead with a PET CEU online course that would not provide clinicals. After discussion it was determined that no action was required by the Board regarding this course.

C. TEMPORARY PERMITS ON-LINE

Mr. Bowyer presented the Board with the new online application process for temporary permits. This process will only apply to in-state graduates. Mr. Bowyer presented a slide presentation of the actual online application process that the students will complete. Each school will assign the student a number that will be required to use when they do the online application. This number will be included in the letter the school is required to mail to the Board office listing graduating technologists. Mr. Fink will verify that the applicant is eligible for a temporary permit from this list before processing the permit application. Once the application is verified and approved, Mr. Fink will mail the temporary permit to the graduates as per the established policy. Mr. Bowyer indicated that this will save a considerable amount of time in the office. Ms. Browning made a motion to allow the use of this process. Ms. Haye seconded the motion. The motion carried.

D. LOCKBOX

Mr. Bowyer informed the Board that he has been in contact with the Treasurer's Office regarding the start up of the lockbox application process. Mr. Bowyer indicated that they had ran into a number of problems that had delayed the start up and the current start date for our Board is April 30, 2010.

E. PURCHASE OF NET BOOK & BROADBAND FOR CHAIRPERSON

Mr. Bowyer informed the Board that Ms. Belmont does not have access to email at her home and this causes a problem getting information to her regarding different issues related to the Board. Mr. Bowyer suggested that the Board purchase a Net Book and Broadband card to be used by the Chairperson. Ms. Haye made a motion that the Board purchase a Net Book and Broadband card for the Chairperson, Ms. Godby seconded the motion. The motion carried.

F. DELINQUENT CHECKS AND LATE FEE

Mr. Fink informed the Board that he was encountering licensees that were paying for their license renewal with a bad check, often the bad check has not been made up until after the actual expiration date of their license. He indicated that a person whose license has expired has to pay \$90.00 (\$65.00 renewal and \$25.00 late fee) and a person who bounces a check and doesn't make up the payment until after the expiration date, only has to pay \$90.00 (\$65.00 renewal fee and a \$25.00 bad check fee), even though the office received actual payment for the license after the expiration date of the license. Also, the office is required to mail a certified letter to each licensee that bounces a check. The cost of the certified letter is \$ 5.54. Mr. Fink was instructed to charge the late fee on any bounced check that is not made up prior to the expiration date of the license.

G. ONLINE RENEWAL WHILE ON CE PROBATION

Mr. Fink informed the Board that licensees were going online and renewing their license while they are on CE Probation through ARRT. These licensees are not answering truthfully on the online renewal application to get the 7 day conditional certificate so they can work. After discussion, it was agreed that answering untruthful on a application is a violation of the Ethics Code. Mr. Fink was instructed to contact the employer of the licensee and inform them that the 7 day Conditional Certificate is void and that it is to be returned to the office immediately. He is also to inform the employer that the person does not have a valid license to practice medical imaging or radiation therapy. The licensee will receive a letter requiring them to appear at the next Ethics Committee meeting to explain why they answered the questions untruthfully on the application and if they do not appear, the Board will initiate a complaint against the licensee. This could place their license to practice in jeopardy.

H. FYI - P-CARD RECEIPT IMAGING POLICY & PICTURES OF OFFICE, LOCKS ON FILES

Mr. Bowyer informed the Board that he had obtained permission to upload electronic copies of all receipts paid with the P-Card. Under this new policy, after 60 days from payment of the charges, the hard copies of these receipts (excluding any receipt that were needed for warranties, etc.) will be shredded.

Mr. Bowyer discussed copies of pictures of the office that were included in the Board packets. Very few Board members have been to the office so it was felt they might like to see the office. Mr. Bowyer informed the Board that a locksmith had replaced or repaired all the file cabinets, installing bars on the ones that did not have locks. All of the licensee's files are now kept under lock and key.

I. Apprentice Supervision

Ms. Godby addressed the board regarding the wording in the law regarding the supervision of Apprentice Nuclear and MRI technologists. In the discussion, it appeared that different facilities were using different guidelines to determine the qualifications required for a Apprentice to operate equipment and the degree of supervision

needed for the apprentice licensee. After discussion, it was agreed to have the Legislative Committee consider the wording in the law regarding supervision. The Legislative Committee will also develop a required competency check off for Apprentice licensees to complete prior to being able to work under indirect supervision.

J. WVU JRCERT APPLICATION FOR MRI PROGRAM

Mr. Bowyer informed the Board that WVU has applied for JRCERT accreditation of their MRI program. They are expecting a site visit from the JRCERT in July. A couple of issues had come up regarding their accreditation but these have been resolved and WVU is moving forward in the application process.

K. SCHOOL INSPECTIONS

Mr. Bowyer informed the Board that he had participated in the University of Charleston's JRCERT site visit and that all of the standards were met. Mr. Bowyer informed the Board that Ms. Hays and he had participated in Southern WV Community and Technical College's site visit. One minor procedural deficiency was found but it was already in the process of being corrected prior to the completion of the visit.

L. ULTRASOUND

Mr. Bowyer informed the Board that the Legislative Committee would be meeting next week in Flatwoods to start drafting the necessary code change required to start licensing ultrasound technologists. Additional meetings may be held prior to the next Board meeting in June. Mr. Bowyer indicated that the changes would need to be completed and voted on at the June or September meeting.

Next Meeting Date and Location

The next meeting will be held at the Sleep Inn, Charleston, WV on June 2, 2010. The meeting will begin at 5:00 pm.

The meeting was adjourned at 08:15 PM.

Minutes submitted by Randy Fink, Administrative Secretary.

MINUTES APPROVED 6/2/10