

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

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December 1, 2009
BOARD MEETING

Members Present

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

Members Excused

Jean Morris
Grace Peters
Robert Smith 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 welcomed Dr. Fred Gabriele to the Board. Ms. Belmont stated that the Governor had completed all the reappointments for the Board.

MINUTES:

A motion was made by Ms. Godby to accept the minutes of the September 16, 2009 meeting. Ms. Haye 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 - Appealed to Circuit Court

Ms. Cofer informed that Mr. Harrison has appealed the final order of the Board thru his attorney to the Monongalia County Circuit Court. Ms. Cofer informed the board that she had responded to the court regarding the appeal and is waiting for a briefing schedule from the court for the hearing.

B. 03-FY 2009 - Hearing Scheduled for January 20,2010.

Mr. Bowyer informed the Board that this complaint was in regard to a licensee who failed a drug test that was given for cause. The licensee has not responded to the notice of complaint and failed to appear at an informal meeting with the Board regarding the complaint. The ethics committee voted to schedule the matter for hearing. Mr. Bowyer informed the board that the hearing is scheduled for January 20, 2010 and that the licensee would be notified.

C. 01-FY 2010 - Failure of Pre-Employment Drug Screen (Temp Permit)

Ms. Godby informed the Board that the Ethics Committee had met with this individual. The Ethics Committee made the following recommendations for a Consent Agreement with the following stipulations:

1. Upon obtaining a license, said license will be on probation for three (3) years.
2. 15 CEU's in drug abuse in addition to the required 12 annual or 24 biannual CEU's required by the Board for a license renewal.
3. Evaluation by a certified drug addiction counselor, must follow all the recommendations and complete all elements of the evaluation plan report. The addiction counselor must be approved by the Board.
4. Random drug testing for three years. The individual must pay all expenses for the drug testing and use First Lab for all testing.
5. The individual is required to pay all the administrative costs associated with the review of this complaint.

Dr. Gabriele made a motion to accept the recommendations, Ms. Oughton seconded the motion. The motion carried.

D. 02-FY 2010 - Self Report of Drug Abuse

Ms. Haye informed the board that the Ethics Committee had met with this individual. This individual self reported a prescription drug abuse to the employer and is undergoing their protocol for rehabilitation. The Ethics Committee recommended a Consent Agreement with the following stipulations:

1. Three (3) years license probation.
2. 15 CEU hours in drug abuse in addition to the 12 annual or 24 biannual CEU's required by Board for a license renewal.
3. Random drug testing for 1 year by the employer and for an additional 2 years following completion of required screens through First Lab at the licensee's expense.
4. Provide a copy of a drug treatment plan from a drug addiction counselor and licensee must follow all recommendations.
5. Provide a copy of the consent decree to all employers.
6. The individual is required to pay all administrative fees.

Dr. Moore made a motion to accept the recommendations made by the Ethics Committee. Ms. Oughton seconded the motion. The motion carried. Ms. Godby abstained.

E. Fitness for Duty Report - Teresa Taylor

Mr. Bowyer informed the board that Ms. Taylor had been required to have a Fitness for Duty Evaluation thru OASIS in Barboursville. The report was reviewed by the Ethics Committee. The Committee recommended the

consent agreement she signed be modified to require her to follow the recommendations of the counselor regarding attending Narcotics Anonymous or other approved programs as suggested by the counselor. The recommendation called for attendance one (1) time a week for an additional 18 months. Mr. Bowyer also recommended the consent agreement be modified where she would be required to make her daily call in by noon. It was also recommended that the consent agreement be modified so that if Ms. Taylor failed to make the required call in, she would be required to appear before the Ethics Committee and that the existing consent order would be null and void. Mr. Bowyer recommended that Ms. Cofer prepare a letter to be sent to Ms. Taylor. Dr. Moore made a motion to accept the recommendations. Dr. Gabriele seconded the motion, the motion carried.

F. Complaint - Family Members in Patient Care Area

Mr. Bowyer informed the board that he had just received a complaint regarding a licensee who had family members in a patient care area. It was also reported the technologist delegated radiologic technologist duties to the family members and had not protected the patients privacy. Mr. Bowyer indicated he had issued a subpoena duces tecum to the facility for further information and was awaiting a response from the technologist.

OLD BUSINESS

A. Computer Purchase

Mr. Bowyer informed the Board that the office had finally received the new computer. Mr. Bowyer indicated that there had been a substantial delay in the shipping of the computer, and that he had initiated a vendor complaint regarding the transaction.

B. Blackberry Purchase

Mr. Bowyer informed the Board that he had received the Blackberry that had been approved.

C. WVSRT Meeting

Ms. Godby informed the board that the WVSRT meeting had a good representation by the technologists and that the speakers were excellent. Ms. Godby encouraged the members of the Board to attend the next meeting and thanked the Board for allowing her to represent the Board at the meeting.

D. CT Testing for Nuclear

Mr. Fink informed the Board that four Nuclear technologists had taken and passed the CT Fusion test. Also, two technologists had been approved for the CT Fusion endorsement by taking the CT Cross Trainer course. He also indicated one other person was scheduled for the test. The Board discussed the test and the sharing of the content of the test by the technologists. It was agreed to look at the test at a later date.

E. CT Testing for Therapy

Ms. Belmont presented the Board with a test that had been developed by Chris Paugh for Therapy technologists who would be using CT. Ms. Belmont informed the board that Ms. Paugh had modified the Nuclear CT Fusion test by taking out the portions that related to Nuclear medicine and added questions that related to the

use of CT in Therapy, bringing the total questions to 100. After a discussion regarding the contents of both the Nuclear and Therapy CT tests, Ms. Godby made a motion to table any action regarding the CT Therapy test till the next meeting so the Board could take a look at the contents of both tests. Dr. Moore seconded the motion, the motion carried.

Ms. Browning made a motion to authorize Ms. Belmont to select two qualified individuals, one in the Nuclear field and one individual in the Therapy field to review the contents of both tests to ensure the material in the tests are appropriate for the intent of the tests. Ms. Godby seconded the motion, the motion carried.

Ms. Godby made a motion that if the review of the two tests found them to be fair and acceptable to both the Nuclear representative and the Therapy representative that Ms. Belmont selected, Mr. Bowyer would be authorized to notify the Therapy technologists by post card that the Therapy CT test was available for them to take. Ms. Haye seconded the motion, the motion carried.

(Ms. Haye excused herself and left the meeting room.)

NEW BUSINESS

A. Mountain State - Starting New Programs

Ms. Belmont addressed the Board regarding the application by Mountain State for approval of an MRI and a CT program. The Board discussed the MRI program application and agreed that there was a need for the program and that all the application requirements had been addressed. The board discussed the request for an exemption for accreditation that was included in the application. Ms. Browning made a motion that the request to start a MRI program be granted and that the request for an exception be denied. It was also stipulated that the accreditation process must be started upon accepting students into the program. All individuals must be supervised by MRI certified technologists on all shifts in accordance with JRCERT guidelines. Ms. Godby seconded the motion and the motion carried.

Discussion continued regarding Mountain State's application for a CT program. Ms. Belmont informed the Board that a committee, by conference call, had discussed the application for a CT program. Ms. Belmont said the all of the program directors in the state, excluding Ms. Haye and Mr. Wilcox, were contacted and their views regarding this program was solicited. Ms. Belmont stated that there were not enough clinical sites available for the basic Radiography students to get all of their clinical requirements if advanced level CT students were added trying to get their clinical requirements. Ms. Godby indicated that every program director responded in agreement that additional students that would have to get clinical CT hours would compromise the ability of existing programs having the required time in the units. The respondents indicated that the facilities being used were already crowded with existing programs. Ms. Godby indicated that the respondents indicated that it would be a valuable program if it was designed to be a Continuing Education program or if it were a registry preparation program that could be done online that did not require clinical hours. Ms. Oughton made a motion that Mountain States request for a CT program be denied. Mr. Wilson seconded the motion and the motion carried.

(Ms. Haye returned to the Board meeting.)

B. Accreditation for BS MRI Programs

Ms. Belmont addressed the Board regarding whether MRI accreditation was required for students in a BS radiography program having a rotation in MRI. Since the program is an existing program and MRI will be an

elected rotation through MRI as part of their study, accreditation is not required.

C. Calcium Scoring by CT Techs

Mr. Bowyer informed the Board that a CT Tech had asked if they could do Calcium Scoring. After discussion, it was determined that the performance of this test by a CT Tech is within the scope of practice as long as they were properly trained and the results are reviewed by the physician who generates a report of the procedure and it is covered by a written policy of the employing facility.

D. Auditor's Seminar- Wednesday, December 2, 2009 @ Marriott

Mr. Bowyer indicated that the Auditor's Seminar was to be held the day following this meeting. He indicated that Ms. Belmont, Ms. Godby, Ms. Haye, Ms. Browning and he would be attending this conference.

E. Use of Cell Phones for Conference Calls

Mr. Bowyer informed the Board that AT&T had charged the Board a total of a dollar a minute per person who had participated in the two conference calls that had been held. The total cost of the two calls was over \$800.00. The total for the teleconference, if everyone had used a cell phone or employer phone, if authorized, and had called the non-toll free number, would have been around \$80.00. Mr. Bowyer stated that the travel and per diem, if actual meetings had been held, would have cost about the same as the \$800.00. A substantial savings is possible if calls were made to the non-toll free number. Mr. Bowyer recommended that any future teleconference calls be made to the non-toll-free number by cell phone, but that the Board would pay if this was not an option for the committee member calling in.

F. Per Diem Pay for Conference Calls

Mr. Bowyer recommended that Board Members be compensated for conference calls using the following:

Up to Two Hours	\$25.00
Two to Four Hours	\$50.00
Over Four Hours	\$75.00
Eight Hours	\$150.00

Ms. Moore made a motion to accept the recommendation and make it retroactive to the previous conference calls. Dr. Gabriele seconded the motion and the motion carried.

G. Sonographer Licensing

Mr. Bowyer informed the board that he had contacted Don Kerns with the Society for Diagnostic

Medical Sonographers and that he indicated that his organization wanted to work with the Board developing the guidelines for licensing Sonographers in the state of West Virginia. Ms. Moore read a letter from Mr. Kerns regarding safety concerns and competency of technologists currently performing ultrasound and the need for technologists to be properly trained and licensed. Mr. Kern stated that their organization was particularly concerned with untrained personnel performing OB entertainment ultrasounds. Mr. Kerns stated that they had worked with the Legislatures of Oregon and New Mexico in development of their Sonographer licensing laws. Mr. Bowyer recommended that the Board start working toward legislation to be introduced to the Legislature in 2011.

H. Proposed Creation of Student Data-Base

Ms. Haye addressed the Board regarding the need for a tool to track students that are dismissed or disciplined while attending a State approved program. She indicated that at this time there is no way for a program to determine if a student has been dismissed or disciplined by another program for drug, alcohol, ethics or other issues when they apply to attend their program. Discussion followed, Ms Cofer indicated that the Board would not be able to establish a data-base with out the prior consent of the student because the Board does not license students. Ms. Belmont suggested that the Legislative committee look into this issue and report back to the Board.

I. Nuclear Conference in Salt Lake City

Mr. Wilson expressed a desire to attend the National Nuclear Medicine meeting in Salt Lake City in June of 2010 and that by making his reservations earlier he would be able to get better prices for the trip. He is to gather information for the trip and let the chairperson know of the costs.

J. Supervision of Apprentice Licensees

Mr. Wilson addressed the board regarding the supervision of the licensees who hold a Apprentice license from our board. After discussion of the requirements under our law regarding supervision it was agreed to include this issue in the legislative meeting as a consideration for a change in the WV Code.

K. State Auditors Award

Ms. Belmont informed the Board that our organization had received an Award from the West Virginia State Auditor for our participation in the Electronic Requisition Payment Process. Mr. Bowyer stated that our Board was the first Chapter 30 Board to participate in this process.

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L. Needs Assessment Forms

Ms. Belmont addressed the Board regarding the Needs Assessment Form that is submitted to the Board for the approval of a new school or program. Ms. Hays handed out a revised form for comment. After discussion, it was decided to send the revised form to all the program coordinators for comment and to submit the results to the Board at the next meeting.

Next Meeting Date and Location

The next meeting will be held at the Sleep Inn, Charleston, WV on March 3, 2010. The meeting will begin at 5:00 pm.

The meeting was adjourned at 08:30 PM.

Minutes submitted by Randy Fink, Administrative Secretary.

APPROVED MARCH 3, 2010