

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

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October 8, 2008

BOARD MEETING

Members Present

Alice Belmont, Chairperson
Jamie Browning
Nancy Godby
Melissa Haye
I. Elaine Moore M.D.
Jeanne Morris
Nancy Oughton
Robert Smith M.D.
James Wilson

Members Excused

John Leon M.D.
Grace Peters

Office Staff

Grady Bowyer
Randy Fink
Nicole Coffey, Attorney

The meeting was called to order by Ms. Belmont, Chairperson, at 5:10 PM.

Minutes:

Ms. Moore made a motion to accept the minutes of June 19, 2008 as presented. Ms. Godby seconded the motion. Motion carried.

Financial Report:

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

Complaints :

A. Mr. Bowyer addressed the board regarding a licensee who self-reported a DUI misdemeanor conviction. It was determined that the offense was not work related. The licensee was informed that the Board would consider disciplinary action if this behavior was repeated.

B. Mr. Bowyer informed the board that a licensee who had accepted a consent agreement has not completed some of the required stipulations of the agreement. Mr. Bowyer stated that the licensee was, therefore, in non-compliance with the consent agreement. The ethics committee recommended that a certified letter be mailed to him giving him fifteen days to respond explaining why he had not carried out all of the requirements of the agreement. Dr. Moore made a motion that the committee's recommendation be carried out, Ms. Godby seconded the motion, the motion carried.

C. Ms. Haye informed the board that a technologist had been terminated for inappropriate behavior and disrespect towards a student. Ms. Haye informed the board that the technologist had behaved in a totally inappropriate manner, both in action and vocabulary. A letter of education was presented that was prepared by the ethics committee which will be mailed to the licensee. Dr. Smith made a motion that this action be taken, Mr. Wilson seconded the motion. The motion carried. Ms. Godby abstained.

D. Ms. Haye informed the board that a technologist was terminated for unauthorized injection of medication. The ethics committee determined that the technologist was in violation of the scope of practice of a radiologic technologist by calculating and injecting a patient with medication without a physician prescribing this action. The ethics committee recommended a Consent Agreement with a one year suspension followed by a two year probation period. Also, the licensee would be required to obtain 15 hours of continuing education in medical ethics over the duration of the Consent Agreement, of which six hours must be obtained during the one year suspension. All of the continuing education must be pre-approved by the board office and proof of completion be provided to the board. Dr. Moore made a motion to accept the committee's recommendation, Dr. Smith seconded the motion. The motion carried. Ms. Belmont abstained.

E. Ms. Haye informed the board that a technologist had self reported a felony conviction for attempting to pass a forged prescription. The ethics committee recommended a one year suspension with a two year probation, and that the technologist complete the ARRT's alternate disposition agreement which was a result of the licensee reporting the conviction to the board. The board will require that the remedial action taken by the licensee be consistent with normal board protocol should the requirements of the ARRT be less than that required by the board. Mr Wilson made a motion to accept the recommendation, Ms. Morris seconded the motion. The motion carried.

NEEDS ASSESSMENT FOR NEW SCHOOLS

Ms. Haye informed the board that two schools had inquired about starting new programs in West Virginia and that Mr. Bowyer had submitted the requirements to them. To date there has been no response from either school.

Ms. Haye presented the board members with a report for the 2006-2007 school year for Radiologic Technology Programs in the state of West Virginia. This report showed that there were 120 graduates. The percentage of student completion of a program was 92.64. The first time pass rate for the ARRT exam was 93.5 %. The percentage of employed graduates in their field of study was 97.875%. Ms. Haye informed the board that the state schools were doing a very good job.

CLEAR CONFERENCE

Mr. Bowyer reported on his attendance at the annual CLEAR Conference. He discussed the topics that were covered at the conference which included: Investigator Discussion Group, Administrator's Discussion Group, CSI for Regulators, Legal Issues, Health Issues, Developing Guidelines for Consistent Decision Making, Drug Diversion, Use of Technology to Improve Accuracy and Efficiency at Onsite Investigations. Mr. Bowyer indicated that the training received through this conference would be very useful in his position.

AUDITOR'S SEMINAR

Ms. Belmont reported to the board regarding the annual State Auditor's Training Seminar. Attending were

Ms. Belmont, Ms. Godby, Ms. Haye, Mr. Bowyer and Mr. Fink. All of those attending indicated that the meeting was very informative. Topics covered included: How Bills Become Law, Privacy Policy (including the use of a licensee SSN and the release of personal information), Legislative Audits (done every 12 years), Annual Budget (the state allows each board to have up to two years annual operating budget before the excess is rolled into the State General fund, also that they like each board to have on hand one year's annual operating budget.) .

Ms. Belmont discussed the hand-out that was received "Duties of a Board Member" (each board member was given a copy). Other topics discussed included:

- A Board is greater than the sum of its parts.
- Leave you position on the Board in better shape than when you were appointed.
- The Board exists to protect the public, not personal or agenda driven.
- Public service is it's own reward.
- Board members are Public Officials.
- Requirements affecting Board members.
- Ethics Standards.
- Agendas and Meeting Procedures.

Ms. Haye discussed that the LPN board has two brochures that explains the actions their board takes when a complaint is filed, one brochure for the person who files the complaint and one for the licensee whom the complaint has been filed against . The brochures explains the actions taken and the normal time frame that these actions will take when a complaint is filed. Ms. Haye suggested that we develop a brochure for this Board that explains the procedure to follow to file a complaint and what to expect after the complaint is filed. The brochure would explain to the licensee who is complained against regarding the actions the Board could take and the time frames involved. Ms. Haye suggested that this be placed on the website and prepared in printed form to give to those involved in complaints.

LEGISLATIVE UPDATE

Mr. Bowyer went over the changes to the code recommended by the legislative committee that will be submitted to the Legislature in 2009. A motion was made by Ms. Godby to accept the changes as written and amended, Mr. Wilson seconded the motion. The motion carried.

SCOPE OF PRACTICE-VERBAL ORDERS

Mr. Bowyer discussed verbal orders given to a technologist for a procedure and the fact that there is nothing in our law that covers this. There have been a number of other questions relating to the performance of a technologist's job. Mr. Bowyer suggested that the board consider adopting the ASRT Position Statements as a basis for answering questions relating to scope of practice that are not clearly covered by state law. Because of the volume of information in the ASRT document and the complexity of the issues, the board agreed to review the document and discuss any action to be taken at the next meeting.

STUDY GUIDES FOR APPRENTICE LICENSEES

Mr. Bowyer informed the board that he had received a number of requests relating to study guides or materials that might be available for a person to prepare for testing for a license. After discussion it was decided

the board did not want to be in a position of recommending or endorsing any material for study. There was also discussion relating to our policies regarding the test the board administers to qualify a person for a state license. The board agreed to consider our testing policy before next year's legislative session.

REPLACEMENT OF COPIER

Mr. Bowyer informed the board that the copier in the office is ten years old and is starting to malfunction. Because of its age, parts are becoming an issue with the company that maintains the machine. Mr. Bowyer had contacted the state purchasing department, and they had recommended leasing a new machine. Dr. Moore made a motion that the board enter into a lease for a new machine, Ms. Hays seconded the motion. The motion carried.

ATTENDANCE AT STATE/NATIONAL CONFERENCES

Mr. Bowyer recommended that the board send representatives to ASRT, NMTCB, ARRT and other national and state conferences for training purposes. Ms. Godby made a motion to accept this recommendation, Mr. Wilson seconded the motion. The motion carried.

VACATION RELIEF FOR RANDY

Mr. Bowyer informed the board that Mr. Fink will be taking vacation after the first of the year and that there is a need for a temporary employee while he is off. A motion was made by Dr. Moore to hire a temporary employee. Ms. Hays seconded the motion. The motion carried.

APPLICATION FOR ORIGINAL LICENSES ONLINE

Mr. Bowyer informed the board that he had been working on a procedure for allowing a person to do an application for a original license on-line using a credit card through the Board's web page. This procedure would allow the person to enter all of their personnel data and would not be accepted unless they entered their current ARRT or NMTCB number. The actual license would not be issued until all of the information is verified. Ms. Godby made a motion to allow Mr. Bowyer to go ahead with this process, Mr. Wilson seconded it. The motion carried.

NEXT MEETING DATE AND LOCATION

The next board meeting will be held at the Sleep Inn Motel, Exit 1 - Mink Shoals Exit off I-79 on Wednesday, March 25, 2009 at 5:00 PM.

The meeting was adjourned at 7:55 P.M..