



WEST VIRGINIA MEDICAL IMAGING & RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS
1715 Flat Top Road / PO Box 638 / Cool Ridge, WV 25825-0638 / WEBSITE: www.wvrtboard.org
Phone: 304-787-4398 / Fax: 304-787-3030 / Email: wvrtboe@suddenlinkmail.com

BOARD MEETING
December 2, 2013
Charleston Marriott, Charleston WV

Members Present

Nancy Oughton, Board Chair
Eva Hallis, Board Secretary
Alice Belmont
Tuanya Layton
Grace Peters

Members Excused

Office Staff

Nancy Godby, Executive Director
Sharon Bleau, Office Secretary
Katherine Campbell, Attorney

I. CALL MEETING TO ORDER

The meeting was called to order at 5:00pm by Nancy Oughton, Board Chair at the Charleston Marriott Hotel in Charleston, WV.

II. RECOGNIZE GUESTS

There were no guests in attendance at the Board Meeting.

III. ESTABLISH QUORUM

Ms. Oughton established that a quorum was present.

IV. ACCEPT AGENDA

A motion was made by Tuanya Layton to accept the Agenda as presented, Grace Peters seconded, and the motion was approved by the Board.

V. APPROVAL OF MEETING MINUTES

- 1. September 19, 2013:** A motion was made by Alice Belmont to accept the Meeting Minutes for the September 19, 2013 Board Meeting, Ms. Peters seconded, and the motion was approved by the Board.

VI. OLD BUSINESS

- 1. Ethics and Consent Agreement Updates:** Nancy Godby provided the Board with an update of the following Ethics and Consent Agreements:

03-FY-2013, Brenda Tonkin: Ms. Tonkin was notified via email that the Board would be meeting on December 2, 2013 and responded that she was unable to get information ready in time but will submit for the next Board Meeting.



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05-FY-2014, Rita Petty: Ms. Petty has completed all elements of her Consent Agreement and paid both the Fine and Administrative Fee. This case is now closed and requires no further action.

2. **Board Candidate Update:** Ms. Godby informed the Board that there has been no action from the Governor's office related to the submission of candidates for the vacant Board positions. There was no action needed for this update. An update will be provided at the next Board Meeting.
3. **WV Oasis Update:** Ms. Godby provided the Board with copies of the October and November 2013 WV Oasis Newsletters. Ms. Godby stated meetings continue and that the Agency continues to meet all deadlines for submission of information. Planning meetings and requirements for additional information submission is ongoing. There was no action needed for this update. Additional information will be provided at the next Board Meeting.
4. **Legislative Audit Update:** Ms. Godby discussed steps taken thus far to address the recommendations of the Legislative Auditor in the September 2013 Audit Report. Ms. Godby stated that she has prepared an Action Plan related to the recommendations for the Website. The following items are underway: forwarded a copy of the website Action Plan to the webmaster at the Treasurer's Office; prepared a Privacy Statement and forwarded to the State Privacy Officer for review; prepared a Freedom of Information Act (FOIA) guidance document and request form and submitted to the Assistant Attorney General assigned to the Board for review, and, scheduled a conference call to discuss next steps for December 5, 2013. Additional information will be provided at the next Board Meeting.
5. **Sheath Program Update:** Ms. Godby informed the Board that West Virginia University Hospital has added a staff member to their existing program. A letter of approval was sent to the facility and licensee to confirm approval. There was no action needed for this update.
6. **Lease for Board Office:** Ms. Godby provided a breakdown of the costs associated with the current lease for the office in Cool Ridge, WV as well as for the three (3) options for relocation to Dee Drive in Charleston, WV. Costs at the Cool Ridge Office included fees paid for rent, utilities, snow removal, and mowing (average of \$513.34 each month). The Dee Drive location would include all these services within the monthly rental fee, and floor plans were provided for review. One unit is approximately 600 sq. ft. and quoted at \$662.50 monthly, and two additional units that are approximately 950 sq. ft. are quoted at \$1325.00 monthly. The property owner would allow the use of existing furniture within the



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cost of the lease. Kate Campbell offered a description of the available office space at the Dee Drive location and other Board offices located on Dee Drive. Discussion was undertaken to review cost for the available space(s) at Dee Drive in Charleston, WV compared to the cost of remaining at the current location in Cool Ridge, WV. After consideration, Ms. Layton made a motion for the Agency to remain at the current location in Cool Ridge WV unless the Agency is mandated to move, Ms. Hallis seconded, and the motion was approved by the Board. Ms. Godby was instructed to notify the Real Estate Division to start the lease renewal process for the current location.

VII. NEW BUSINESS

1. **Ethics Committee:** The Ethics Committee met with licensees and facility representatives for review of the following cases:

02-FY-2014, Practice Violation-Performing Imaging with a Lapsed License (rescheduled from September 19, 2013): Ethics Committee members for this case were Ms. Oughton and Ms. Belmont. Ms. Godby presented a summary of issues related to the practice violation-performing imaging with a lapsed license by this individual. Ms. Oughton informed the Board that the Ethics Committee found probable cause and recommends the standard consent agreement be offered to include \$100.00 fine and \$100.00 administrative fee. After discussion, Ms. Layton made a motion to accept the recommendation of the Ethics Committee, Ms. Hallis seconded, and the motion was approved by the Board.

04-FY-2014, Complaint - Termination for gross misconduct, including theft and violation of facility behavior standards (rescheduled from September 19, 2013): Ethics Committee members for this case were Ms. Oughton and Ms. Belmont. Ms. Oughton indicated the Ethics Committee met with this licensee today. The Committee asks the Board to reschedule this case to the next Board Meeting to allow for additional information to be obtained. After discussion, Ms. Layton made a motion to accept the recommendations of the Ethics Committee, Ms. Peters seconded, and the motion was approved. This case will be rescheduled for determination at the next Ethics Committee and Board Meeting.

07-FY-2014, Practice Violation-Performing Imaging with a Lapsed License: Ethics Committee members for this case were Ms. Oughton and Ms. Belmont. This case was originally reviewed during the September 19, 2013 Board Meeting with issuance of the standard consent agreement. Ms. Godby and Ms. Campbell presented a summary related to this



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complaint and the request for consideration of a modified consent agreement from the licensee. Ms. Oughton indicated that the Ethics Committee recommends rejection of the modified consent agreement and that the original consent agreement be reissued with a response deadline of fifteen (15) days with instructions that if the licensee rejects the offer their option would be to request a hearing in writing within the fifteen (15) day period. After discussion, Ms. Layton made a motion to accept the recommendation of the Ethics Committee and reissue the original standard consent agreement of \$100.00 fine and \$100.00 administrative fee. Ms. Hallis seconded, and the motion was approved by the Board.

09-FY-2014, Practice Violation- Performing Imaging with a Lapsed License: Ethics Committee members for this case were Ms. Oughton and Ms. Belmont. Ms. Godby indicated that this licensee requested this case to be rescheduled to the next Ethics Committee and Board Meeting. Ms. Oughton stated the recommendation of the Committee is to allow this case to be rescheduled. After discussion, Ms. Layton made the motion to allow this case to be rescheduled to the next Ethics Committee and Board Meeting, Ms. Peters seconded, and the motion was approved by the Board. This case will be rescheduled to the next Ethics Committee and Board Meeting.

10-FY-2014, Practice Violation- Performing Imaging with a Lapsed License: Ethics Committee members for this case were Ms. Oughton and Ms. Belmont. Ms. Godby presented a summary of the issues related to this case. Ms. Belmont stated the Ethics Committee found probable cause, recommended that the Board offer the standard consent agreement to include \$100.00 fine and \$100.00 administrative fee. After discussion, Ms. Layton made a motion to accept the recommendation of the Ethics Committee, Ms. Hallis seconded, and the motion was approved by the Board.

11-FY-2014, Practice Violation- Performing Imaging with a Lapsed License: Ethics Committee members for this case were Ms. Oughton and Ms. Belmont. Ms. Godby presented a summary of the issues related to this case. Ms. Belmont stated the Ethics Committee found probable cause, recommended that the Board offer the standard consent agreement to include \$100.00 fine and \$100.00 administrative fee. After discussion, Ms. Layton made a motion to accept the recommendation of the Ethics Committee, Ms. Peters seconded, and the motion was approved by the Board.



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12-FY-2014, Practice Violation- Performing Imaging with a Lapsed License: Ethics Committee members for this case were Ms. Oughton and Ms. Belmont. Ms. Godby indicated that this licensee requested this case to be rescheduled to the next Ethics Committee and Board Meeting. Ms. Belmont stated the recommendation of the Committee is to allow this case to be rescheduled. After discussion, Ms. Layton made the motion to allow this case to be rescheduled to the next Ethics Committee and Board Meeting, Ms. Hallis seconded, and the motion was approved by the Board. This case will be rescheduled to the next Ethics Committee and Board Meeting.

- 2. Financial Report:** Sharon Bleau presented a summary of the Financial Statements and Purchase Card (P-Card) transactions for September and October 2013. Discussion was undertaken to clarify purchases for object code 034 with expenses moved to object code 020 Office Expenses (\$365.73). Ms. Bleau informed the Board that this amount was charged to object code 034 in error and has now been corrected. Ms. Bleau pointed out that she has added the year to year revenue increase as requested by Ms. Belmont during the September, 19, 2013 Board Meeting. Ms. Godby provided a year to date snapshot of revenue and expenses for review. After discussion, Ms. Belmont made a motion to accept the financial report as presented, Ms. Peters seconded, and the motion was approved by the Board.
- 3. Executive Director Report:** Ms. Godby informed the Board verbally that the FY-2013 Annual Report was uploaded to both the Agency's Website and the Legislative Website on November 25, 2013. The report was also saved to disc and mailed to the Governor, Secretary of State, Senate Clerk and House Clerk on November 25, 2013. Ms. Godby provided a detailed report of her activities for September, October and November 2013. Site inspections were conducted in Cabell and Wood Counties. Ms. Godby attended WV Oasis Meetings; provided an oral response presentation at the Interim Joint Legislative Committees on September 24, 2013; Completed CLEAR Executive Leadership Training and attended the Annual CLEAR Conference in St. Louis MO; participated in JRCERT Site Visit at United Hospital Center; worked at the Cool Ridge Office October 22-23, 2013 while Sharon Bleau attended the Purchasing Conference at Pipestem; attended and provided two (2) presentations at the 2013 WVSRT Conference in Parkersburg; attended the 2013 Purchasing Conference at Stonewall Resort; and updated the website with items from the September 2013 Board Meeting. Community Service included PRIDE in Logan County Board and Dignity Hospice Board Meetings. Ms. Godby informed the Board of upcoming events that include ongoing site inspections; 2013 Annual Auditor's Seminar



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Board Training; PRIDE in Logan County Board Meetings; CLEAR Midyear Business Meeting (January 2014 in San Antonio TX); WV FIMS to Oasis (ongoing); and JRCERT Site Visit (January 2014 for WVUH-MRI Program).

After discussion, Ms. Layton made a motion to accept the Executive Director Report, Ms. Hallis seconded and the motion was approved by the Board.

(Note: A copy of the Executive Director Report follows as an attachment).

4. **Board Member Concerns:** There were no concerns offered for discussion, and no additional action was required.
5. **Joint Review Committee on Education in Radiologic Technology (JRCERT) Summary Report:** Ms. Godby provided a summary of the information received from the Joint Review Committee on Education in Radiologic Technology (JRCERT). Ms. Godby informed the Board that there are no issues within the summary in need of additional action by the Board at this time. Ms. Godby informed the Board that the findings from the United Hospital Center (UHC) site inspection conducted October 10-11, 2013 and the St. Mary's Medical Center (SMMC) site inspection on November 21-22, 2013 are confidential pending the final report from JRCERT and will not be discussed during this meeting. Ms. Godby also informed the Board that a site inspection is scheduled for the West Virginia University Healthcare Magnetic Resonance (WVUH-MR) Program for January 23-24, 2014 and plans are underway for Agency participation. Alice Belmont volunteered to participate in the WVUH-MR site inspection along with Ms. Godby. This item did not require a vote, and no further action was needed.
6. **American Registry of Radiologic Technologists (ARRT) notifications:** Ms. Godby provided copies of notifications received from the ARRT. The first notification provides future changes to the pricing structure of state licensing examinations, effective January 1, 2015, an include an increase of \$40.00 (from \$100.00 to \$140.00) for Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, and Post Primary Examinations (such as Mammography); and a \$25.00 increase (from \$100.00 to \$125.00) for Limited Scope of Practice in Radiography and Bone Densitometry Equipment Operator. Ms. Godby indicated that there are few requests for state examinations, with the last ones being for nuclear medicine. The second notification includes a list of ARRT Policy Implementation Dates detailing actions beginning January 1, 2010 through January 1, 2018. The third and final notification provides detail of results of litigation in the United States District Court of the Western District of Texas (Case 5:12-cv-00109-DAE; Document 96). This item did not require a vote, and no further action was needed.



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7. **Safety Committee Report:** Ms. Layton presented the December 2, 2013 Safety Committee Report on behalf of the Agency. There were no accidents or injuries to report, and staff members are commended for their dedication to assuring continued safety. After discussion, Ms. Belmont made a motion to accept the Safety Committee Report, Ms. Peters seconded, and the motion was approved by the Board.

(Note: A copy of the December 2, 2013 Safety Committee Report follows as an attachment).

8. **Resignation of Board Member:** Ms. Godby informed the Board that Ms. Peters had submitted her resignation as the Lay-member for the Board to the Governor with copies to the Board Chair and Agency. After discussion and commendation to Ms. Peters for her years of dedicated service to the Board, Ms. Hallis made a motion to accept the resignation of Ms. Peters with regrets, Ms. Layton seconded with regrets, and the motion was approved by the Board with regrets. Ms. Peters was presented with a certificate of recognition for her years of dedicated service to the Board.
9. **Board Member Pay, update:** Ms. Godby provided information related to the origin of the compensation limits for payment to Board Members for participation in meetings. Payment limits are set for all Chapter 30 Boards within § 30-1-11. Compensation of members; expenses, and § 4-2A-5. Interim compensation for members. This item did not require a vote, and no further action was needed.
10. **North Carolina Dental Board:** Ms. Campbell provided a verbal review of a case out of the Fourth Circuit, entitled "*Federal Trade Commission v. North Carolina State Board of Dental Examiners*". This item did not require a vote, and no further action was needed.
11. **Board Member Website Login:** Ms. Godby informed the Board that the secure login for "Board Member Information" discussed prior to the September 19, 2013 Board Meeting has been established and is operational. All documents for tonight's Board Meeting were successfully uploaded and available for review. Ms. Godby asked that all Board Members test their username and password to assure that they can successfully access the site. Board Members are to notify Ms. Godby if they have difficulty with access. Documents for the next Board Meeting will be emailed and also uploaded to assure access. If everyone is successful in accessing the secure site Ms. Godby will discontinue emailing documents. This item did not require a vote, and no further action was needed.



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12. Ultrasound (US) Guided Procedures: Ms. Belmont submitted an article found at "AuntMinnie.com" entitled "Nonrads now performing bulk of US-guided procedures" by Kate Madden Yee (AuntMinnine.com staff writer). This information will be retained for future reference in the event the Board decides to submit another Sunrise proposal to the Legislature for licensure of the practice of sonography. This item did not require a vote, and no further action was needed.

13. Conference Updates

- a) **CLEAR Executive Leadership Training and Educational Conference:**
Ms. Godby provided a review of the CLEAR Training and Educational Conference she attended in St. Louis MO and also detailed a savings of \$61.83 from the projected overall expense of the meeting.
- b) **2013 WVSRT Conference:**
Ms. Godby provided copies of the slides as well as the attendee evaluation for the two (2) PowerPoint Presentations provided on topics of "Scandal" and "Cultural Diversity". Ms. Godby also detailed a savings of \$129.55 from the projected overall expense of the meeting.
- c) **2013 Purchasing Division Conference:**
Ms. Godby provided a list of the topics attended during the 2013 Purchasing Division conference at Stonewall Resort.
- d) **CLEAR Board Member Training:**
Ms. Belmont and Ms. Campbell provided a verbal review of the CLEAR Board Member Training they attended on November 25, 2013. Ms. Belmont stated she will compile her notes from the meeting and forward to Ms. Godby.
- e) **Upcoming Conference:**
 - 1. **2014 ASRT Conference, June 26-29, 2014 in Orlando FL:**
Discussion was held in an effort to determine if a representative from the Board would attend the American Society of Radiologic Technologists (**ASRT**) Conference this year. Ms. Hallis stated that she would like to check first into the topics for the Conference as well as topics planned for the Association of Educators in Imaging & Radiologic Sciences (**AEIRS**) before the Board makes a determination and asked to table to the next Board Meeting.



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Board members agreed with final decision pending additional discussion at the next Board Meeting.

2. 2014 SNMMI Conference, February 6-9, 2014 in Palm Springs

CA: Discussion was held in an effort to determine if a representative from the Board would attend the Society of Nuclear Medicine and Molecular Imaging (**SNMMI**) Conference this year. Ms. Godby indicated that costs associated with attendance would be in the vicinity of \$3,000.00 and the travel budget would support doing so. Ms. Layton stated that she would like to attend if she can make the necessary arrangements to be away from work. After discussion, Ms. Belmont made a motion to allow Ms. Layton to attend the SNMMI Conference in Palm Springs CA, Ms. Peters seconded and the motion was approved by the Board.

3. 2014 CLEAR Conference, September 8-10, 2014 in New Orleans

LA: Ms. Godby reminded Board Members that this is part of the expectation for her participation as the 2014 Vice Chair of the Administration, Legislation and Policy Program Subcommittee for Council on Licensure Enforcement And Regulation (**CLEAR**) discussed and approved during the September 19, 2013 Board Meeting. After discussion, Ms. Belmont made a motion to approve Ms. Godby's attendance at the 2014 CLEAR Conference, Ms. Peters seconded, and the motion was approved by the Board.

VIII. Next Meeting Date and Meeting Location: Ms. Godby requested reconsideration of winter meeting dates due to unpredictable weather and the potential for travel difficulties during inclement weather. Ms. Godby asked to cancel the meetings planned for February 20, 2014 and April 24, 2014 and to add a meeting on March 13, 2014. Ms. Oughton suggested that the March meeting be held at the Braxton County Technology Center, (pending verification of availability). After discussion, Ms. Layton made a motion to cancel both the February 20 and April 24, 2014 Board Meetings and to add a meeting on March 13, 2014 at the Braxton County Technology Center (pending verification of availability). Ms. Peters seconded, and the motion was approved by the Board. Ms. Godby stated that she would leave the February and April dates on the website with a strikethrough and note that they were cancelled during this meeting along with the addition of the new meeting date of March 13, 2014.

IX. ADJOURN

A motion to Adjourn was made by Ms. Peters at 7:05pm, seconded by Ms. Hallis, and the motion was approved by the Board.



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Minutes submitted for consideration by Nancy Godby, Executive Director.
Minutes approved without modifications, March 13, 2014 Board Meeting.



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**Executive Director Report
December 2, 2013 Board Meeting**

1. Inspection Report: Inspections of thirteen (13) facilities (6 hospitals and 7 other facilities) with a verification of 194 licenses were completed in the following counties during September, October, and November 2013:
 - Cabell
 - Wood
2. Prepared and submitted information for the Procurement module of WV Oasis Budget that includes identification of locations and fixed assets.
3. Presented oral response to the Interim Joint Legislative Committees on September 24, 2013. Tuanya Layton attended as well.
4. Completed the CLEAR Executive Leadership Training and attended the Annual CLEAR Conference in St. Louis MO (September 30-October 5, 2013).
5. Participated in WV Oasis Training Meetings October 7 and 8; November 6 and 14.
6. Participated (along with Tuanya Layton) in the JRCERT Site Visit at United Hospital Center's Radiology Program, (October 10-11, 2013). Results of the visit are pending the JRCERT official report, but the visit went well with few recommendations.
7. Worked at the Cool Ridge Office October 22 and 23, 2013 while Sharon attended the Purchasing Conference at Pipestem.
8. Attended the 2013 WVSRT Conference in Parkersburg (October 25-27, 2013) and provided two PowerPoint presentations (SCANDAL and Cultural Diversity), with positive feedback from attendees. A copy of both presentations has been provided to the Board.
9. Attended the Purchasing Conference at Stonewall Resort (October 30-November 1, 2013).
10. Updates the website with approved board minutes, updated sanction list, and added the list of approved Board Meeting dates.
11. Community Service Organization Meetings, (used personal time and at personal expense):
 - a. Dignity Hospice, (Board Member), October 22, 2013.
 - b. PRIDE in Logan County, (Board Chair for this elder care and early childhood Community Services Organization), September 30, October 28 and November 25, 2013.



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12. Upcoming events:

- a. Inspections continue for the following counties: (Barbour, Brooke, Calhoun, Hancock, Marshall, Mercer, Monroe, Ohio, Preston, Raleigh, Randolph, Tyler, Wetzel, Wood);
- b. Annual Auditor's Seminar (December 3, 2013);
- c. PRIDE in Logan County Board Meeting (December 30, 2013 and January 27, 2014);
- d. CLEAR Midyear Business Meeting, (January 8-11, 2014 in San Antonio TX);
- e. WV FIMS to WV OASIS Training, (preparation ongoing).
- f. JRCERT Site Visit, St. Mary's Medical Center Radiology Program (November 21-22, 2013);
- g. JRCERT Site Visit, WVUH MRI Program (January 23-24, 2014).



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December 2, 2013 Safety Committee Report

1. **Office Safety**
 - a. No accidents or injuries to report.

2. **FLEET Management**
 - a. No accidents or injuries to report.

Staff members are commended by the Board for their dedication to assuring continued safety.