

WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

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NEWSLETTER 2005

This newsletter is published and mailed to the licensees so that they may be better informed of the operations of the Board. We encourage you to submit your comments and recommendations to the address above.

ON-LINE CREDIT CARD RENEWALS

The on-line credit card renewals that were implemented in September, 2003, have been a huge success. The Board has issued over 1,500 licenses by this procedure. An individual can renew their technologist license using Visa, Master Card, Discover Card, American Express and Diners Club by going to the Board's web page, www.wvrtboard.org and clicking on the "Credit Card on-line Renewals". This is a five (5) step process which, when completed, will allow the technologist to print a Conditional Certificate to allow them to work for seven (7) days until their annual renewal license is processed and mailed from the office. It is very important that you proceed through all the steps of the process. If you have problems with any of the steps in the process, please contact the office. Since Continuing Education verification is done by the office, it is vitally important that your name be listed on the ARRT's web page. If your name is not listed, it can delay the issuing of your annual renewal license until you verify compliance with the CE requirements to the office.

The Board has a Change of Information section on their web page. This section will allow you to notify the Board of changes in your address, employer status, telephone numbers, email addresses, etc. However, a **change of name will not be permitted**. A change of name requires a copy of your marriage certificate or court document to be submitted to the office. There is a \$ 15.00 fee for a Change of Name on a license.

Remember, the Board is **not** required to send you an application for renewal. It is your responsibility to keep your license current. The Board sends the renewal notices out as a matter of courtesy and will continue to do so for the foreseeable future.

IMPORTANT CE INFORMATION FOR LICENSE RENEWAL

All licensed technologist are required to submit evidence of twenty-four (24) hours of continuing education before licenses are renewed. To determine what is required, please read the statements below.

If you are **ACTIVE ARRT**, make a copy of your **active ARRT card** showing continuing education requirements have been met. Submit the copy of the card with your application for renewal and fee. If you have lost your ARRT card, you can go to the ARRT web page (www.arrt.org) and print out and submit your credential information. This is the only documentation you will need to submit for continuing education.

If you are **ACTIVE ARRT AND RENEW ON-LINE**, your CE biennium will be checked by the Board's staff on the ARRT web page. If you are not listed on the ARRT web page, you will need to submit documentation of twelve (12) hours of continuing education earned since your previous renewal or twenty-four (24) hours earned in the previous two (2) years before your annual license can be mailed to you. There are no exceptions to this - **DOCUMENTATION OF CE COMPLIANCE IS REQUIRED**. This CE documentation cannot be hand written information but must be provider certificates or some other official document.

If you are **NON-ACTIVE ARRT OR A GRANDFATHERED LICENSEE**, you must submit documentation that you have obtained twelve (12) hours of continuing education earned since your previous license renewal or twenty-four (24) hours earned in the previous two

(2) years. **DOCUMENTATION OF CE COMPLIANCE IS REQUIRED**. This CE documentation cannot be hand written information but must be provider certificates or some other official document.

If the appropriate documentation is not submitted with the renewal application and fee, a renewal license will not be issued until the requirements are met.

LEGISLATIVE UPDATE

The Series 1 Rule and the Series 5 Rule are being submitted to the Legislature for revision in 2006.

This legislation for the Series 1 Rule will increase the annual renewal fee to \$ 65.00. Since the Board is required, by law, to be self-sufficient, this increase is necessary. The Board has been trying to operate on monies based on 1997 costs, but, due to inflation, unfunded mandates, increases in investigations, and many other factors, this is not possible. All cost-saving measures have been done, however, the Board still loses a significant amount of money each fiscal year. Without this increase, the Board would cease to exist, and the era of the "button-pushers" would come back into existence. I don't believe anyone that has trained for two years of their life and passed the stringent examination of the American Registry would want just anyone taking x-rays.

The Series 5 Rule is the Standard of Ethics Rule. This Rule has been in existence as a Procedural Rule since 2003. The Board felt, with the increase in investigations of unethical cases, this Rule should be presented to the Legislature for consideration. If passed, this will make this Rule into law instead of the intent of the Board.

The Series 1 Rule and the Series 5 Rule have been through their public comment periods and the Legislative Rule Making Review Committee of the Legislature. Introduction of the legislation required to implement these changes will be introduced in the legislature towards the end of January, 2006.

The Board has submitted an application of Sunrise Legislation to enact legislation to add the disciplines of Nuclear Medicine, Magnetic Resonance Imaging, Ultrasound Technology and Radiologist Assistant/Radiology Practitioner Assistant to our Code. The Sunrise Application is a one-year study performed by the Legislature to determine if these disciplines should be licensed. If it is determined that licensure is warranted, enabling legislation will be written by a legislative committee and submitted for passage during the 2007 Legislative session. If legislation is submitted, the Board's name will be changed to the Medical Imaging and Radiation Therapy Board of Examiners.

BOARD MEETING HIGHLIGHTS FOR 2005

Meeting held on March 3, 2005

Minutes from December 2, 2004 meeting were approved. Report was given by Chairperson Moore and Ms. Peters concerning their review of the expenditures of the Board. It was determined that all cuts possible had been made and that no more cuts in expenditures were possible. Mr. Wilcox moved and Ms. Browning seconded the approval of the financial information.. Complaints were discussed. Complaint A - technologist dismissed for failure of drug screen for cause. Hearing was held and hearing examiner will be issuing a recommendation to the Board by the end of March, 2005. Complaint B - dental personnel taking hand/wrist x-rays - Attorney Skinner has had discussions with the Dental Board's attorney concerning this matter. Dental Board met on December 4, 2004 but did not discuss this issue. Attorney Skinner has explained the Board's position on this matter to the Dental Board's Executive Secretary and attorney. Assurance was received that this matter would be discussed at the Dental Board's March, 2005 meeting. Complaint C - forging of prescriptions - matter still continued since the case has not been presented to the Circuit Court. Complaint D - RN operating C-arm fluoroscopic unit in surgery:

Administrator of facility verbally acknowledged this was done. He stated the RN was disciplined and the use of a c-arm protocol for the OR procedure has been changed to prevent a re-occurrence. A written response will be submitted to the Board's office. Upon receipt of written response, a letter will be sent to the RN Board for possible disciplinary action against the RN for working outside the scope of practice. Information was presented concerning the status of the Board's Series 1 Rule before the Legislature. Old business discussions were held. An individual requesting a temporary permit will be sent a letter stating a temporary permit is only issued for individuals that have completed their school training within the previous six (6) months. The individual would have to pass a written examination before the Board would consider issuing a license. The Board decided to send a letter to Collins Career Center in Ohio telling them that the Board does not have the statutory authority to "recognize" a school. A report was given on the recent polling of Nuclear Medicine technologist concerning licensure. New business included Ms. Bellomy requesting the Board begin collection of email addresses of licensees and begin distribution of information via this method (such as newsletters). Ms. Bellomy requested the Board conduct a marketplace survey on the cost of licenses by other states and in-state Boards. Mr. Bowyer stated that the other state's licensure information was already published on the ARRT or ASRT web pages. Information on in state Boards will be gathered and distributed by the next meeting. Mr. Wilcox stated he has been in contact with Dr. Robert Smith concerning the issue of Radiologist Assistants (RA). Mr. Wilcox explained that RA's already have to be licensed by our Board. Mr. Wilcox requested Mr. Bowyer monitor legislation being introduced in case this issue arises.

Meeting held on June 9, 2005

Minutes and financial statements were approved. Complaints were discussed. Complaint A - dismissed for failure of drug screen for cause - motion was made, seconded and carried that the Board accept the recommendation of the hearing examiner and revoke the license of the individual. Attorney Skinner will draft an Order for Mr. Bowyer to send to the technologist. Complaint B - taking of hand/wrist x-rays by dental personnel - Board requested Attorney Skinner to send a letter to the Dental Board advising them that Board is considering legal action unless our law is adhered to. Complaint C - forging of prescriptions - letter will be sent to individual requesting a meeting with the Ethics Committee. Complaint D - Registered Nursing Board investigating nurse operating C-arm unit in surgery. Complaint E - application for renewal received from individual indicating conviction of a felony. Letter will be sent requesting more information concerning the felony conviction. Legislative update - Series 1 Rule implemented June 1, 2005. Rules for consideration by the 2006 legislature must be submitted to the Secretary of State and the Legislative Rule Making Review Committee by July 29, 2005 after public comment. Old Business - before Nuclear Medicine technologist can be added to our Code, the legislature requires a one-year study be conducted to determine if licensure of these individuals is warranted. The Board voted to submit the Sunrise Application for the study and also include MRI technologist, Ultrasound technologist and RA/RPA's. New business - letter received from individual concerning the permissible scope of practice of Radiologic Technology as it pertains to the Radiology Practitioner Assistant. After discussion, the board voted to send a letter stating that there did not appear to be any violation of any law or Rule of the Board. Personal evaluations - The Board approved raises for the Board staff with 1/2 being implemented July 1 with the remaining contingent upon the legislature's approval of raise for all state employees. Mr. Wilcox was elected Chairperson and Ms. Browning elected Secretary for the next year. Mr. Bowyer informed the Board that nothing has been done by the Governor's office concerning appointments.

Meeting held on October 26, 2005

Meeting called to order and minutes from June 9, 2005 meeting were approved as submitted. Financial Report was approved as submitted. Complaints were discussed. Complaint A - forging of prescriptions - motion was made and approved to accept the recommendation of the Ethics Committee and offer the individual a Consent Decree to resolve this matter. Attorney Skinner will prepare the Consent Decree and Mr. Bowyer will mail to the individual via certified mail. Complaint B - Taking of x-ray without written authorization - board was informed individual never responded to the notice of complaint letter. Board asked Mr. Bowyer to send another letter to individual requesting response. Complaint C - taking of hand/wrist x-rays by dental personnel - the dental board has rescinded their opinion on this matter and informed all dentist to cease and desist with this practice. This

information is also posted on the Dental Board's web page. Dr. Reesman made a motion to stop legal action against the Dental Board because of their compliance with our law. Complaint D - RN taking x-rays - Mr. Bowyer informed the Board that the RN Board has dismissed the complaint. Complaint E - reinstatement of voluntarily surrendered license - individual that voluntarily surrendered license after conviction of misdemeanor drug convictions has requested reinstatement. Letter sent to individual's attorney requesting information on the court disposition of the conviction. Case continued until information received. Mr. Bowyer informed the Board that the Series 1 Rule has been through the review by the Legislative Rule-Making Review Committee and is ready to be submitted to the Legislature in January, 2006. Series 5 Rule is still awaiting review by the Legislative Committee, but should be completed and ready for submission in January also. Discussion was held concerning the submission of the Sunrise Application for the one year study by the Legislature to add the disciplines of Nuclear Medicine, Ultrasound, MRI and RA/RPA to our law. Motion was made, seconded and passed to complete, refine and file the application prior to the December 1 deadline. Mr. Bowyer reported that there has not been any movement by the Governor's office to have the vacancies and re-appointments completed. Mr. Bowyer attended the WV Auditor's mandatory Seminar for State Licensing Boards meeting. It was learned at that meeting that all disciplinary Final Orders of the Board must be submitted to the Secretary of State's office for publication in the State Register. Also, questions concerning child support must be added to the applications.

SCHOOL INSPECTIONS HELD 2005

St. Mary's Medical Center - June 16-17, 2005 - Pending

COMPLAINT INFORMATION

The Board's Executive Director actively investigates any and all complaints reported to the office. These complaints can range from a simple misunderstanding of the law to a blatant violation of the law. As licensed technologists, everyone has an obligation to police your chosen profession. If you are aware of a violation of the WV Code or any of the rules, it is your moral and ethical responsibility to report these violations to the proper authorities. Reporting the infractions does not stop with a simple letter, but a willingness to stand up for your profession and be willing to testify, if needed. All efforts will be taken to try and maintain your confidentiality, however, you may be required to testify at a Board hearing or even appear in court. **Regardless, you must be willing to fight for your jobs and professionalism.**

SUMMARY OF COMPLAINTS/INVESTIGATIONS FY 2005

CASE # 01-2005: TECHNOLOGIST FORGING PRESCRIPTIONS

- A. Technologist called stating had been terminated from employment due to using a doctor's DEA number and writing prescriptions
- B. Subpoena Duces Tecum sent to employer to obtain information on termination
- C. Subpoena Duces Tecum sent to technologist's attorney to obtain information pertaining to arrest
- D. Prosecutor's office contacted to determine resolution of charges
- E. Case was continued by Board pending outcome of court resolution
- F. A Diversion Agreement was reached by the Prosecutor's office and Complainant
- G. Informal meeting held between Board's Ethics Committee and Complainant
- H. Ethics Committee recommendation will be submitted to the Board at their September, 2005 meeting.
- I. Consent Decree signed whereas license is suspended for one (1) year. The suspension is stayed and licensee is placed on probation for three (3) years and will be required to submit to random drug testing, complete 15 additional hours of CE's each year of the suspension, attend drug counseling, submit an annual report to the Board, have the employer submit a monthly report on the employees job performance and reimburse the Board the amount of \$ 1,450.00 for expenses related to the investigation and resolution of this complaint.

CASE # 02-2005: TECHNOLOGIST DISMISSED FOR FAILURE OF DRUG SCREEN FOR CAUSE

- A. Letter received from facility stating technologist had been dismissed for "failure of drug screen for cause"
- B. Subpoena Duces Tecum sent certified to facility for additional

- information
- C. Subpoena Duces Tecum sent certified to technologist for information
 - D. Information received from facility including copies of drug screen for facility and private laboratory
 - E. Signed receipt of delivery received from technologist indicating Subpoena Duces Tecum was received
 - F. Ethics Committee reviewed information received and submitted a Consent Agreement to technologist by certified mail
 - G. Consent Agreement returned by postal service as Unsigned
 - H. Board initiated a hearing with the technologist before a hearing examiner and was so notified by certified mail, which was also returned by postal service as Unsigned
 - I. Hearing held before hearing examiner with witnesses from the facility and executive director of the Board
 - J. Hearing examiner issued ruling of revocation of license for a minimum of three (3) years and reimbursement of administrative cost
 - K. Board approved hearing examiner's ruling and technologist so notified by certified mail which was signed for by the technologist.

CASE # 03-2005: RN UTILIZING C-ARM IN SURGERY

- A. Received telephone call stating an RN has been operating a c-arm fluoroscopic x-ray unit in surgery
- B. Letter sent to facility for response
- C. Letter received stating matter was true and disciplinary action had been taken against the RN
- D. Case dismissed by Board but information sent to the RN Board for possible disciplinary action by their Board

CASE # 04-2005: UNLICENSED MEDICAL ASSISTANTS OPERATING PODIATRY X-RAY EQUIPMENT

- A. Received phone call stating that unlicensed medical assistants were performing x-rays in a podiatrist office
- B. Letter sent to facility for response with cc to the Board of Medicine
- C. Letter received from podiatrist stating he is taking all x-rays in his office
- D. Case dismissed by Board but information sent to the Board of Medicine for possible disciplinary action by their Board

CASE # 05-2005: TAKING OF X-RAY WITHOUT WRITTEN AUTHORIZATION

- A. Letter received stating that licensee openly admitted to taking of an x-ray without written authorization
- B. Certified Notice of Complaint letter sent to licensee
- C. Matter pending; waiting for response from licensee

BOARD MEMBERS

Mark Wilcox, Chairperson
Radiologic Technologist
(304) 766-3808

Jamie Browning, Secretary
Department of Health Representative
(304) 558-6770

I. Elaine Moore, M.D.
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Radiologist
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Jeanne Morris
Lay Member
(304) 743-4681

Grace L. Peters
Lay Member
(304) 949-3790

Radiologic Technologist - Vacant
Radiologic Technologist - Vacant
Radiologist - Vacant

STAFF

Grady M. Bowyer, R.T. (R), Executive Director
Carol Blosser, Administrative Secretary

FINANCIAL INFORMATION

Beginning Balance as of July 1, 2004	\$ 32,405.54
Income Received FY 2004-05	\$ 130,180.54
Total Revenue for FY 2004-05	\$ 162,585.54
Disbursements for FY 2003-04	\$ 138,574.26
Balance in account as of 6/30/05	\$ 24,011.28

LICENSES ISSUED FY 2003-04

Permanent Licenses:	276 issued
Renewal Licenses:	2,046 issued
Podiatry Permits:	1 issued
Probationary License:	5 issued
Reinstatement:	177 issued
Temporary Licenses:	108 issued
Duplicate Licenses:	4 issued
Name change Fees:	8 issued
Roster of Licensees	2 issued
Fee for WV Examination	6 issued
Attorney Reimbursement	1

ADDITIONAL INFORMATION

Be sure to go to our web page for on-line renewal of your license, important information, license searches, pending legislation, etc. The address is:
[HTTP://WWW.WVRTBOARD.ORG](http://www.wvrtboard.org)