

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

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June 2, 2010

**BOARD MEETING**

**Members Present**

Jamie Browning  
Melissa Haye  
Fred Gabriele M.D.  
Nancy Godby  
I. Elaine Moore M.D.  
Jean Morris  
Nancy Oughton  
Grace Peters

**Members Excused**

Alice Belmont, Chairperson  
Robert Smith M.D.  
James Wilson

**Office Staff**

Grady Bowyer  
Randy Fink  
Stacy Delong, Attorney

Guests: Mark Wilcox

Whereas Ms. Belmont, Chairperson, was absent, the meeting was called to order by Ms. Haye, Secretary, at 5:04 PM.

Ms. Haye established that a quorum was present.

Mr. Bowyer introduced Mark Wilcox who was representing the West Virginia Hospital Association to discuss questions regarding the pending Sonography legislation. Mr. Bowyer also introduced Stacy Delong who was representing the Attorney General's office in the absence of Ms. Cofer.

**MINUTES:**

A motion was made by Ms. Godby to accept the minutes of the December 1, 2009 meeting. Ms. Browning seconded the motion. The motion carried.

**FINANCIAL REPORT:**

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

**COMPLAINTS:**

**A. FINAL ORDER - KENNETH A. HARRISON**

Ms. DeLong informed the Board that Mr. Harrison had appealed the sanctions imposed by the Board to the Monongalia Circuit Court. After briefs were filed and a hearing held, the judge decided to reverse the Board's

Administrative Order, stating the Board was arbitrary and capricious in their decision. Ms. Cofer is researching what further legal action that can be taken in this matter.

B. 03-FY 2009 - HEARING - RECOMMENDATION ON FINAL ORDER

Ms. Godby informed the Board that a hearing was held in this matter and the Hearing Examiner recommended the Board take whatever action against this licensee as deemed necessary and appropriate. A certified letter will be sent to the licensee of the Board's decision and action. Dr. Moore made a motion to accept the recommendations of the Ethics Committee, Ms. Oughton seconded the motion. The motion carried.

C. 01-FY 2010 - FAILURE OF PRE-EMPLOYMENT DRUG SCREEN - CA SIGNED

Ms. Godby informed the Board that this licensee has signed the consent agreement and has paid all the administrative fees related to this case.

D. 02 - FY2010 - SELF REPORT OF DRUG ABUSE - CA SIGNED

Ms. Browning informed the Board that this licensee has signed the consent agreement and has paid all administrative fees related to this case. The licensee has also registered with FirstLab for the required random drug tests.

E. 03-FY 2010 - BREACH OF PATIENT CONFIDENTIALITY - CA SIGNED

Ms. Godby informed the board that this licensee had faxed in a signed copy of the consent agreement. A letter was sent informing the licensee that the Board must have the original signed Consent Agreement and payment of the Administrative fees must be made. Mr. Bowyer is awaiting a response.

F. 05-FY2010 - OPERATION OF BONE DENSITOMETRY BY MEDICAL ASSISTANT

Ms. Browning had notified Mr, Bowyer that a physician's office was operating a Bone Density machine without a properly licensed technologist. Mr. Bowyer visited the office but was unable to speak to the individual who was reported to be the operator. Mr. Bowyer issued a letter stating that they were to immediately cease operation of this machine unless the tests were preformed by a licensed technologist or the physician. Mr. Bowyer received a response that indicated that the machine had not been operated since the visit by Ms. Browning.

G. 06-FY2010 - USING UNLICENSED OPERATOR

Mr. Bowyer informed the board that a written complaint had been received concerning an orthopedic office in Charleston. The complaint stated:

1. There were no licenses posted in the X-Ray Room.
2. The operator did not have a name tag or dosimetry badge on.
3. The door to the X-Ray room was left open during the procedure.
4. No shield was given to cover the pelvic area.

Mr. Bowyer notified Ms. Browning regarding this complaint due to the fact that the DHHR covers a number of the items listed in the complaint. Ms. Browning informed the Board that she visited the office and stated that the Doctor had a dosimetry badge but the assistant did not. The Doctor stated that the assistant had "a better eye"

for positioning the patient while he made the exposure. The office had protective shields for the patients although none were offered to the patient. A sign informing the patients if they were pregnant to notify the Physician was displayed. Ms. Browning explained to the Board that it is not a requirement under the law to have doors on an X-Ray room, only that a distance of nine (9) feet must be maintained by individuals during the procedure. Mr. Bowyer stated that the office was in possible violation of the law for allowing the assistant to position the patient while the doctor took the exposure. Mr. Bowyer sent a certified letter to the office for a response and instructing them to cease allowing the assistant to position the patient, if they were indeed doing this. The office has ten (10) days to respond.

## **OLD BUSINESS:**

Ms. Haye, in order to recuse herself from any discussion on the following agenda item, left the meeting room. Mr. Bowyer moderated the discussions.

### **A. MOUNTAIN STATE - APPEAL OF CT PROGRAM REJECTION**

Mr. Bowyer addressed the Board regarding the information submitted by Mountain State University in response to the requirements for approval of their CT program. After an extended discussion, a motion was made by Ms. Browning that the program be approved with the following restrictions:

1. Clinical rotations will be allowed at the following locations only:
  - A. Alleghany Regional Hospital
  - B. Davis Memorial Hospital
  - C. Montgomery Regional Hospital
  - D. Plateau Medical Center
  - E. Raleigh General Hospital
  - F. Summersville Memorial Hospital
2. No new sites in West Virginia for clinical rotations will be allowed without the Board's approval prior to allowing students at that site;
3. If a JRCERT radiologic technology program in West Virginia becomes affiliated with one of the facilities listed above as a clinical site for their radiologic technology program, Mountain State University must relinquish that site for the CT program upon completion of the student's competencies who are currently at that site;
4. A student to CT certified instructor ratio of 1:1 must be maintained **at all times**.
5. A report must be submitted to the Board by July 1<sup>st</sup> annually. Although this program will not be accredited by the JRCERT, this report must state the same information for the CT program that is reported on the JRCERT Program Annual Report, page 3, which Mountain State University must submit for their Radiologic Technology and MRI programs to the JRCERT.
6. The students must be able to obtain the necessary Clinical Experience Requirements for CT in accordance with the ARRT's Guidelines which will enable them to be eligible to sit for the ARRT CT exam. The Clinical Experience Requirements must consist of 54 procedures in the 9 categories listed below:

- A. Head
- B. Neck
- C. Spine and Musculoskeletal
- D. Chest
- E. Abdomen
- F. Pelvis
- G. Special Procedures
- H. Image Display and Post Processing
- I. Quality Assurance

Candidates must complete and document the performance of a subset of these 54 procedures according to the following rules:

1. Choose a minimum of 25 different procedures out of the 54 procedures.
2. Complete a minimum of 3 and a maximum of 5 repetitions on any chosen procedure.
3. Complete a minimum total of 125 repetitions across all procedures

Dr. Gabriele seconded the motion and the motion carried.

Upon completion of the discussion and vote, Ms. Haye returned to the meeting.

#### B. CT TESTING FOR NUCLEAR & THERAPY

Ms. Haye informed the Board that she had received additional questions for the CT-FUSION test and is in the process of entering the questions and answers into a test bank program. Once this is completed, a variety of tests can be generated. Ms Haye indicated that as soon as the additional questions for the CT-Therapy test are submitted, they would also be entered into the test bank.

#### C. LOCKBOX

Mr. Bowyer informed the Board that the Treasurer's office could not get the Lockbox process refined and tested prior to the Board entering the heavy license time of the year.. He has informed them that we would not be able to participate in the program until February of next year.

#### D. RENEWING LICENSES WHILE ON CE PROBATION

Mr. Bowyer addressed the Board regarding a licensee's action which had been discussed at the last Board meeting. This licensee had renewed his license online but the ARRT webpage indicated the person was on CE Probation. After looking into the matter, Mr. Bowyer discovered that the licensee had submitted his Continuing Education credits to the ARRT prior to renewing online. The ARRT policy is that if a person is placed on CE Probation, even though they submit the required CE's, their status will still indicate CE Probation on their website for a period of six (6) months. The individual was actually in compliance and had not violated the Code of Ethics on his application.

### **NEW BUSINESS**

#### A. LEGISLATION

Mr. Bowyer addressed the board regarding the Sonography Legislation and opened the floor up to Mr. Wilcox. Mr. Wilcox presented the Board with a number of questions from the West Virginia Hospital Association including definitions of Point of Care, definition of non-diagnostic, and a number of other issues. After discussion, Mr. Bowyer informed the Board that the legislative committee would be meeting in the near future and the items that had been brought up would be addressed. Mr. Bowyer indicated that the modified legislation would be submitted to Society of Diagnostic Medical Sonographers (SDMS), American Society of Radiologic Technologists, West Virginia Hospital Association, the State Nursing Boards and the WV State Medical Association for comment.

B. ETHICS SIGNATURE PAGE BEFORE TESTING

Mr. Bowyer discussed the Ethics Signature document that had been prepared for candidates who were preparing to take the tests given by the Board. Ms. DeLong suggested some minor changes to better clarify the document. The changes will be incorporated into the future signature sheets.

C. TEMPORARY PERMITS ON-LINE

Mr. Fink addressed the Board regarding the new On-Line Temporary Permit process that was initiated at the office. Mr. Fink indicated that the process had been a complete success and was saving a considerable amount of clerical time. Mr. Fink also indicated that there seemed to be a considerable drop in the number of Temporary Permit applications this year.

D. BOARD MEMBER APPOINTMENTS

Mr. Bowyer informed the Board that the appointments of Dr. Smith, Ms. Browning, Ms. Haye, Ms. Oughton and Mr. Wilson will be expiring 6/30/2010. Ms. Browning, Ms. Haye and Ms. Oughton indicated that they were willing to be reappointed to the Board. Mr. Bowyer indicated that Mr. Wilson was preparing to retire and is not interested in being reappointed but would continue to serve until he is replaced. Mr. Bowyer indicated that he would contact Dr. Smith regarding his desire. Mr. Bowyer informed the Board that, by law, all of the current Board members could continue to serve until they are reappointed or replaced.

E. AGENDA FORMAT CHANGE

Ms. Godby presented the Board with a agenda format that is being used at her workplace. Ms. Godby discussed the advantages of this format over the one being used by the Board at this time. Ms. Godby indicated that this format helped track all of the items that were before the board by indicating if the item was in open or closed status eliminating any items being overlooked. Dr. Moore made a motion to adopt the new agenda format. Dr. Gabriele seconded the motion and the motion carried.

F. PERSONNEL EVALUATIONS

The Board entered into executive session to discuss the Personnel Evaluations.

The Board came out of executive session.

Ms. Haye discussed Mr. Fink's job performance using the Board's Employee Performance Appraisal Evaluation form submitted by Mr. Bowyer. Ms. Haye informed the Board that the evaluation indicated a overall rating score of 2.478 which equates to a pay percentage increase of 3.5%. Motion was made by Dr.

Gabriele and seconded by Ms. Godby to grant Mr. Fink the 3.5% raise, effective July 1, 2010. Motion passed.

Ms. Haye addressed the Board regarding Mr. Bowyer's job performance evaluation using the Board's Employee Performance Appraisal Evaluation form that was completed by Ms. Belmont, after consultation with the Board members. Ms. Haye told the Board that the evaluation indicated a overall rating score of 2.16, which equates to a pay percentage increase of 2.75%. Motion was made by Ms. Browning, seconded by Dr. Moore and passed. A sheet will be prepared and sent to all the Board members that were present at this meeting to sign indicating that they agree with the discretionary raises.

Dr. Moore addressed the Board regarding Mr. Bowyer's eventual retirement and the need for the Board to prepare for the transition to a new Executive Director. Dr. Moore stated that the Board needed to establish a committee with Mr. Bowyer to address the scope of the Executive Director position. Mr. Bowyer was asked to help design and test out a job description that would include a system to report monthly activities including, but not limited to, site inspections, violations, licensure compliancy, ethics and education (especially in the areas of drugs, HIPAA, and scope of practice).

#### G. ELECTION OF OFFICERS

Ms. Haye opened the floor for nominations for the office of Chairperson. Dr. Moore nominated Ms. Belmont. Ms. Haye asked if there were any other nominations for Chairperson, no other nominations were made. A motion was made and seconded that the nomination be closed. Ms. Belmont was elected Chairperson by acclamation. Ms. Haye opened the floor for nominations for Secretary. Ms. Godby nominated Ms. Haye. Ms. Haye asked if there were any other nominations for Secretary, no other nominations were made. A motion was made and seconded that the nomination be closed. Ms. Haye was elected Secretary by acclamation.

#### **Next Meeting Date and Location**

The next meeting will be held at the Sleep Inn, Charleston, WV on September 15, 2010. The meeting will begin at 5:00 pm.

The meeting was adjourned at 08:15 PM.

Minutes submitted by Randy Fink, Administrative Secretary.

MINUTES APPROVED SEPTEMBER 15, 2010