

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

**1715 FLAT TOP ROAD**

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**BOARD MEETING**

**JUNE 19, 2008**

Members Present	Members Excused	Office Staff	Guests
Alice Blemont, Chairperson	Robert Smith M.D.	Grady Bowyer	Eva Hallis
Jamie Browning		Randy Fink	Tommy Parsons
Nancy Godby		Nicole Coffey,	Ginger Procter
Melissa Haye		(Attorney)	
John Leon, M.D.			
I. Elaine Moore, M.D.			
Jeanne Morris			
Nancy Oughton			
Grace Peters			
James Wilson			

The meeting was called to order by Ms. Belmont, Chairperson, at 5:07 PM. Mr. Bowyer welcomed Dr. John Leon, our new Board member, and Nicole Coffey, our new Board attorney.

**Minutes:**

Dr. Moore made a motion to accept the minutes of March 19, 2008 as presented. Ms. Haye seconded the motion. Motion carried.

**Financial Report:**

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

**Complaints:**

A. Dr. Moore addressed the board regarding an existing complaint related to an office that was allowing personnel who did not have a valid license to operate a CT unit. Mr. Bowyer informed the surgeon's office that only licensed personnel or a physician could legally operate this type of unit. The office responded that only the physicians would operate this machine. A motion was made, seconded, and carried to dismiss the complaint and a letter would be sent informing the office that if this same activity is reported again, the Board will file a court action against their office.

B. Dr. Moore also informed the Board that two podiatrist offices had been reported as using individuals to operate their podiatric x-ray equipment without a valid permit issued by the office. The podiatrist replied to the Board's inquiry that they would now perform all x-ray procedures in their offices. A motion was made, seconded, and carried to dismiss the complaint and a letter would be sent informing

the office that if this same activity is reported again, the Board will file a court action against their office.

C. Dr. Moore informed the board that a complaint had been received from a hospital that had terminated an employee after failure of a drug test given for cause. The hospital reported that another employee had observed the licensee pocketing leftover medication before it could be disposed of after a medical procedure. The licensee responded to the Board's Notice of Complaint and admitted to the allegations. He ask that his license not be revoked. The Board voted to offer the individual a Consent Agreement with, among other items, a one year suspension of his license followed by two additional years of probation, random drug testing, completion of a drug rehabilitation program, attendance in an aftercare program and payment of administrative fees.

Upon completion of the Ethics Committee report, Dr. Moore opened discussions concerning the number of drug related complaints being received by the Board and that the Ethics Committee had discussed the need to have a standard protocol to follow that would be consistent with the severity of the infraction. After a lengthy discussion related to the issues involved in dealing with a licensee who has been proven to have used illegal drugs or illegally acquired prescription drugs, a motion was made, seconded and passed to develop a standard protocol to follow in this type of case that would be posted on our website.

#### **Old Business:**

A. Nuclear Medicine Concerns - Ms. Godby presented the Board with the findings of the committee meeting dealing with the West Virginia law relating to Nuclear Medicine. A recommendation was received from the nuclear medicine community from the previous meeting . This recommendation was submitted to the American Society of Radiologic Technologists (ASRT) and Nuclear Medicine Technology Certification Board (NMTCB) for comments. The ASRT submitted a recommendation for a suggested change. The NMTCB did not respond. However, a phone call to their office indicated they did receive the suggestion but were unable to respond within the given time frame. The matter was discussed, a motion made, seconded and passed that the wording would be changed to the following and submitted to the Legislature for passage during the 2009 session:

“The scope of practice for a Nuclear Medicine Technologist to operate an integrated multi-modality device, i.e., PET/CT, SPECT/CT requires that:

(A) A licensed Nuclear Medicine Technologist, (ARRT(N) or NMTCB) may administer ionizing radiation from an integrated multi-modality device, if the ionizing radiation is produced for the sole purpose of attenuation correction and considered an essential component of the procedure, provided the licensee has obtained proper documented training that has been approved by the board in the radiation safety aspects of the operation of these units; and

(B) A licensed radiographer, (ARRT R), or a nuclear medicine technologist with an additional certification by the ARRT or other nationally recognized certifying body in computed tomography, shall operate the computed tomography scanner if it is used for any other diagnostic radiographic procedures.”

B. Other Nuclear Medicine Concerns - Ms. Haye expressed concern regarding another aspect of the existing law which only gives a Nuclear Medicine Apprentice 2 years to obtain accreditation. She informed the Board that this was not enough time and that this would contribute to the shortage of Nuclear Technologists in the state. A number of other issues were brought up regarding the existing law, it was decided to establish a committee to review the entire law (§ 30-23). The following Board members will make up the committee:

Alice Blemont, Chairperson	Jamie Browning	Nancy Godby
Melissa Haye	Nancy Oughton	James Wilson

It was agreed to meet at the Flatwoods Days Inn on August 11, 2008 at 10:00 AM. Mr. Bowyer asked the committee members to email him if there was any issue with this time and date.

B. License Design and Printing - Mr. Bowyer informed the Board that the new licenses were now being used in the office and that it had increased the efficiency of the office considerably, saving both time and money. Ms. Godby noted that the print on the dates and license number was a little light. Mr. Bowyer indicated that he would ask the Treasurer's office to set the print on the 5 x 7 license in bold print.

#### **New Business:**

A. eGFR Calculations for Creatinine - Ms. Oughton informed the Board regarding a question related to technologists performing eGFR Calculations for Creatinine. It was determined that this is the responsibility of the facility and that it would not be within the scope of the board to create a policy related to this procedure. Mr. Bowyer indicated that he would respond to the facility that had presented the question.

B. Needs Assessment for New Schools - Ms. Haye presented the Board with a Needs Assessment for New School procedure. This procedure will be completed and submitted to the Board by any organization that is interested in starting a new imaging school in the state. Ms. Haye informed the board that two organizations have contacted the Board regarding interest in starting new Radiologic Technology schools in the state. Ms. Haye indicated that she has been working with Mr. Bowyer and has been in contact with the other program directors in the state to establish a Needs Assessment Procedure for the establishment of a new program in the state. Ms. Haye informed the Board that the law gives the Board the responsibility of either accepting or rejecting the establishment of any new Radiologic Technology program in the state, determined by the needs, limitations and location of the program. A motion was made seconded and passed to require that the Administrator, Chief Radiologist and Chief Technologist / Imaging Manager of the clinical sites submit documentation that they agree with the establishment of a new program in their facility. There was also a motion made, seconded and passed that would require the notification of Program Director of any existing program in state that consideration was being given to the establishment of a new program.

C. Change in Dental Hygienist Law - Mr. Bowyer informed the Board that the Dental Board had

submitted a change to their law for public comment. One of the changes is that a dental hygienist would be allowed to work on their own without a Dentist being present for up to three weeks or up to 15 consecutive days. Mr. Bowyer informed the Board, during this time frame, they would be allowed to perform x-rays examinations. This would be in direct conflict with our law which states that dental hygienist must be under supervision of a Dentist when performing x-ray procedures. Mr. Bowyer informed the Board that he had already submitted a letter to the Dental Board during the public comment period informing them that this could result in a violation of existing law regulating Medical Imaging, that they needed to review the existing law before they implemented the proposed changes. Mr. Bowyer indicated that he would be at the Legislative Committee meetings when the proposed changes went to are before the committees.

D. Old Records - Mr. Bowyer informed the board that we have received approval from the State Records Administrator and the Director of Archives and History to destroy all non-essential and non-historical records from 1977 to 1997.

E. Clear Conference - Mr. Bowyer informed the Board that the annual CLEAR (Council on Licensure, Enforcement and Regulation) Conference is being held in Anchorage Alaska on September 25 -27, 2008. Mr. Bowyer requested permission to attend this conference. A motion was made to authorize Mr. Bowyer's attendance, motion was seconded and carried.

F. ASRT Meetings - Mr. Bowyer informed the Board that the Board needed to be represented at the ASRT Meeting, which would be discussed in more detail at another Board meeting.

G. JRCERT Site Visit @ WVU's Radiation Therapy Program - Ms. Belmont informed the Board that she had represented the Board at the JRCERT WVU Radiation Therapy Program review. Ms. Belmont indicated that there were only three items that needed to be addressed and that it was an excellent program.

H. WVSRT Meeting - Mr. Bowyer informed the Board that the WVSRT conference is scheduled for November 13-15, 2008 at Morgantown, WV. Ms. Hays will be in attendance representing her office, and Ms. Godby agreed to attend and represent the Board, since Mr. Bowyer will be unavailable those dates. Mr. Bowyer indicated that the Board would cover Ms. Godby's expenses to attend.

## **PERSONNEL EVALUATIONS**

Ms. Belmont indicated that personnel evaluations for Board employees were required in the month of June. The Board went into Executive Session to discuss personnel issues.

Upon returning to the regular session, a motion was made to adjust the raise percent for office employees to a maximum of 4.0 % for a 2.90-3.00 rating with the lower rating adjusted to correspond with this change. The motion was made, seconded and passed. Mr. Bowyer indicated he would email the board the adjusted raise table.

Mr. Bowyer discussed Mr. Fink's job performance evaluation. Mr. Bowyer informed the Board that Mr. Fink's evaluation score equated to a 4 % raise but, since the Legislature had approved a raise of 3 % for all state employees, that amount would be the maximum raise allowed.

Ms. Belmont discussed Mr. Bowyer's job performance evaluation. Ms. Belmont informed the Board that Mr. Bowyer's evaluation score also equated to a 4 % raise but, based on the Legislative mandate, only a 3 % raise would be given. Motion was made, seconded and passed to give both employees the Legislative mandated, 3% raise effective July 1, 2008.

Ms. Belmont thanked both Mr. Bowyer and Mr. Fink for the good work they were doing on behalf of the Board, the licensees and the public.

#### **RE-APPOINTMENTS (ALICE, DR. LEON, GRACE & JEANNIE)**

Mr. Bowyer informed the Board that the appointments of Ms. Belmont, Dr. Leon, Ms. Peters and Ms. Morris expire at the end of June 2008. Mr. Bowyer indicated that all four had agreed to accept re-appointment. Mr. Bowyer informed the Board that a Board member is allowed to continue to serve until he/she is re-appointed or replaced. All have agreed to continue serving until such time as the Governor re-appoints them or replaces them.

#### **ELECTION OF BOARD CHAIRPERSON AND SECRETARY**

Ms. Hays was nominated to the position of Board Secretary, nomination was seconded and carried. Ms. Belmont was nominated to the position of Chairperson, nomination was seconded and carried.

#### **COPIES OF CURRENT LAW**

A request was made to distribute both paper copies and CDs of the current law dealing with Medical Imaging and Radiation Therapy. Mr. Bowyer indicated that these would be prepared and distributed to the Board members by the office.

#### **EXCESSIVE RADIATION EXPOSURE**

Eva Hallis, Program Coordinator of the Radiologic Technology Program for Southern West Virginia Community and Technical College, addressed the board regarding the excessive radiation exposure that some patients are being subjected to. Ms. Hallis informed the Board that the ASRT has instituted a program named "Image Gently" that deals with this issue. After discussion, it was decided to put a statement on our website dealing with this issue. Mr. Bowyer asked Ms. Hallis to send him the web link to the ASRT program, and he would inquire about putting a hyperlink from our statement to the Image Gently web page on the ASRT website.

The next board meeting will be held on Wednesday, October 8, 2008 at the South Charleston Ramada Plaza at 5:00 P.M..

The meeting was adjourned at 7:30 P.M..  
Minutes submitted by Randy Fink, Administrative Secretary  
Minutes approved October 8, 2008.