

**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

November 30, 2010

BOARD MEETING

Members Present

Alice Belmont, Chairperson
Jamie Browning
Melissa Haye
Fred Gabriele, MD
Nancy Godby
Nancy Oughton
Grace Peters

Members Excused

Elaine Moore, M.D.
Robert Smith, M.D.
Jean Morris

Office Staff

Grady Bowyer
Randy Fink
Kate Campbell, Attorney

Guest:
Nicole Cofer, Attorney

Ms. Belmont, Chairperson, called the meeting to order at 5:05 PM. Ms Belmont established that a quorum was present.

Mr. Bowyer introduced Kate Campbell who has replaced Nicole Cofer as the Board's Attorney.

MINUTES:

A motion was made by Ms. Godby to accept the minutes of the September 15, 2010 meeting. Ms. Haye seconded the motion. The motion carried.

FINANCIAL REPORT:

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

COMPLAINTS:

A. 01 - FY2009 - KENNETH HARRISON

Mr. Bowyer informed the Board that there had been no action on the appeal that had been submitted to the State Supreme Court regarding Mr. Harrison.

B. 03-FY 2010-BREECH OF PATIENT CONFIDENTIALITY/DELEGATING TECH DUTIES

Mr. Bowyer informed the Board that this licensee had attempted to make a payment as required by her consent agreement but that FedEx had attempted to delivery the payment multiple times after the office was

closed. The licensee was informed of the problem and was told to use the US Postal Service and that the payment was to be postmarked on or before 11/19/2010. No payment has been received in the office by the date of this meeting. Ms. Godby made a motion that a letter be sent to the licensee informing her that all payments due for November and December must be received in the office by December 20, 2010. If the payment is not made by that date, her license will be suspended and a hearing will be scheduled. Dr. Gabriele seconded the motion and the motion carried.

C. 06-FY2010-ASSISTANT POSITIONING PATIENTS

Mr. Bowyer informed the Board that he had received a response from the Physician's office regarding unlicensed persons positioning patients. In the letter, the Physicians stated that they would comply and no unlicensed personnel will position patients. A letter of dismissal was sent to the Physician informing them that the complaint had been dismissed but that if any other notification of violation was received, the Board would seek legal action against them.

D. 02-FY2010-KRISTI ESTEPP - DRUG TEST FAILURES

Ms. Campbell informed the Board that a hearing had been set for February 1, 2011 at 9:30 AM regarding this licensee's failure to comply with her consent agreement. Mr. Bowyer indicated that he would reserve a location for the hearing.

E. 01-FY2011-LPN OPERATING BD

Mr. Bowyer informed the Board that he had received a response from the Physician regarding an Licensed Practical Nurse (LPN) performing Bone Density scans. The Physician stated that the LPN had not preformed any actual scans, but that she had only input patient information into the system. The LPN also responded the LPN Board that she had not performed any scans but was only putting pertinent patient information into the system. Ms. Haye made a motion that the complaint be dismissed and a letter be sent informing the Physician of the dismissal with the provision that any other confirmed violation would require the Board to seek legal action. Ms. Godby seconded the motion and the motion carried.

The Board discussed unlicensed personnel operating bone densitometry equipment. The Board discussed making an effort to educate the people involved in the operation of these units that the safety of their patients could be compromised by allowing untrained personnel to operate these machines, and that they are operating in violation of state law by allowing this practice. After discussion, a motion was made by Dr. Gabriele to establish a committee consisting of Ms. Browning, Ms. Oughton and himself to draft a letter or pamphlet to be sent out on behalf of the Board. This informational letter or pamphlet will be used to educate the facilities of the requirements under state law regarding the operation of these machines. A listing of these machines would need to be obtained from Department of Health & Human Resources' Radiological Health Program. Ms. Haye seconded the motion and the motion carried.

OLD BUSINESS

A. LEGISLATION-SECTIONS CHANGED

Mr. Bowyer informed the Board that the Legislative attorney has made a change to the Board's proposed legislation to update the disciplinary and complaint procedures as they are doing for all Chapter 30 licensing Boards.

Mr. Bowyer indicated that he had met with Don Perdue, Chairman of the Health and Human Resources Committee in the House of Representatives, regarding this legislation. Two legislators, Delegates Hatfield and Crosier, have agreed to sponsor this legislation and several others are contemplating signing on as sponsors to our legislation.

C. NURSE PRACTITIONER PERFORMING SCANS IN THE EMERGENCY ROOM

Mr. Bowyer informed the Board that he had been contacted by Laura Rhodes, Executive Director of the Registered Professional Nurses, regarding the impact of the sonography legislation on the ability of Nurse Practitioners to perform ultrasounds in the emergency room. After a discussion, it was agreed that the legislation allows Registered Nurses and Nurse Practitioner to perform point of care ultrasound in the Emergency Room. Dr. Gabriele made a motion that no action be taken on this situation. Ms. Godby seconded the motion and the motion carried.

B. MOUNTAIN STATE UNIVERSITY - PROGRAM STATUS

Mr. Bowyer informed the Board that he had contacted Jason Wilcox, Program Director at Mountain State University, to check on the progress being made on their MRI and CT programs. Mr. Wilcox responded that they were working on developing the curriculum for these programs but that no other action had been taken. Mr. Wilcox stated that they would inform the Board whenever they submit their accreditation packet and are ready to start accepting students.

NEW BUSINESS

A. EXECUTIVE DIRECTOR POSITION

Mr. Bowyer presented an amended job description for his position, since he has announced he will be retiring in April, 2012. A discussion followed regarding the required qualifications. It was agreed that the job description would be emailed to the Board members for comment. Mr. Bowyer indicated that he needed to know by March, 2011 what the starting salary for his replacement would be as that amount plus benefits must be included in the 2012 fiscal year budget. The entire amount must be submitted with the budget proposal in early May of 2011 for fiscal year 2012.

B. AMERICAN CHIROPRACTIC REGISTRY OF RADIOLOGIC TECHNOLOGISTS LETTER

Mr. Bowyer presented a letter that had been sent to the Board from the American Chiropractic Registry for Radiologic Technologists (ACRRT) requesting that they be recognized as a certifying body for chiropractic imaging technologists. After discussion, Ms. Browning made a motion that no action be taken on this request. Dr. Gabriele seconded the motion and the motion carried.

C. BOARD APPOINTMENTS

Mr. Bowyer informed the Board that he had sent a letter to former Governor Manchin requesting that Ms. Haye, Ms. Browning and Ms. Oughton be reappointed to this Board and that Tonya Layton, a nuclear medicine technologist, be appointed to the vacant position on the Board representing Nuclear Medicine. Mr. Bowyer received a response from the Governor's office thanking him for the Board's recommendations. The Governor's office stated that these individuals would be given every consideration for these positions. Mr. Bowyer received an email after the change of Governors that the appointments were still being considered but no decisions have been made.

D. SONOGRAPHY SURVEY

Mr. Bowyer informed the Board that a survey has been sent to the hospitals and other known offices that have Sonography equipment to determine an estimate on the number of people who will be affected by the proposed ultrasound legislation. Ms. Haye, who implemented the on line survey, stated that, at this time, there have been 20 responses from approximately 55 surveys that were sent out. The total number of sonographers listed in the responses is 104. Mr. Bowyer indicated that he would send out a second notice to the facilities that did not respond. Ms. Godby suggested that hospital HR departments be contacted because they would have complete knowledge regarding personnel working in sonography at their hospital.

MEMBER CONCERNS

A. AGENDA FORMAT

Mr. Bowyer brought up for discussion the agenda and minutes format. After a discussion by the Board, Ms. Haye made a motion to use the original format for minutes. Dr. Gabriele seconded the motion and the motion carried.

NEXT MEETING DATE AND LOCATION

The next meeting will be held at the Country Inns and Suites at Elkview WV on March 31, 2011.

The meeting will begin at 5:00 PM.

The meeting adjourned at 8:00 PM.

Minutes submitted by Randy Fink, Administrative Secretary.

APPROVED 3/31/2011

