

WV Medical Imaging & Radiation Therapy Technology Board



## Virtual Board Meeting

Thu Jan 18, 2024 4:00 PM - 7:00 PM EST

### 1. Meeting to Order

The virtual board meeting was called to order at 4:09 PM on Thursday, January 18, 2024, by the Chairman of the Board, Tyson Judy.

Chairman Judy stated that according to the Secretary of State's statutory requirement for Open Meeting Notices (WV Code § 6-9A), this meeting notice was published on the Secretary of States Website on December 1, 2023.

### 2. Board's Mission

Chairman Judy stated the Board's purpose, mission and vision.

The purpose of the Board is to safeguard the public health, safety and welfare by regulating persons engaged in the practice of medical imaging.

The Board's Mission is to be the driving force behind the highest quality imaging and radiation safety standards in West Virginia through the licensure of educationally prepared and clinically competent professionals.

The Board's Vision is to ensure public safety through a highly skilled and qualified workforce across the entire state of West Virginia providing quality imaging and radiation therapy services in every community and clinical setting.

### 3. Guests

Chairman Judy noted that there were no guests in attendance.

### 4. Attendance

Board members in attendance were Chairman Tyson Judy, Secretary Dee Workman, Kristi Barnett, Tuanya Layton and Brian Martin. Executive Director, Jamie Browning and Assistant Attorney General, Adriana Marshall were also in attendance. Jeffrey Jones, Todd Resley, MD, and Erin Butcho, MD were excused.

### 5. Agenda

Secretary Workman made a motion to accept the agenda as presented. Ms. Barnett seconded the motion and the Board concurred.

### 6. Board Meeting Minutes - November 16, 2023

A motion was made by Ms. Barnett to approve the November 16, 2023, board meeting minutes. Mr. Martin seconded the motion and the Board concurred.

### 7. Old Business

#### a. 2024 FARB Forum

Chairman Judy reminded the board members and staff that funds have been approved to attend the 2024 FARB Forum January 25 - 28, 2023 in Fort Worth, TX.

**b. WV Legislative Auditor's Performance Evaluation & Research Division - 2023 Regulatory Board Review**

Chairman Judy reported that himself, Secretary Workman, Ms. Layton, Ms. Barnett and Director Browning met with the WV Legislative Auditor's Performance Evaluation & Research Division to discuss the 2023 Regulatory Board Review on February 22, 2023.

Chairman Judy also reported that the WV Legislative Auditor's Performance Evaluation & Research Division would be requesting additional information as the regulatory review proceeds.

**c. Board Member Openings**

Chairman Judy reported that there is a Radiologist Board Member position available and that the information is available at: <https://wvrtboard.gov/Career-Opportunities>.

**d. Telehealth Rules**

Chairman Judy reported that our Telehealth Rules went out for public comment on June 21, 2023 - July 22, 2023. Chairman Judy also stated that our rules passed the Legislative Rule-Making Committee on 11/1/2023. Senate Bill 89 and House Bill 4133 was introduced on 1/10/2024. House Bill 4133 on the House Committee on Health and Human Resources agenda for 1/18/2024.

**8. Professional Development**

**a. Purchasing Training for Boards and Commissions**

Chairman Judy reported that Director Browning participated in a virtual Purchasing Training for Boards and Commissions on 11/29/2023. The presentation slides were distributed for review and discussion.

**b. Purchasing Training - Preparing & Evaluating Requests for Proposals**

Chairman Judy reported that Director Browning completed the virtual Purchasing Training - Preparing & Evaluating Requests for Proposals on 1/10/2024. The presentation slides were distributed for review and discussion.

**9. Ethics**

Chairman Judy reported that the Ethics Committee, consisting of himself, Director Browning, Secretary Workman and AG Marshall had an informal meeting via video conferencing on January 18, 2024 prior to the Board Meeting to discuss Ethics case 04-FY-2022, 10-FY-2023, 01-FY-2024, 04-FY-2024, and 05-FY-2024.

**a. Executive Session**

A motion was made by Mr. Martin to enter into executive session at 4:16 PM to discuss Ethics case 04-FY-2022, 10-FY-2023, 01-FY-2024, 04-FY-2024, and 05-FY-

2024. The motion was seconded by Secretary Layton. After review of all available information the Board unanimously concurred.

A motion was made by Secretary Workman to exit out of executive session at 4:43 PM. The motion was seconded by Ms. Barnett. The Board unanimously concurred.

**b. 04-FY-2022**

Chairman Judy reported that 04-FY-2022 has entered into a consent agreement with a mandatory discipline program until 4/21/2025. Chairman Judy presented the board with the WV Pharmacy Recovery Network Discipline Program quarterly update for review and discussion.

No action was taken.

**c. 10-FY-2023**

Chairman Judy reported that a Summary Suspension Order had been issued on 5/25/2023 and a Hearing has held on 9/7/2023.

Mr. Martin made a motion for a Final Order to include the following: 1) Respondent must enroll in and agree to the terms of the West Virginia Pharmacy Recovery Network Discipline Program and 2) Respondent must provide the Board with documentation that she has tested negative for drugs and alcohol. Upon the Board's receipt of documentation that Respondent has enrolled in and agreed to the terms and conditions of the program and Respondent has obtained a negative test screen, the Board will immediately lift the suspension of Respondent's license. Respondent will remain on probation for a period of time as recommended by the West Virginia Pharmacy Recovery Network Program. Respondent's period of probation before the Board will end upon successful completion of the West Virginia Pharmacy Recovery Network Program. Respondent is required to submit certification of completion of the West Virginia Pharmacy Recovery Network Program to end her period of probation. Respondent shall reimburse the Board for the costs of the proceedings. Respondent is required to pay the cost of any drug and alcohol tests performed under the Program. Drug and alcohol tests showing Respondent as positive may result in the immediate suspension of Respondent's license until such time as Respondent submits a negative test result. Failure to adhere to monthly drug and alcohol tests will result in the immediate suspension of Respondent's license until Respondent submits a negative test result. A copy of the Final Order will be sent to the ARRT. Ms. Barnett seconded the motion and the Board unanimously concurred.

**d. 01-FY-2024**

Chairman Judy reported that the licensee allegedly failed to disclose certain information on his renewal application including a prior misdemeanor and a pending case with the ARRT.

Following a review and discussion of all available information, including the response received from the licensee's attorney on January 17, 2024, and ARRT case records,

Ms. Barnett made a motion to dismiss this case. Mr. Martin seconded the motion and the Board unanimously concurred.

**e. 05-FY-2024**

Chairman Judy reported that the licensee failed a "for cause" drug test.

Mr. Martin made a motion to initiate a complaint. After review and discussion of all the available information, Ms. Barnett seconded the motion and the Board unanimously concurred.

**10. Financial Reports**

Chairman Judy reported that the Finance Committee, consisting of himself, Secretary Workman and Director Browning met on January 18, 2024 to review the November 2023 and December 2023 financial reports.

**a. Financial Monthly Report - November 2023**

Chairman Judy reported that the November 2023 ending cash balance was \$497,652.73 with \$25,185.00 in total revenue and \$18,786.79 in total expenditures. Chairman Judy recommended approval.

Ms. Barnett made a motion to approve the November 2023 financial report as presented. After review of all available information, Mr. Martin seconded the motion and the Board unanimously concurred.

**b. Financial Monthly Report - December 2023**

Chairman Judy reported that the December 2023 ending cash balance was \$493,095.61 with \$20,568.00 in total revenue and \$25,125.12 in total expenditures. Chairman Judy recommended approval.

Ms. Layton made a motion to approve the December 2023 financial report as presented. After review of all available information, Mr. Martin seconded the motion and the Board unanimously concurred.

**11. Purchasing Card Reports**

Chairman Judy reported that the Finance Committee, consisting of himself, Secretary Workman and Director Browning met on January 18, 2024 to review the November 2023 and December 2023 Purchasing Card reports.

**a. Purchasing Card Monthly Report - November 2023**

Chairman Judy reported that there were \$1,723.55 in purchases and recommended approval.

Ms. Layton made a motion to approve the November 2023 Purchasing Card report as presented. After review of all available information, Ms. Barnett seconded the motion and the Board unanimously concurred.

**b. Purchasing Card Monthly Report - December 2023**

Chairman Judy reported that there were \$210.46 in purchases and recommended approval.

Ms. Layton made a motion to approve the December 2023 Purchasing Card report as presented. After review of all available information, Ms. Barnett seconded the motion and the Board unanimously concurred.

## **12. Director's Reports**

### **a. Director's Reports - November 2023**

Secretary Workman made a motion to approve the November 2023 Director's Report as presented. After review of all available information, Mr. Martin seconded the motion and the Board unanimously concurred.

### **b. Director's Report - December 2023**

Secretary Workman made a motion to approve the December 2023 Director's Report as presented. After review of all available information, Ms. Barnett seconded the motion and the Board unanimously concurred.

## **13. Medical Imaging Schools Report**

Ms. Barnett made a motion to approve the Medical Imaging Schools Report as presented. After review of all available information, Secretary Workman seconded the motion and the Board unanimously concurred.

## **14. Joint Advisory Committee Meetings**

Ms. Layton made a motion to have Director Browning attend the Medical Imaging Schools Joint Advisory Committee Meetings if permissible. After review of all available information, Secretary Workman seconded the motion and the Board unanimously concurred.

## **15. Office Lease Renewal**

Mr. Martin made a motion to renew the office lease with the WV Real Estate Division for \$14.52 per square foot or \$1,161.60 a month for the next 5 years. After review of all available information, Secretary Workman seconded the motion and the Board unanimously concurred.

## **16. Upcoming Meetings**

### **a. February 15, 2023**

Secretary Workman made a motion to have the next Board meeting on February 15, 2024. Ms. Barnett seconded the motion and the Board concurred.

## **17. Adjournment**

Mr. Martin made a motion to adjourn at 5:00 PM, Secretary Workman seconded the motion and the Board concurred.