

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

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September 15, 2010

BOARD MEETING

Members Present

Alice Belmont, Chairperson
Jamie Browning
Melissa Haye
Nancy Godby
I. Elaine Moore M.D.
Nancy Oughton
Grace Peters
James Wilson

Members Excused

Fred Gabriele M.D.
Robert Smith M.D.
Jean Morris

Office Staff

Grady Bowyer
Randy Fink
Nicole Cofer, Attorney

Ms. Belmont, Chairperson, called the meeting to order at 5:16 PM. Ms Belmont established that a quorum was present.

MINUTES:

A motion was made by Ms. Godby to accept the minutes of the June 2, 2010 meeting. Mr. Wilson seconded the motion. The motion carried.

FINANCIAL REPORT:

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

COMPLAINTS:

A. 01 - FY2009 - KENNETH HARRISON

Ms. Cofer informed the Board that a "Petition for Appeal" of the Circuit Court's ruling in this matter had been filed with the West Virginia Supreme Court. A response to that petition has been filed by Mr. Harrison's attorney asking the Court to deny the appeal. We are awaiting correspondence by the Court as to whether or not it will take up this matter on appeal.

B. 03-FY2010- BREACH OF PATIENT CONFIDENTIALITY / DELEGATING TECH DUTIES

Ms. Haye informed the Board that the licensee had received and signed the consent agreement relating to this case, but has not paid any fees. During a license inspection at her work place, it was noted that there were no licenses posted. When asked to show where the licenses were posted, the licensee responded

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that she was not aware that licenses needed to be posted for a Nuclear Medicine lab. She then went to her vehicle retrieved her Probationary license, and posted it on the bulletin board in the lab. Ms Haye stated that the Ethics Committee recommends that a letter be sent to the licensee informing her that incremental payments can be made as stipulated in the letter until the balance is paid in full. Also any violation of the consent agreement or missed payment will result in the immediate suspension of her license and her case will be set for hearing with the possible consequence of license revocation. The Ethics Committee further recommended that her employer be sent a letter of the license status should her license be suspended. Ms. Godby made a motion to accept the recommendations. Ms. Oughton seconded the motion and the motion carried.

C. 05-FY2010 - ASSISTANT POSITIONING BONE DENSITOMETRY

Mr. Bowyer stated that this complaint was presented at the last meeting regarding a report of an unlicensed person positioning patients for Bone Densitometry examinations. Mr. Bowyer informed the Board that a letter has been received from the facility stating that only a Physician or a licensed technologist will perform the Bone Densitometry. Mr. Bowyer stated that he has sent the facility a letter that the complaint was being dismissed. If there are any future violations, the Board would seek legal action against the facility.

D. 06-FY2010- ASSISTANT POSITIONING PATIENTS

Ms. Haye informed the Board that it had been reported that an unlicensed person was operating an X-Ray machine. Ms. Haye stated that Mr. Bowyer had contacted the facility and that they had responded that only a Physician or a licensed technologist would operate the machine in the future. Ms. Haye stated that the Ethics Committee recommends that the complaint be dismissed provided that there were no future violations. Ms. Godby made a motion to accept the recommendation of the Ethics Committed. Ms. Oughton seconded the motion and the motion carried.

E. 02-FY2010 - KRISTI ESTEPP

Dr. Moore informed the Board that Ms. Estep had failed another drug test. Ms. Cofer stated that due to a previous drug test failure, a prior consent agreement was revised changing the licensee's status from probation to suspended. Ms. Haye stated that the Ethics Committee recommends that the license status of this individual be set for a hearing due to the violation of the consent agreement. Dr. Moore made a motion to accept the Ethics Committee's recommendation and set the matter for a hearing. Mr. Wilson seconded the motion, the motion carried. Ms. Godby abstained.

F. 01-FY2010 - FAILURE OF PRE - EMPLOYMENT DRUG SCREEN

Ms. Haye informed the Board that Ms. Cleavenger, who had signed a consent agreement, had failed to abide by the agreement by:

1. Failing to call-in daily by noon on several different dates for random drug testing as required.
2. Submitted the name of a licensed drug abuse counselor as required by the consent agreement. However, when the counselor was contacted by the Board, he stated that Ms. Cleavenger was not a patient of his and that he had never heard of her.
3. Ms. Cleavenger has been suspended from First Lab's Drug Testing program for non-payment

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of two drug tests.

Ms. Haye stated that the Ethics Committee recommends that a letter be sent to the licensee stating that she is in violation of her consent agreement. The letter would inform her that she cannot apply for a license with this Board until she fulfills all of the requirements of her consent agreement. Dr. Moore made a motion to accept the recommendation of the Ethics Committee. Mr. Wilson seconded the motion and the motion carried.

G. 01 - FY2011 - LPN MAKING EXPOSURES

Ms. Haye informed the Board that a report had been submitted to the Board that a LPN had signed off as having done a number of bone densitometry examinations. Ms. Haye stated that a letter has been sent to the Physician's office giving them a opportunity to respond. Mr. Bowyer stated that the LPN board had been notified and that they will investigate the report as well. Ms. Haye indicated that no action could be taken at this time since the Board is awaiting a response from the Physician.

H. FYI

Mr. Bowyer informed the Board that he had received a call stating that a technologist was performing cardiac cath on a patients under the supervision of a Physician. The caller indicated that a complaint would be submitted. Mr. Bowyer stated that no action could be taken until the complaint is received.

OLD BUSINESS

A. CT TESTING - NM & THERAPY

Ms. Belmont informed the Board that Chris Paugh and Tiffany Davis at WVU Hospitals are still working on questions to be included in the Board's CT tests for Nuclear Medicine and Therapy. There was a discussion regarding the fact that the Board did not have the CT Cross Trainer and that the questions for the Nuclear Medicine examination should be derived from this course manual. Ms. Haye made a motion that the Board purchase the CT Cross-Trainer if the cost is under \$1,000.00. Ms. Godby seconded the motion and the motion carried.

B. SCRAMBLING OF QUESTIONS

Ms. Haye informed the Board that she had not an opportunity to finish the scrambling of the test question and answers. Ms. Haye indicated that she would continue working on this project.

C. CLINICALS FOR PET

The Board reviewed the letter submitted by Bluefield State College requesting to offer PET clinicals. The request was withdrawn after discussion, therefore no action was taken.

NEW BUSINESS

A. LEGISLATION

Mr. Bowyer addressed the Board regarding the language that the Legislative Committee has prepared

to submit to the Legislature adding the licensing of Sonography to our Code. Mr. Bowyer stated that input for the proposed legislation had been received from the West Virginia Hospital Association, the West Virginia Registered Nursing Board, American Society of Radiologic Technologists and the Society for Diagnostic Medical Sonographers. Mr. Bowyer went through the proposed legislation and discussed the changes that had been made by the Legislative Committee. After a lengthy review and discussion, changes were suggested to be made to each section's Scope of Practice as follows: Add at the end of the statement concerning medications - "provided the individual is educationally prepared and clinically competent." Ms. Cofer suggested that this proposed change be reviewed by the Attorney General's office for proper language. Dr. Moore made a motion that the amended Legislation be accepted with any changes recommended by the Attorney General Office during their review be included. Ms. Peters seconded the motion and the motion carried, pending the Attorney General's review.

B. PICC LINES AND PORTS - FYI

Ms. Godby addressed the Board regarding whether it was within the scope of practice of a Radiologic Technologist to access PICC Lines and Ports. Ms. Godby stated that her hospital had asked her to research this. Ms. Godby stated that she had knowledge that the practice guidelines of the ASRT regarding this was that it was acceptable for a Technologist to perform this task provided that the individual was educationally prepared and clinically competent. Ms. Godby also found the scope of practice guidelines for our Board which allowed a Technologist to perform these procedures. Ms. Godby submitted this material to the director of the Registered Nurse at her facility for review. The RN department head agreed that this was not a problem with our licensees accessing the lines and ports, provided they were properly trained. Ms. Godby stated that her facility has prepared a training program for their Technologists to allow them to access PICC Lines and Ports upon successful completion of the training. Ms. Godby presented the program to the Board for their review.

C. REPLACE 2002 COMPUTER

Mr. Bowyer addressed the Board regarding replacing a computer that was purchased in 2002. This computer is being used for the issuing of temporary licenses and it is extremely slow and needs to be replaced. After discussion, Ms. Godby made a motion for Mr. Bowyer to purchase a new computer. Ms. Oughton seconded the motion and the motion carried.

MEMBER CONCERNS

A. Jim Wilson

Mr. Wilson spoke to the Board regarding his position on the Board. Mr. Wilson indicated that he would be retiring soon and did not want to be re-appointed to the Board. Mr. Bowyer informed Mr. Wilson that, if he wanted his position to be vacant so a recommendation for appointment could be sent to the Governor's office, he would need to send a letter of resignation to the Governor, with a copy to the Board. Mr. Wilson stated that he would submit the letter to the Governor. Mr. Wilson thanked the Board for the support he has received while serving on the Board. Mr. Wilson said he was looking forward to retiring from work.

B. AUDITOR'S SEMINAR - 12/1/2010

Mr. Bowyer informed the Board that the West Virginia State Auditor's Seminar for Chapter 30 Licensing Boards will be held on December 1, 2010 at the Marriott in Charleston. Mr. Bowyer stated that a great deal of information relating to the operation of Boards would be presented. A number of Board members indicated that they would like to attend the meeting. Mr. Bowyer indicated that the agenda for the meeting has not been set at this time. He will email the Board members when the meeting has been finalized for their desire to attend.

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Next Meeting Date and Location

The next meeting will be held at the Country Inns and Suites at Elkview WV on November 30, 2010. The meeting will begin at 5:00 pm.

The meeting was adjourned at 8:00 PM.

Minutes submitted by Randy Fink, Administrative Secretary.

APPROVED 11/30/10.