

West Virginia Radiologic Technology
Board of Examiners

P. O. BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

December 19, 1997

The Honorable Cecil H. Underwood
Governor of West Virginia
State Capitol
Charleston, WV 25305

Dear Governor Underwood

In accordance with West Virginia Code 30-1-12, The West Virginia Radiologic Technology Board of Examiners presents herein our agency's Annual Report for Fiscal Year 1996-97, which includes itemized statements of our receipts and disbursements for that time period.

We have also enclosed a complete list of those persons licensed by our agency during the 1997 Fiscal Year.

Other information included is a list of our current Board Members, activities of the Board as recorded in our minutes, a listing of our Schools of Radiologic Technology and various other information.

Respectfully submitted



Grady M. Bowyer
Board Chairman



Alice S. Belmont
Board Secretary

xc: file
xc: Ken Heckler
Secretary of State
xc: Darrell Holmes
Clerk of the WV Senate
xc: Gregory M. Gray
xc: Barry Koerber

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I. LIST OF BOARD MEMBERS

West Virginia Radiologic Technology Board of Examiners

P. O. BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

BOARD MEMBERSHIP

Grady M. Bowyer, Chairman Environmental Health Services 815 Quarrier St., Suite 418 Charleston WV 25301-2616 PHONE: 304-558-3427 FAX: 304-558-0524	Radiologic Health Program	06/30/1998
Alice S. Belmont, Secretary Betty Puskar Breast Care Center P.O. Box 8064 Morgantown WV 26506-8064 PHONE: 304-293-1849 FAX: 304-293-6703	Radiologic Technologist	06/30/1997
W. Alva Deardorff, M.D. 1417 Robin Hood Road Charleston, WV 25314 PHONE: 304-766-7121 FAX: 304-768-0939	Radiologist	06/30/1999
Gary Marano, M.D. Radiological Consultants Associates 700 Village Drive Fairmont WV 26554 PHONE: 304-366-2600 FAX: 304-366-2080	Radiologist	06/30/1998
Patrick J. Oliverio, M.D. Radiological Consultants Associates 700 Village Drive Fairmont WV 26554 PHONE: 304-366-2600 FAX: 304-366-2080	Radiologist	06/30/1997
Deborah L. Smith CAMC Womens Comprehensive Care 830 Pennsylvania Avenue Charleston, WV 25302 Pager No: 304-341-5523 FAX: 304-348-2425	Radiologic Technologist	06/30/1998
Mark S. Wilcox 1310 Lyndale Drive Charleston WV 25314 PHONE: 304-342-4999	Radiologic Technologist	06/30/1999

II. BOARD MEETING MINUTES FY 1996-97

WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

Room 303
3049 Robert C. Byrd Drive
Beckley, West Virginia 25801

Minutes
November 19, 1996

MEMBERS PRESENT:
Deborah Smith, Chairman
Alice Belmont, Secretary
Mark Wilcox, (by phone)
Grady Bowyer

MEMBERS EXCUSED:
Gary Marano, MD
Patrick J. Oliverio, MD
W. Alva Deardorff, MD
Gail I. Michelson, Asst. Att.

GUEST PRESENT:
Denise Smith, WVSRT
Millie Yahya
Mary Casto, Exe. Sec.

The meeting of the West Virginia Radiologic Technologist Board of Examiners was held in the Bureau of Radiologic Health, 815 Quarrier Street Suite 234, Charleston, West Virginia, on November 19, 1996. The meeting came to order at 5:35 pm.

TOPIC

DISCUSSION

Approval of minutes

The minutes of the May 15, 1996 board meeting were amended to include that the disciplinary committee will be made up of 3 board members. Two board members will investigate complaints, however, it is strongly recommended that we add the third member to the investigative team. The investigative team will be the only board members who know the identification of individuals involved, and details of the complaints until after the investigation. The minutes were approved as amended.

Financial Report

Mary Casto, Executive Secretary, reviewed the Fiscal Year Financial reports from July 1, 1995-June 30, 1996 and Monthly reports from May-October 31, 1996. The beginning balance on July 1, 1995 was \$35,054.69, and the ending balance as of October 31, 1996 was \$28,722.84.

The financial report was approved as submitted.

IRS requirement that all taxes be paid electronically

It will be necessary for the Board to submit taxes electronically. The computer in Mary's office will

need to be on line. The IRS will supply the necessary software for submission of taxes.

Office Computer & Printer

The requirements for purchase of a computer and printer follow: The PC will be at least 100mHz, with 1.2 Gig hard drive. It should come with Windows 3.11. The monitor size should be at least 14". The hardware should include a keyboard, mouse, and a 33.6 data FAX modem. Lexmark Optra E printer quote will be obtained. It was estimated that these purchases may cost approximately \$2050.00 All items should have a 5 year warranty. Grady will obtain quotes for the above mentioned hardware and CD ROM, as well as, a laser color printer with an extra paper tray from appropriate sources for purchase. The total purchase price shall not exceed \$3,000.00 and the purchase should be made by 12/31/96.

Moving the WV Radiologic Technology Board of Examiners into the information age

Deborah proposed creating a home page on the Internet, and having WV licensing applications available to licensee's on line. Grady will speak with Information Systems Consulting about getting applications and rules and regulations on the Internet. Deborah will inquire other boards (LPN, Medicine and RN), to see which software they use to manage their information. Mary will contact the Dental board. Information will be given to Grady so that he can get a quote for the appropriate software purchase. A motion was made to purchase a software package that would allow applicants to access applications electronically from a home page, and allow Board information management. A package such as PC Anywhere or Microsoft Exchange was proposed, as well as, training for Mary. Deborah will call Man Power to see if they supply training.

Council on Licensure Enforcement & Regulation (CLEAR) Conference Report

Deborah's report conveys the responsibility and scope of the Regulatory Board with regard to quality of images, disabilities, drug screening, ethical conduct, tracking CME for non-RT's who were grandfathered under legislation, and the need to appoint public members to the board after January 1997. A meeting will be scheduled to decide about changes in our fees, drug screening, etc. Based on our law, we will ask Gail Michelson to investigate our jurisdiction concerning drug screening. In trying to reach

consensus concerning Board fees, other board fees were discussed for comparison of education and earning potential. It was proposed that a letter regarding the importance of the Board to the status of Radiologic Technologists as health care professionals in the state of WV, and the ability of the Board to conduct investigations should accompany a questionnaire which will be mailed to a random sample of healthcare facilities (# appropriate to cover the 2,600 RT's), in care of Radiology Directors requesting that technologists be polled for their input regarding license fees. Deborah will construct the letter to be sent to Radiology Directors requesting technologists consensus on fees. The directors will be asked to FAX response to the Board office. A conference call will be held to disseminate information to the Board members regarding the consensus on fees.

Investigatory Procedures
"Communicating What We
Have Done"

The two day seminar held in Charleston, WV on September 19 and 20, was attended by Dr. Deardorff, Deborah, Alice and Denise. A clearer picture of responsibilities, reporting requirements, and limitations of Boards and board members, were presented by Mr. James R. Jackson, founder of The RINAD Group.

License Denied

A request was received from an individual who had never taken the ARRT exam, but had taken the Maryland state exam, for reciprocity and Licensure in the state of West Virginia. The request was denied.

Federal Association of
Licensing Boards (FALB)

A proposal was made to consider becoming a member of this board in 1997, in order to keep informed of the information which is disseminated by this organization.

Joint Review Committee Site
Visits

The report from the WVUH visit- substantially in compliance.
The report from the St. Mary's visit- awaiting JRC ruling.

LPN News Annual Report

The LPN Board reports reprimands and suspensions using individual's names. We would use case #'s

and counties for identification. We want to send our annual report to each facility in the state this year. The cost of postage is of some concern.

Status of Informational Brochures

Mary reported that 9,000 brochures were ordered in July. 3,600 had been received by the end of October. The best case scenario would be to mail to each licensee, so they would know what is available to the public, and each healthcare facility statewide. The cost to mail to 2,600 licensee's would be \$832.00. Mailing costs for facilities would be \$580.00. The Board cannot afford the \$1,017.60 postage to send to all licensee's and facilities. It was proposed that brochures be sent to (50-55) facilities and that they be requested to post on the department bulletin boards for employee information. In the future, we will look into putting this information on the Home Page. Deborah will construct a cover letter which requests facilities to please post the brochure and make copies as necessary for their patient population. Grady will create facility labels for mailing.

Complaints for Disciplinary Review Committee

Mary will distribute copies of the complaints received to members of the committee for review and action.

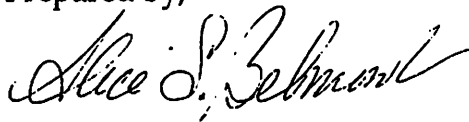
Review of Ruling on Nuclear Medicine Discussion 5/15/96

The letter by Gail Michelson regarding the Nuclear Medicine discussion 5/15/96 requesting permission for Nuclear Medicine technologists to perform bone densitometry imaging was reviewed. The ruling was against granting the request.

Adjournment

There being no further business, the Board adjourned at 8:45 pm.

Prepared by,



Alice S. Belmont

WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

Room 303
3049 Robert C. Byrd Drive
Beckley, West Virginia 25801
Minutes
June 10, 1997

MEMBERS PRESENT:
Deborah Smith, Chairman
Alice Belmont, Secretary
Mark Wilcox,
Grady Bowyer
W. Alva Deardorff, MD
Barry Koerber, Asst. Att. Gen

MEMBERS EXCUSED:
Gary Marano, MD
Patrick J. Oliverio, MD

GUEST PRESENT:
Mary Casto, Exe. Sec.

The meeting of the West Virginia Radiologic Technologist Board of Examiners was held in the Capital Complex Building 7 Conference Room C, Charleston, West Virginia, on June 10, 1997. The meeting came to order at 4:05 pm.

TOPIC

DISCUSSION

Approval of minutes

The minutes of the November 19, 1996 board meeting were approved as read.

Financial Report

Mary Casto, Executive Secretary, reviewed the Financial reports from November 1996, through April 1997. Mary noted the continuing declining bottom line. The financial report was approved as submitted.

Relocation of Board Offices

The relocation is complete, with utilities operational, and office organized. The former third floor office consisted of 200 sq. ft. at a monthly rent of \$205. The new ADA compliant office occupies 676 sq. ft. at a monthly rent of \$350. The owner has newly painted the interior walls and there is a reception area, records room, office space, and conference area. The office furniture is the original 1978 vintage, and is quite worn. There is a need for some updating and additions such as, desk, chair, and shelving. The Prison Industries may be a place to begin looking for the necessary items.

Computer equipment acquisition and training

The computer/printer and software have been purchased and installed. Grady Bowyer trained Mary Casto in the basics of the new applications. The board encouraged Mary to get additional training available through the College of West Virginia in Beckley, or in Charleston at the Capital. Mary will investigate training costs and class availability.

Complaints

#A-10,000 The Assistant Attorney General advised the Board, that The Supreme Court has ruled that complaints and findings are public for MD's and DO's and attorneys. Information requested under the freedom of information act must be provided at the conclusion of the investigation. Witnesses to the complaint should be contacted for further information gathering.

#A-10,001 Complaint investigated and dismissed

01-96 Complaint investigated and remains under investigation.

Look into hiring an investigator

The need for employing an investigator on a per diem basis was discussed. The tasks of investigating complaints thoroughly and professionally with the ability and time to follow up and do spot checking for compliance was addressed. The difficulty for follow up investigation by volunteer board members with full time jobs alsowas discussed. In order to properly research inspectors, the board would need resumés with references attached. The needs of this board for inspector tasks was discussed, and a suggestion that a job description for an inspector should be drafted. Grady and Alice will work on this.

Election of Officers

Grady Bowyer was nominated for Chairman of the Board accepted the nomination. Alice Belmont was nominated for Secretary and accepted the nomination. A vote was taken for each office and the nominees were elected.

Preparation for Public Hearing Adjournment

A discussion occurred concerning the public hearing on amending Rules and Regulations that govern this board. Mary Casto related that there have been about

Board Meeting Minutes
Continued

15 telephone calls received in the office on this topic. Deborah Smith will have a sign up sheet for attendee's to sign in so that they will be able to be called to speak during the hearing. The board will entertain all who sign up to speak during the hearing. At the end of the speaking period, Deborah will ask if there is any other who wishes to be heard. The hearing purpose is to listen to all who wish to speak and there will be

Date of next meeting

The next board meeting will be held July 10 at 5:00p.m. Mary Casto will notify board members of the location.

There being no further business, the Board Meeting was adjourned at 4:45 p.m.

Prepared by,


Alice S. Belmont

.III. FINANCIAL STATEMENT FOR FY 1996-97

West Virginia Radiologic Technology Board of Examiners

P. O. BOX 638
1715 FLAT TOP ROAD
CCOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

FINANCIAL STATEMENT

July 1, 1996 - June 30, 1997

Beginning Balance as of July 1, 1996 \$ 26,613.40

Income for 1996-97 FY

Permanent License Fees	190 issued	\$ 5,700.00	
Renewal License Fees	1040 issued	20,800.00	
Temporary License Fees	81	1,215.00	
Reinstatement Fees	40	600.00	
Change of Name Fees	11	22.00	
Duplicate License Fees	3	6.00	
Copies of Rules and Regulations	1	3.00	
Licensee List	0	0	
		<u> </u>	
Total Income Received 1996-97 FY			<u>28,346.00</u>

Total Revenue for 1996-97 FY \$ 54,959.40

Disbursements for 1996-97 FY

001 Payroll	\$ 15,673.84		
010 Administrative Fees	156.84		
011 Social Security Matching	1,106.25		
012 P/E Insurance Agency	3,845.38		
014 Workers' Compensation	103.24		
015 Dept. of Employment Security	171.87		
016 P/E Insurance Agency	1,486.97		
020 Office & Postal Expense	2,608.95		
021 Printing Expense	1,247.71		
022 Office rent	2,677.50		
023 Utilities (electric)	429.68		
024 Telephone Expense	539.93		
025 Office of the Attorney General	477.47		
026 Travel Expense	2,131.29		
027 IS & C (WVFIMS Services)	116.56		
031 Association Dues (CLEAR)	175.00		
032 WV Bd. of Risk & Insurance (liability ins.)	1,100.00		
038 Maintenance Contracts (copier & computer)	515.32		
051 Miscellaneous-Sign for office & mover)	451.90		
054 Computer Expenses (hardware, cables, etc.)	478.00		
170 Computer Purchase	2,050.00		
	<u> </u>		
Total Disbursements for 1996-97 FY			<u>37,543.70</u>

Balance in Account 8543-099 as of June 30, 1997 \$ 17,415.70

xc: Board Members - 8/28/97

.IV. LIST OF ACTIVE LICENSEES BY COUNTY
WEST VIRGINIA

ACTIVE LICENSEES BY COUNTY (WEST VIRGINIA)----- 1,744

BARBOUR	7	MONROE	8
BERKELEY	33	MORGAN	8
BOONE	14	NICHOLAS	20
BRAXTON	14	OHIO	60
BROOKE	18	PENDLETON	3
CABELL	132	PLEASANTS	5
CALHOUN	6	POCAHONTAS	11
CLAY	0	PRESTON	21
DODDRIDGE	4	PUTNAM	62
FAYETTE	47	RALEIGH	123
GILMER	1	RANDOLPH	23
GRANT	7	RITCHIE	6
GREENBRIER	34	ROANE	10
HAMPSHIRE	8	SUMMERS	10
HANCOCK	28	TAYLOR	7
HARRISON	113	TUCKER	6
JACKSON	25	TYLER	9
JEFFERSON	13	UPSHUR	8
KANAWHA	304	WAYNE	28
LEWIS	19	WEBSTER	4
LINCOLN	9	WETZEL	13
LOGAN	66	WIRT	8
MARION	66	WOOD	108
MARSHALL	34	WYOMING	22
MASON	20		
MCDOWELL	12		
MINGO	16		
MINERAL	15		
MONONGALIA	96		

V. COPIES OF APPLICATION FORMS

WEST VIRGINIA RADIOLOGIC TECHNOLOGY
BOARD OF EXAMINERS

P. O. BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

APPLICATION FOR RADIOLOGIC TECHNOLOGIST LICENSURE

(Please Print or Type)

PERSONAL INFORMATION

Name: _____ SSN# _____
(Last) (First) (M.I.)

Address: _____
(Street or PO Box)

_____ (County) (City) (State) (Zip Code)

Telephone #: () _____ Marital Status: Single _____ Married _____ Divorced _____ Widowed _____

Gender: Male _____ Female _____ Race/Ethnic Origin: Caucasian/White _____ Negro/Black _____ Asian _____ Hispanic _____ Other _____

Date of Birth: _____ Place of Birth _____
Mo/ Day/ Year (City) (State)

EMPLOYMENT INFORMATION

Employer: Primary _____ Other _____

Address: _____
_____ (County) (City) (State) (Zip) _____ (County) (City) (State) (Zip)

Working as an R.T. _____ Full Time _____ Part Time _____ No. of hours worked per week _____

Setting of Employment: Hospital _____ Private Practice _____ Clinic _____ Other _____

Specialty: Radiographer _____ Radiation Therapist _____ Other _____

Not working as an R.T. _____ (Please circle appropriate number) 3=Working in another field
4=Retired
5=Homemaker
6=Other _____

Have you ever been convicted of a felony in the past ten (10) years in this or any other state?
YES _____ NO _____ (If "yes", please give particulars and disposition on a separate sheet).

DECLARATION

I declare that the statements made herein and on accompanying papers have been examined by me and to the best of my knowledge and belief are true and correct. I further understand that a false statement knowingly made by me may be the cause for suspension or revocation of any license issued pursuant to this application and for criminal prosecution and punishment.

(DATE)

(SIGNATURE OF APPLICANT)

SECTION I: RENEWAL OF LICENSE (complete page 1 and this section) Fee: \$20.00
 -30 days after expiration date of present license: \$35.00

Present License No: _____ Expiration Date: _____

SECTION II: OBTAINING A LICENSE (complete page 1 and this section) Fee: \$30.00

A. Do you have a certificate from the American Registry of Radiologic Technologists?

yes _____ no _____
 (If "yes", please provide a copy with this application) ****NOTE: A license will not be issued without this.**

B. Name of High School _____ Year Graduated _____

Address _____ or

_____ Equivalency No _____

C. Have you successfully completed a 24 month course of study in Radiologic Technology approved by the West Virginia R.T. Board of Examiners, Section 18.1.4 of the Rules and Regulations?
 yes _____ no _____

D. Name & Address of Program _____

E. Dates attended: From, month & year _____ to, month & year _____

F. Have you ever been issued a license by the Board? Yes _____ No _____

If yes, under what name _____

G. Have you ever been issued a temporary permit by the Board? Yes _____ No _____

If yes, under what name _____

SECTION III: OBTAINING A TEMPORARY PERMIT Fee: \$15.00
 (complete page 1 and SECTION II Parts B-G)

To obtain a temporary permit, you must qualify and be scheduled for an examination; fill out SECTION II, parts "B" through "G". Please provide a copy of your diploma with this application. If a diploma is not available, provide a transcript of grades along with a letter from the program director verifying completion of the program.

DO YOU WANT A TEMPORARY PERMIT? Yes _____ No _____

Schedule of Fees for Services Rendered by the West Virginia Board of Examiners

LICENSE FEE	\$30.00	LICENSE RENEWAL FEE	\$20.00
TEMPORARY PERMIT FEE	\$15.00	REINSTATEMENT FEE (DELINQUENTS)	\$15.00
RECIPROCITY FEE	\$25.00	DUPLICATE LICENSE	\$ 2.00
CHANGE OF NAME	\$ 2.00	RULES & REGULATIONS	\$ 3.00

WEST VIRGINIA RADIOLOGIC TECHNOLOGY
BOARD OF EXAMINERS

P. O. BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825

PHONE: (304)787-4398 FAX: (304)787-4398

LICENSE RENEWAL APPLICATION

(Please Print or Type)

PERSONAL INFORMATION:

Name: _____
(Last) (First) (M.I.)

Address: _____
(Street or PO Box)

(County) (City) (State) (Zip Code)

Telephone #: () _____ Marital Status: Single _____ Married _____ Divorced _____ Widowed _____

License Number: _____ Expiration Date: _____

EMPLOYMENT INFORMATION:

Employer: Primary _____ Other _____

Address: _____
(Street or PO Box) (Street or PO Box)

(County) (City) (State) (Zip) (County) (City) (State) (Zip)

Working as an R.T. ? _____ Full Time _____ Part Time _____ No. of hours worked per week _____

Setting of Employment: Hospital _____ Private Practice _____ Clinic _____ Other _____

Specialty: Radiographer _____ Radiation Therapist _____

Not working as an R.T. _____ (Please Circle Appropriate Number) 3=Working in another field
4=Retired
5=Homemaker
6=Other _____

FEE - \$20.00

30 days after expiration date of present license: \$35.00

Have you ever been convicted of a felony in the past ten (10) years in this or any other state?

YES _____ NO _____ (If "yes", please give particulars and disposition on a separate sheet).

DECLARATION

I declare that the statements made herein and on accompanying papers have been examined by me and to the best of my knowledge and belief are true and correct. I further understand that a false statement knowingly made by me may be the cause for suspension or revocation of any license issued pursuant to this application and for criminal prosecution and punishment.

(Date)

(Signature of Applicant)

VI. LIST OF INDIVIDUALS LICENSED DURING FY 1996-97

**If you wish to have this list, please call or write
our office:**

**WV Radiologic Technology Board of Examiners
P. O. Box 395
Cool Ridge, WV 25825**

Telephone: (304)787-4398

VII. SUMMARY OF COMPLAINTS/INVESTIGATIONS

VII. SUMMARY OF COMPLAINTS/INVESTIGATIONS

1. CLINIC USING UNLICENSED PERSONNEL TO ADMINISTER X-RAYS
 - A. Investigated by Disciplinary Review Committee
 - B. Physician administering x-rays
 - C. Case Dismissed

2. CLINIC USING UNLICENSED PERSONNEL TO ADMINISTER X-RAYS
 - A. Investigated by Disciplinary Review Committee
 - B. Facility using two licensed radiologic technologists to administer x-rays. Board office records confirmed that these technologists hold active licenses.
 - C. Case dismissed.

3. PHYSICIAN USING UNLICENSED PERSONNEL TO ADMINISTER X-RAYS
 - A. Investigated by Disciplinary Review Committee
 - B. Physician employs a licensed radiologic technologist to operate Bone Densitometry Unit. Physician operates unit in her absence.

4. CLINIC USING UNLICENSED PERSONNEL TO ADMINISTER X-RAYS
 - A. Under investigation by Disciplinary Review Committee

VIII. LISTING OF WEST VIRGINIA SCHOOLS OF RADIOLOGIC TECHNOLOGY

West Virginia Radiologic Technology Board of Examiners

P. O BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

WV ACCREDITED SCHOOLS OF RADIOLOGIC TECHNOLOGY

Bluefied State College (304)325-7102
210 Rock Street
Bluefield, WV 24701
Program Director: Melissa O. Haye

Camden-Clark Memorial Hospital (304)424-2111
800 Garfield Avenue
Parkersburg, WV 26102
Program Director: Teresa J. Woollard

Ohio Valley Medical Center (304)234-8421
2000 Eoff Street
Wheeling, WV 26003
Program Director: Lisa K. Firestone

Southern WV Community College (304)792-4367
P. O. Box 2900
Logan, WV 25601
Program Director: Mary M. Holder

St. Mary's Hospital (304)526-1140
2900 1st Avenue
Huntington, WV 25701
Program Director: Mark E. Adkins

United Hospital Center, Inc. (304)624-2250
P. O. Box 1680
Clarksburg, WV 26301
Program Director: Rosemary Trupo

University of Charleston (304)357-4800
2300 MacCorkle Avenue, SE
Charleston, WV 25304
Program Director: David Goddin

Wheeling Hospital (304)243-3000
Medical Park
Wheeling, WV 26003
Program Director: Misty D. Kahl

WVU Hospitals, Inc. (304)293-2207
P. O. Box 6401
Morgantown, WV 26506
Program Director: Jay S. Morris

IX. SCHOOL INSPECTIONS FY 1996-97

SCHOOL INSPECTIONS FY 1996-97

THE FOLLOWING INSPECTIONS WERE MADE OF RADIOGRAPHY PROGRAMS IN WEST VIRGINIA FOR FY 1996-97. THESE SCHOOLS WERE INSPECTED BY THE WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS IN CONJUNCTION WITH THE JOINT REVIEW COMMITTEE ON EDUCATION IN RADIOLOGIC TECHNOLOGY, A NATIONAL ACCREDITING ORGANIZATION. THE MAXIMUM APPROVAL STATUS IS FIVE YEARS.

<u>SCHOOL</u>	<u>SITE VISIT</u>	<u>WV INSPECTOR(S)</u>	<u>APPROVED STATUS</u>
ST MARY'S HOSPITAL	SEPT. 16 & 17, 1996	DEBORAH L. SMITH	THREE YEARS
ST. MARY'S HOSPITAL	(Accreditation extended based on progress report received October 10, 1997)		TWO YEARS
UNITED HOSPITAL CENTER	APRIL 28, 1997	DEBORAH L. SMITH & ALICE S. BELMONT	FIVE YEARS

ST. MARY'S HOSPITAL

JRCERT

Joint Review Committee on Education in Radiologic Technology
20 N. Wacker Drive, Suite 900, Chicago, IL 60606-2901, Phone: (312) 704-5300
FAX: (312) 704-5304, E-Mail: jrcert@mail.idt.net, Web Site: <http://hudson.idt.net/~jrcert>

Chairman

Nadia Bugg, Ph.D., R.T.(R), FAERS
Midwestern State University
3410 Taft Boulevard
Wichita Falls, TX 76308-2099
(817) 689-1571

First Vice Chairman

Jordan B. Renner, M.D.
Department of Radiology, CB #7510
School of Medicine
University of North Carolina
Chapel Hill, NC 27599-7510
(919) 966-2886

Second Vice Chairman

Leroy R. Sparks, Ed.D., R.T.(R)
Professor Emeritus
City University of New York
3051 N.E. 48th Street, Apt. 409
Fort Lauderdale, FL 33308
(954) 491-8895

Secretary/Treasurer

Paul A. Larson, M.D.
Radiology Associates of the Fox Valley
1209 S. Commercial Street
Neenah, WI 54956
(414) 722-1582

Directors

Sarah S. Baker, M.Ed., R.T.(R), FASRT
Indiana University School of Medicine
School of Allied Health Sciences
Radiologic Sciences Program
Indianapolis, IN 46202-3111
(317) 274-5253

Donna Kay Dunn, M.S., R.T.(T)
Indiana University School of Medicine
School of Allied Health Sciences
Radiation Therapy Program
Indianapolis, IN 46202-3119
(317) 274-1302

D. Gay Lancaster, M.S.
Assistant County Administrator
315 Court Street
Clearwater, FL 34616
(813) 464-3485

Bill Moy, R.T.(R)
Itawamba Community College
602 W. Hill Street
Fulton, MS 38843-0999
(601) 862-3101

V. Amod Saxena, M.D., FRCR, FACR
Rush Presbyterian St. Luke's Medical Center
Department of Radiation Oncology
Chicago, IL 60612
(312) 942-5751

Executive Director

Marilyn Fay, M.A., R.T.(R)

April 18, 1997

J. Thomas Jones, M.H.A.
Chief Executive Officer
St. Mary's Hospital
2900 First Avenue
Huntington, WV 25702

RE: Program #34030000

Current Accreditation Status: 2 Years
Most Recent Site Visit: 09/96
Agenda: R-B

Dear Mr. Jones:

The Joint Review Committee on Education in Radiologic Technology (JRCERT) appreciated the opportunity to evaluate the radiography educational program sponsored by St. Mary's Hospital. Specialized accreditation awarded by the JRCERT offers institutions significant value by providing peer program evaluation and by assuring the public of quality professional education in the radiologic sciences.

The continuing accreditation status of the certificate program was considered at the April 1997 meeting of the Joint Review Committee on Education in Radiologic Technology. The program was evaluated according to the **Essentials and Guidelines of an Accredited Educational Program for the Radiographer (1994)**.

THE JRCERT AWARDS ACCREDITATION FOR A PERIOD OF THREE YEARS.

The maximum duration that may be awarded by the Joint Review Committee on Education in Radiologic Technology in this category is five years.

The U.S. Department of Education recognizes the JRCERT as the national agency for the accreditation of programs for the radiographer and radiation therapist. Accordingly, the JRCERT is responsible for all accreditation actions.

The attachment to this letter identifies the authorized number of students admitted to the first clinical term of the program for the institutions recognized as clinical education centers. It is the responsibility of the sponsoring institution to provide a copy of this letter to appropriate personnel at the clinical education centers.

West Virginia Radiologic Technology
Board of Examiners

ROOM 303
3049 ROBERT C. BYRD DRIVE
BECKLEY, WEST VIRGINIA 25801
PHONE: (304) 256-6985

May 1, 1997

J. Thomas Jones, M.H.A.
Chief Executive Officer
St. Mary's Hospital
2900 First Avenue
Huntington, WV 25702

Dear Mr. Jones:

It has been brought to my attention by Mark Adkins, Radiography Program Director that the letter you received dated 4/29/97 named University of Charleston as the program and on the certificate the accreditation period was five years. This letter will replace the letter with the discrepancy and a Certificate of Approval will be sent to Mr. Adkins with the correct period of accreditation. I apologize for any inconvenience this may have caused.

The educational program in Radiography sponsored by St. Mary's Hospital has been considered by the West Virginia Radiologic Technology Board of Examiners. The Board voted to recommend the program as an APPROVED radiologic technology program for THREE YEARS. The program was found to be in substantial compliance with Title 18 (Legislative Rules and Regulations of the WV Radiologic Technology Board of Examiners) Section 18-1-4, Subsections 4.1, 4.2, 4.3, 4.4 and 4.5 - Standards of An Approved School.

The Board requests a report by June 15, 1997, documenting progress toward achieving compliance regarding:

Document that students do not take responsibility or place of qualified staff on weekend, off hour and holiday assignments (provide a valid educational plan with learning objectives and competencies to be attained for these rotations). The Board will accept copies of the material provided the JRCERT to achieve this area of non-compliance.

Sincerely yours,

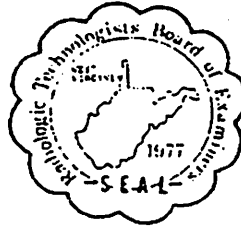
Mary Casto

Mary Casto

Administrative Secretary

xc: file

xc. Mark E. Adkins, M.S.Ed., R.T.(R)



State of West Virginia

Radiologic Technology Board Of Examiners

Certificate Of An Approved Educational Program
Granted May 1, 1997 for a period of 3 years

This certifies that

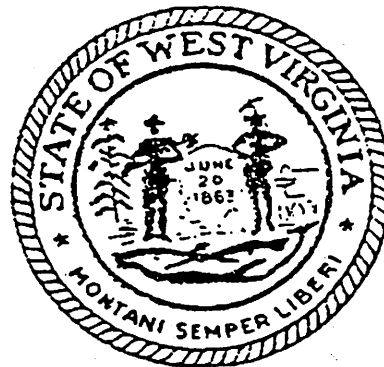
ST. MARY'S HOSPITAL

conducts an

Educational Program In Radiography

in compliance with Title 18 - Section 18-1-4, Subsections 4.1, 4.2, 4.3, 4.4 and 4.5 of the
Legislative Rules and Regulations of the WV Board of Examiners Of Radiologic Technologists

Chairman



Secretary

JRCERT

Joint Review Committee on Education in Radiologic Technology
20 N. Wacker Drive, Suite 900, Chicago, IL 60606-2901, Phone: (312) 704-5300
FAX: (312) 704-5304, E-Mail: jrcert@mail.idt.net, Web Site: http://hudson.idt.net/~jrcert

RECEIVED
10/14/97 DATE:
W W RADIOLOGIC TECHNOLOGY
BOARD OF EXAMINERS

October 10, 1997

Chairman
Nadia Bugg, Ph.D., R.T.(R), FAERS
Midwestern State University
3410 Taft Boulevard
Wichita Falls, TX 76308-2099
(940) 689-4571

First Vice Chairman
Jordan B. Renner, M.D.
Department of Radiology, CB #7510
School of Medicine
University of North Carolina
Chapel Hill, NC 27599-7510
(919) 966-2886

Second Vice Chairman
Leroy R. Sparks, Ed.D., R.T.(R)
Professor Emeritus
City University of New York
3051 N.E. 48th Street, Apt. 409
Fort Lauderdale, FL 33308
(954) 491-8895

Secretary/Treasurer
Paul A. Larson, M.D.
Radiology Associates of the Fox Valley
1209 S. Commercial Street
Neenah, WI 54956
(920) 722-1582

Directors
Sarah S. Baker, M.Ed., R.T.(R), FASRT
Indiana University School of Medicine
School of Allied Health Sciences
Radiologic Sciences Program
Indianapolis, IN 46202-5111
(317) 274-5253

Donna Kay Dunn, M.S., R.T.(T)
Indiana University School of Medicine
School of Allied Health Sciences
Radiation Therapy Program
Indianapolis, IN 46202-5119
(317) 274-1302

D. Gay Lancaster, M.S.
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315 Court Street
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(813) 464-3485

V. Anand Saxena, M.D., FRCR, FACR
Rush Presbyterian St. Luke's Medical Center
Department of Radiation Oncology
Chicago, IL 60612
(312) 942-5751

Janis Stiewing, M.S., R.T.(R)(C)
Pima Medical Institute
1627 Eastlake Ave. East
Seattle, WA 98102
(206) 322-6100

Executive Director
Marilyn Fay, M.A., R.T.(R)

J. Thomas Jones, M.H.A.
Chief Executive Officer
St. Mary's Hospital
2900 First Avenue
Huntington, WV 25702

RE: Program #34030000
Current Accreditation Status: 3 Years
Most Recent Site Visit: 09/96
Agenda: R-G

Dear Mr. Jones:

After review of the requested progress report, the continuing accreditation status of the certificate radiography program sponsored by St. Mary's Hospital was considered at the October 1997 meeting of the Joint Review Committee on Education in Radiologic Technology. The program was evaluated according to the Essentials and Guidelines of an Accredited Educational Program for the Radiographer (1994).

The JRCERT accepts the progress report and awards the following status:

EXTENSION OF ACCREDITATION FOR A PERIOD OF TWO YEARS.

This extension equates to an award of 5 years of accreditation effective from the date of the last site visit. Based on this extension, the next site visit is tentatively scheduled for Summer 2001.

The U.S. Department of Education recognizes the JRCERT as the national agency for the accreditation of programs for the radiographer and radiation therapist. Accordingly, the JRCERT is responsible for all accreditation actions.

The Joint Review Committee on Education in Radiologic Technology Directors and staff congratulate you and the program faculty and wish you continued success in your efforts to provide a quality educational program. If we can be of further assistance, do not hesitate to contact us.

Sincerely,



Nadia Bugg, Ph.D., R.T.(R), FAERS
Chairman

NB/MLH/is

copy: Program Director: Mark E. Adkins, M.S.Ed., R.T.(R)
Medical Dir./Adv: Paul V. Akers, M.D.
West Virginia: Mary Casto
Accreditation Services Coordinator

West Virginia Radiologic Technology
Board of Examiners

P. O. BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

October 17, 1997

J. Thomas Jones, M.H.A.
Chief Executive Officer
St. Mary's Hospital
2900 First Avenue
Huntington, WV 25702

Dear Mr. Jones:

As a result of the progress report submitted to our Board, the West Virginia Radiologic Technology Board of Examiners has voted to extend the St. Mary's Hospital Radiography Program as and Approved educational program for a period of TWO YEARS. This equals an Approved program for Five Years from the date of the last site visit.

We are submitting a Certificate of Approval for this extension of Approval of TWO YEARS, to Mark Adkins, M.S.Ed.,R.T.(R).

Sincerely yours,



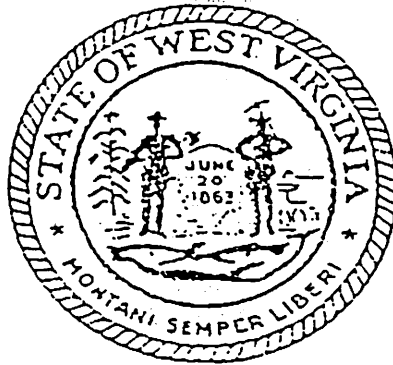
Grady M. Bowyer
Board Chairman

xc: file

xc: Mark E. Adkins, M.S.Ed.,R.T.(R)

State of West Virginia

Radiologic Technology Board Of Examiners



Certificate Of An Approved Educational Program
Granted October 17, 1997 for a period of 2 years.

This certifies that

ST. MARY'S HOSPITAL

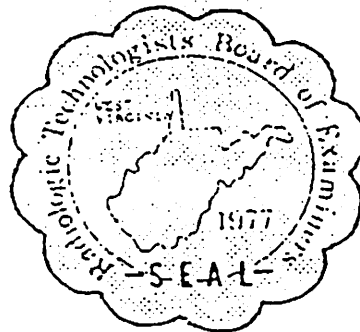
conducts an

Educational Program In Radiography

in compliance with Title 18 - Section 18-1-4, Subsections 4.1, 4.2, 4.3, 4.4 and 4.5 of the
Legislative Rules and Regulations of the WV Board of Examiners Of Radiologic Technologists.

Tom Sawyer, RT

Chairman



Alice S. Belmont

Secretary

UNITED HOSPITAL CENTER, INC.

JRCERT

Joint Review Committee on Education in Radiologic Technology
20 N. Wacker Drive, Suite 900, Chicago, IL 60606-2901, Phone: (312) 704-5300
FAX: (312) 704-5304, E-Mail: jrcert@mail.idt.net, Web Site: <http://hudson.idt.net/~jrcert>

RECEIVED
10/14/97 DATE
W. VA. RADIOLOGIC TECHNOLOGY
BOARD OF EXAMINERS

October 10, 1997

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Midwestern State University
3410 Taft Boulevard
Wichita Falls, TX 76308-2099
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First Vice Chairman
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Department of Radiology, CB #7510
School of Medicine
University of North Carolina
Chapel Hill, NC 27599-7510
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Janis Stiewing, M.S., R.T.(R)(CV)
Pima Medical Institute
1627 Eastlake Ave. East
Seattle, WA 98102
(206) 322-6100

Executive Director
Marilyn Fay, M.A., R.T.(R)

Bruce C. Carter
President
United Hospital Center
#3 Hospital Plaza P.O. Box 1680
Clarksburg, WV 26301

RE: Program #33980000
Current Accreditation Status: 5 Years
Most Recent Site Visit: 04/97
Agenda: R-F

Dear President Carter:

The Joint Review Committee on Education in Radiologic Technology (JRCERT) appreciated the opportunity to evaluate the radiography educational program sponsored by United Hospital Center. Specialized accreditation awarded by the JRCERT offers institutions significant value by providing peer program evaluation and by assuring the public of quality professional education in the radiologic sciences.

The continuing accreditation status of the certificate program was considered at the October 1997 meeting of the Joint Review Committee on Education in Radiologic Technology. The program was evaluated according to the Standards for an Accredited Educational Program in Radiologic Sciences (1997).

THE JRCERT AWARDS ACCREDITATION FOR A PERIOD OF FIVE YEARS.

The maximum duration that may be awarded by the Joint Review Committee on Education in Radiologic Technology in this category is eight years.

The U.S. Department of Education recognizes the JRCERT as the national agency for the accreditation of programs for the radiographer and radiation therapist. Accordingly, the JRCERT is responsible for all accreditation actions.

The attachment to this letter identifies the number of students per first clinical term, as provided by the program, for the institution recognized as a clinical education setting. It is the responsibility of the sponsoring institution to provide a copy of this letter to appropriate personnel at the clinical education setting.

The JRCERT requests a report by October 28, 1998, documenting progress toward achieving compliance with the following STANDARD:

- 11.7 Document that the program monitors planning activities and evaluation processes to document ongoing program effectiveness and satisfaction.

The JRCERT will consider extending the award of accreditation to eight years, or maintaining or reducing the accreditation award, without an additional site visit, following receipt and evaluation of the requested progress report.

As required by the United States Department of Education and consistent with JRCERT Policy 10.200, the program must document compliance with the STANDARDS within 24 months from the date of this accreditation action.

The Joint Review Committee on Education in Radiologic Technology Directors and staff congratulate you and the program faculty and wish you continued success in your efforts to provide a quality educational program. If we can be of further assistance, do not hesitate to contact us.

Sincerely,



Nadia Bugg, Ph.D., R.T.(R), FAERS
Chairman

NB/LFW/is

copy:	Program Director:	Rosemary V. Trupo, B.A., R.T.(R)
	Medical Advisor:	Gerard J. Murphy, M.D.
	Dean:	Jacqueline M. Brumage, B.S., R.T.(R)
	Site Visitors:	Cynthia S. Felske, R.T.(R)
		Rachelle M. Brenton, R.T.(R)
	West Virginia:	Mary Casto
	Accreditation Services	Coordinator

West Virginia Radiologic Technology
Board of Examiners

P. O. BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

October 15, 1997

Bruce C. Carter
President
United Hospital Center, Inc.
P. O. Box 1680
Clarksburg, WV 26301

Dear President Carter:

The educational program in Radiography sponsored by the United Hospital Center, Inc. has been considered by the West Virginia Radiologic Technology Board of Examiners. The Board voted to recommend the program as an approved radiologic technology program/school for a period of FIVE years. The program was found to be in substantial compliance with Title 18 (Legislative Rules and Regulations of the West Virginia Radiologic Technology Board of Examiners) Section 18-1-4, Subsections 4.1, 4.2, 4.3, 4.4 and 4.5 - Standards for An Approved School.

A Certificate of Approval has been forwarded to the Program Director along with a copy of this letter.

Sincerely yours,

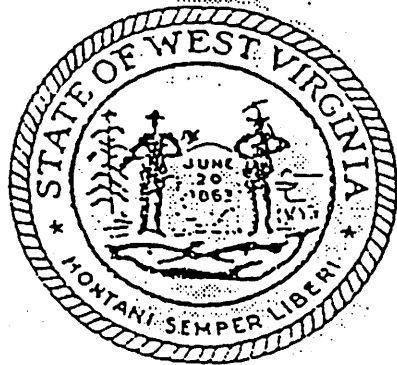


Grady M. Bowyer
Board Chairman

xc: file

xc: Rosemary V. Trupo, B.A., R.T. (R)
Program Director

State of West Virginia
Radiologic Technology Board Of Examiners



Certificate Of An Approved Educational Program
Granted OCTOBER 15, 1997 for a period of 5 years.

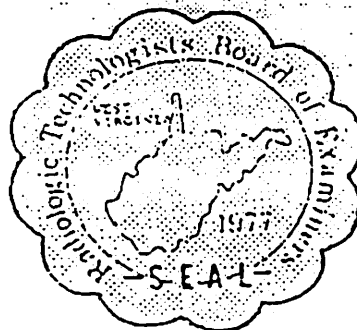
This certifies that

UNITED HOSPITAL CENTER, INC.

conducts an

Educational Program In Radiography

in compliance with Title 18 - Section 18-1-4, Subsections 4.1, 4.2, 4.3, 4.4 and 4.5 of the
Legislative Rules and Regulations of the WV Board of Examiners Of Radiologic Technologists.



Tom Surges, RT

Chairman

Alice S. Belmont

Secretary

X. TEMPORARY PERMITS ISSUED BY 1996-97

A. SCHOOL

B. NUMBER OF PERMITS ISSUED

C. AVERAGE SCORE PER SCHOOL

X. TEMPORARY PERMITS ISSUED IN FY 1996-97

SCHOOL	TEMPORARY PERMITS ISSUED	AVERAGE SCORE
BLUEFIELD STATE COLLEGE	18	88%
CAMDEN-CLARK MEMORIAL HOSPITAL	4	87%
OHIO VALLEY MEDICAL CENTER	2	82%
SO. WV COMMUNITY COLLEGE	11	85%
ST. MARY'S HOSPITAL	10	82%
UNITED HOSPITAL CENTER	5	86%
UNIVERSITY OF CHARLESTON	15	86%
WHEELING HOSPITAL	6	83%
WVU HOSPITALS, INC.	10	85%

XI. NEWSLETTER 1996

WEST VIRGINIA RADIOLOGIC TECHNOLOGY

Board of Examiners

Room 303

3049 Robert C. Byrd Drive
Beckley, West Virginia 25801

Phone: (304) 256-6985

NEWSLETTER 1996

Members of the WV Radiologic Technology Board of Examiners have authorized publication of a newsletter to licensees so that they may be better informed of the operation of the Board. This is the first of such publication. We anticipate that the newsletter will be published annually during January of each year. We encourage you to submit recommendations you have about information you would like to see included in the newsletter. Submit your comments & recommendations to the address above.

HISTORY OF THE BOARD

Purpose: Chapter 30, Article 23, Section 1 of the West Virginia Code was passed by HB 483 on July 1, 1977. Our Rule and Regulations were promulgated July 1, 1978.

30-23-1 "The Legislature finds and declares that in the interest of public health the people of this state should be protected from excessive and improper exposure of ionizing radiation. It is the purpose of the article to establish minimum standards of education, training and experience for radiologic technologists and to prescribe means for assuring that the standards are met".

Title 18 - Legislative Rules for Radiologic Technologists:

18-1-1 Scope: Except as otherwise specifically provided, these regulations apply to all persons in West Virginia who apply X-rays or assist in the application of X-rays to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner. These regulations establish the general rule for licensure of Radiologic Technologists in West Virginia.

LEGISLATIVE UPDATE

On March 9, 1996, Senate Bill 358 was passed. Several provisions of this bill will impact Radiologic Technologists practicing in the State of West Virginia.

Legislative Findings and Declarations:

1. As a matter of public policy the practice of Radiologic Technology is a privilege and not a natural right of individuals. The fundamental purpose of licensure is to protect the public and any license issued to Radiologic Technologist is a revocable privilege.

2. Any person licensed by this Board has a duty to report to the Board any observed violation of practice act of the Board's Rules and Regulations by any person licensed by the Board.

3. This Board is authorized to suspend or revoke, enter into a consent agreement, to reprimand, enter in probation orders. Any person who violates any provision of this article, any Rules and Regulations shall be guilty of a misdemeanor upon conviction thereof shall be fined not more than \$1,000 or imprisoned in the county jail not more than six months or both fined and imprisoned.

4. Boards may set by rule fees relating to the licensing of individuals which shall be sufficient to enable the board to carry out effectively its responsibility of licensure and discipline of individuals subject to its authority: Provided that when any board proposes to promulgate a rule regarding fees for licensing, that board shall notify its membership of the proposed rule by mailing a copy of the proposed rule to the membership at the time that the proposed rule is filed with the Secretary of State for publication in the state register in accordance with Section 5, Article 3, chapter 29A of this code.

5. Each Board referred to in this chapter shall establish continuing education requirements as a prerequisite to license renewal.

6. Every board referred to in this chapter is authorized to promulgate rules in accordance with the provisions of Chapter 29-A of this code to delineate conduct practices or acts which, in the judgement of the board, constitute professional negligence, a willful departure from accepted standards of professional conduct or which may render an individual unqualified or unfit for licensure, or other authorization to practice.

FINANCIAL INFORMATION

Beginning Balance as of July 1, 1995	\$35,054.69
Income Received FY 1995-96	<u>21,740.00</u>
Total Revenue for FY 1995-96	\$56,794.69
Disbursement for FY 1995-96	<u>30,181.29</u>
Balance in account as of 6/30/96	\$26,613.40

BOARD MEETING HIGHLIGHTS

1. Accepted annual financial report for FY 1995-96
2. Accepted report of Deborah Smith on conference held by the Council on Licensure & Enforcement (CLEAR) which gave the Board valuable guidelines on how to operate in a more efficient and effective manner.
3. Accepted report by Deborah Smith on "Investigatory Procedures" which gave the Board guidelines on how to more effectively investigate complaints.
4. Received complaints to be considered by our Disciplinary Review Committee. This committee was formed as a result of the Investigatory Procedure information.

SITE VISITS OF RADIOLOGIC TECHNOLOGY PROGRAMS

<u>School</u>	<u>Approved Status</u>
Bluefield State College	Five Years
University of Charleston	Five Years
Wheeling Hospital	Five Years
WVU Hospitals, Inc.	Status determined Spring 1997

Note: Maximum Approval Period: Five Years

LICENSES ISSUED

Permanent Licenses:	174
Reciprocity:	1
Renewal Licenses:	724
Temporary Permits:	100 - Average scores on ARRT Examination ranged from 80% to 91%

SUMMARY OF COMPLAINTS/INVESTIGATIONS

1. Hospital using unlicensed personnel to administer X-rays.
 - A. Investigated - Two licensed technologists administering X-rays.
 - B. Case dismissed.
2. RN Positioning patients and doing exposure settings.
 - A. Investigated and resolved without disciplinary action.
3. Medical Clinic using unlicensed personnel to administer X-rays.

- A. Investigated by newly formed Disciplinary Review Committee.
- B. Licensed personnel only administered X-rays.
- C. Case dismissed.

OTHER INFORMATION

The Board had been operating with only four members for a period of time because of the resignations of two physicians and one radiologic technologists. This year the Governor made appointments and reappointments which gave us a full membership of 7 members. They are as follows:

Deborah L. Smith, Chairman
Radiologic Technologist
(304) 348-2419

Mark S. Wilcox
Radiologic Technologist
(304) 348-9574

W. Alva Deardorff, M.D.
Radiologist
(304) 776-7121

Patrick J. Oliverio, M.D.
Radiologist
(304) 366-2600

Alice Stansberry Belmont, Secretary
Radiologic Technologist
(304) 293-1849

Grady Bowyer-Environmental Health
Radiologic Technologist
(304) 558-3526

Gary Marano, M.D.
Radiologist
(304) 366-2600

Mary Casto, Executive Secretary
(304) 2526-6985

XII. PROPOSED AMENDMENT TO RULES AND REGULATIONS

A. RULES AMENDED BY BOARD

B. NOTIFICATION TO LICENSEES OF PUBLIC HEARING

C. SUBMITTED TO LEGISLATIVE RULE-MAKING COMMITTEE

**A. RULES AMENDED BY MEMBERS OF THE WV RADIOLOGIC
TECHNOLOGY BOARD OF EXAMINERS:**

The Board met on April 19, 1997 and made the amendments to the Rules and Regulations to comply with SB 358 passed by the legislature on March 9, 1996. The section of SB 358 which affected our Board was Article 30:1-12.

RECEIVED

12/2/96 DATE
W. VA. RADIOLOGIC TECHNOLOGY
BOARD OF EXAMINERS

ENROLLED

Senate Bill No. 358

(BY SENATORS WOOTON, ANDERSON, BUCKALEW, DITTMAR,
MILLER, ROSS, SCHOONOVER, SCOTT AND YODER)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, three, four-a, five, six, seven, eight, ten, eleven and twelve, article one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto two new sections, designated sections one-a and seven-a; and to amend and reenact section five-a, article two of said chapter, all relating to state boards of examination or registration; application of article; legislative findings and declaration; officers; lay members of professional boards; meetings; quorum; investigatory powers; duties; application for license or registration; fees; contents of license or certificate of registration; continuing education; denial, suspension or revocation of a license or registration; disposition of money; compensation of

members; expenses; record of proceedings; register of applicants; report to governor and Legislature; and legal corporations.

Be it enacted by the Legislature of West Virginia:

That sections one, three, four-a, five, six, seven, eight, ten, eleven and twelve, article one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto two new sections, designated sections one-a and seven-a; and that section five-a, article two of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-1. Application of article.

1 Unless otherwise specifically provided, every board of
2 examination or registration referred to in this chapter
3 shall conform to the requirements prescribed in the
4 following sections of this article.

§30-1-1a. Legislative findings and declaration.

1 The Legislature hereby finds and declares that as a
2 matter of public policy the practice of the professions
3 referred to in this chapter is a privilege and is not a
4 natural right of individuals. The fundamental purpose
5 of licensure and registration is to protect the public, and
6 any license, registration, certificate or other authoriza-
7 tion to practice issued pursuant to this chapter is a
8 revocable privilege.

§30-1-3. Officers.

1 (a) Every board referred to in this chapter shall elect
2 annually from its members a president and a secretary
3 who shall hold their offices for one year, but shall
4 continue to hold their offices until their successors are
5 elected. However, the state board of law examiners, the
6 state board of examiners for nurses and the state board

7 of dental examiners may each elect a secretary from
8 outside their membership.

9 (b) The officers of the boards referred to in this chapter
10 shall register annually with the governor, the secretary
11 of administration, the legislative auditor and the secre-
12 tary of state.

§30-1-4a. Lay members of professional boards.

1 (a) Notwithstanding any provisions of this code to the
2 contrary, the governor shall appoint at least one lay
3 person to represent the interests of the public on every
4 health professional licensing board which is referred to
5 in this chapter. If the total number of members on any
6 of these boards after the appointment of one lay person
7 is an even number, one additional lay person shall be
8 appointed. Lay members shall serve in addition to any
9 other members otherwise provided for by law or rule.
10 Lay members shall be at least eighteen years of age, shall
11 be of good moral character, and shall be competent to
12 represent and safeguard the interests of the public. Each
13 lay member is empowered to participate in and vote on
14 all transactions and business of the board, committee or
15 group to which he or she is appointed.

16 (b) Any person whose addition to a board as a lay
17 member under the provisions of this section results in
18 the addition of an odd number of lay additions to the
19 board shall serve for a term ending in an odd-numbered
20 year on the date in that year on which terms of the
21 professional members expire. Of the members first
22 appointed, each shall serve for a term ending in the year
23 one thousand nine hundred seventy-nine, and the
24 successor to each of the first members shall serve for a
25 term equal in length to the terms of the other profes-
26 sional members of the board.

27 (c) Any person whose addition to a board as a lay
28 member under the provisions of this section results in
29 the addition of an even number of lay additions to the
30 board shall serve for a term ending in an even-numbered

31 year on the date in that year on which terms of the
32 professional members expire. Of the members first
33 appointed, each shall serve for a term ending in the year
34 one thousand nine hundred seventy-eight, and the
35 successor to each of the first members shall serve for a
36 term equal in length to the terms of the other profes-
37 sional members of the board.

§30-1-5. Meetings; quorum; investigatory powers; duties.

1 (a) Every board referred to in this chapter shall hold at
2 least one meeting each year, at such time and place as it
3 may prescribe by rule, for the examination of applicants
4 who desire to practice their respective professions or
5 occupations in this state and to transact any other
6 business which may legally come before it. The board
7 may hold additional meetings as may be necessary,
8 which shall be called by the secretary at the direction of
9 the president or upon the written request of any three
10 members. A majority of the members of the board
11 constitutes a quorum for the transaction of its business.
12 The board is authorized to compel the attendance of
13 witnesses, to issue subpoenas, to conduct investigations
14 and hire an investigator, and to take testimony and other
15 evidence concerning any matter within its jurisdiction.
16 The president and secretary of the board are authorized
17 to administer oaths for these purposes.

18 (b) Every board referred to in this chapter has a duty
19 to investigate and resolve complaints which it receives
20 and shall do so in a timely manner. Every board shall
21 provide public access to the record of the disposition of
22 the complaints which it receives, in accordance with the
23 provisions of chapter twenty-nine-b of this code. Every
24 board has a duty to report violations of individual
25 practice acts contained in this chapter to the board by
26 which the individual may be licensed, and shall do so in
27 a timely manner upon receiving notice of such violations.
28 Every person licensed or registered by a board has a duty
29 to report to the board which licenses or registers him or
30 her a known or observed violation of the practice act or

31 the board's rules by any other person licensed or regis-
32 tered by the same board, and shall do so in a timely
33 manner. Law-enforcement agencies or their personnel
34 and courts shall report in a timely manner to the appro-
35 priate board any violations of individual practice acts by
36 any individual.

37 (c) Whenever a board referred to in this chapter
38 obtains information that a person subject to its authority
39 has engaged in, is engaging in, or is about to engage in
40 any act which constitutes or will constitute a violation of
41 the provisions of this chapter which are administered
42 and enforced by that board, it may apply to the circuit
43 court for an order enjoining the act. Upon a showing
44 that the person has engaged, is engaging, or is about to
45 engage in any such act, the court shall order an injunc-
46 tion, restraining order or other order as the court may
47 deem appropriate.

**§30-1-6. Application for license or registration; examination
fee.**

1 (a) Every applicant for license or registration under the
2 provisions of this chapter shall apply for such license or
3 registration in writing to the proper board and shall
4 transmit with his or her application an examination fee
5 which the board is authorized to charge for an examina-
6 tion or investigation into the applicant's qualifications to
7 practice.

8 (b) Each board referred to in this chapter is authorized
9 to establish by rule a deadline for application for exami-
10 nation which shall be no less than ten nor more than
11 ninety days prior to the date of the examination.

12 (c) Boards may set by rule fees relating to the licensing
13 or registering of individuals, which shall be sufficient to
14 enable the boards to carry out effectively their responsi-
15 bilities of licensure or registration and discipline of
16 individuals subject to their authority: *Provided*, That
17 when any board proposes to promulgate a rule regarding
18 fees for licensing or registration, that board shall notify

19 its membership of the proposed rule by mailing a copy of
20 the proposed rule to the membership at the time that the
21 proposed rule is filed with the secretary of state for
22 publication in the state register in accordance with
23 section five, article three, chapter twenty-nine-a of this
24 code.

§30-1-7. Contents of license or certificate of registration.

1 Every license or certificate of registration issued by
2 each board shall bear a serial number, the full name of
3 the applicant, the date of issuance, and the seal of the
4 board. It shall be signed by the board's president and
5 secretary or executive secretary. No license or certifi-
6 cate of registration granted or issued under the provi-
7 sions of this chapter may be assigned.

§30-1-7a. Continuing education.

1 Each board referred to in this chapter shall establish
2 continuing education requirements as a prerequisite to
3 license renewal. Each board shall develop continuing
4 education criteria appropriate to its discipline, which
5 shall include, but not be limited to, course content,
6 course approval, hours required and reporting periods.

**§30-1-8. Denial, suspension or revocation of a license or
registration; probation; proceedings; effect of
suspension or revocation; transcript; report;
judicial review.**

1 (a) Every board referred to in this chapter is autho-
2 rized to suspend or revoke the license of any person who
3 has been convicted of a felony or who has been found to
4 have engaged in conduct, practices or acts constituting
5 professional negligence or a willful departure from
6 accepted standards of professional conduct. Where any
7 person has been so convicted of a felony or has been
8 found to have engaged in such conduct, practices or acts,
9 every board referred to in this chapter is further autho-
10 rized to enter into consent decrees, to reprimand, to
11 enter into probation orders, to levy fines not to exceed
12 one thousand dollars per day per violation, or any of

13 these, singly or in combination. Each board is also
14 authorized to assess administrative costs. Any costs
15 which are assessed shall be placed in the special account
16 of the board, and any fine which is levied shall be
17 deposited in the state treasury's general revenue fund.
18 For purposes of this section, the word "felony" means a
19 felony or crime punishable as a felony under the laws of
20 this state, any other state, or the United States. Every
21 board referred to in this chapter is authorized to promul-
22 gate rules in accordance with the provisions of chapter
23 twenty-nine-a of this code to delineate conduct, prac-
24 tices or acts which, in the judgment of the board, consti-
25 tute professional negligence, a willful departure from
26 accepted standards of professional conduct or which
27 may render an individual unqualified or unfit for licen-
28 sure, registration or other authorization to practice.

29 (b) Notwithstanding any other provision of law to the
30 contrary, no certificate, license, registration or authority
31 issued under the provisions of this chapter may be
32 suspended or revoked without a prior hearing before the
33 board or court which issued the certificate, license,
34 registration or authority. However, this does not apply
35 in cases where a board is authorized to suspend or
36 revoke a certificate, license, registration or authority
37 prior to a hearing if the individual's continuation in
38 practice constitutes an immediate danger to the public.

39 (c) In all proceedings before a board or court for the
40 suspension or revocation of any certificate, license,
41 registration or authority issued under the provisions of
42 this chapter, a statement of the charges against the
43 holder thereof and a notice of the time and place of
44 hearing shall be served upon the person as a notice is
45 served under section one, article two, chapter fifty-six of
46 this code, at least thirty days prior to the hearing, and he
47 or she may appear with witnesses and be heard in
48 person, by counsel, or both. The board may take oral or
49 written proof, for or against the accused, as it may deem
50 advisable. If upon hearing the board finds that the
51 charges are true, it may suspend or revoke the certifi-

52 cate, license, registration or authority, and suspension or
53 revocation shall take from the person all rights and
54 privileges acquired thereby.

55 (d) Pursuant to the provisions of section one, article
56 five, chapter twenty-nine-a of this code, informal
57 disposition may also be made by the board of any
58 contested case by stipulation, agreed settlement, consent
59 order or default. Further, the board may suspend its
60 decision and place a licensee found by the board to be in
61 violation of the applicable practice on probation.

62 (e) Any person denied a license, certificate, registration
63 or authority who believes the denial was in violation of
64 this article or the article under which the license,
65 certificate, registration or authority is authorized shall
66 be entitled to a hearing on the action denying the license,
67 certificate, registration or authority. Hearings under
68 this subsection shall be in accordance with the provi-
69 sions for hearings which are set forth in this section.

70 (f) A stenographic report of each proceeding on the
71 denial, suspension or revocation of a certificate, license,
72 registration or authority shall be made at the expense of
73 the board and a transcript thereof retained in its files.
74 The board shall make a written report of its findings,
75 which shall constitute part of the record.

76 (g) All proceedings under the provisions of this section
77 are subject to review by the supreme court of appeals.

§30-1-10. Disposition of money; fines; legislative audit.

1 (a) The secretary of every board referred to in this
2 chapter shall receive and account for all money which it
3 derives pursuant to the provisions of this chapter which
4 are applicable to it. With the exception of money
5 received as fines, each board shall pay all money which
6 is collected into a separate special fund of the state
7 treasury which has been established for each board.
8 This money shall be used exclusively by each board for
9 purposes of administration and enforcement of its duties
10 pursuant to this chapter. Any money received as fines

11 shall be deposited into the general revenue fund of the
12 state treasury. When the special fund of any board
13 accumulates to an amount which exceeds twice the
14 annual budget of the board or ten thousand dollars,
15 whichever is greater, the excess amount shall be trans-
16 ferred by the state treasurer to the state general revenue
17 fund.

18 (b) Every licensing board which is authorized by the
19 provisions of this chapter shall be subject to audit by the
20 office of the legislative auditor.

§30-1-11. Compensation of members; expenses.

1 Each member of every board which is referred to in
2 this chapter shall receive compensation and expense
3 reimbursement which shall not exceed the amount paid
4 to members of the Legislature for their interim duties as
5 recommended by the citizens legislative compensation
6 commission and authorized by law for each day or
7 portion thereof engaged in the discharge of official
8 duties.

**§30-1-12. Record of proceedings; register of applicants;
certified copies of records prima facie evi-
dence; report to governor and Legislature.**

1 (a) The secretary of every board shall keep a record of
2 its proceedings and a register of all applicants for license
3 or registration, showing for each the date of his or her
4 application, his or her name, age, educational and other
5 qualifications, place of residence, whether an examina-
6 tion was required, whether the applicant was rejected or
7 a certificate of license or registration granted, the date
8 of this action, the license or registration number, all
9 renewals of the license or registration, if required, and
10 any suspension or revocation thereof. The books and
11 register of the board shall be open to public inspection at
12 all reasonable times, and the books and register, or a
13 copy of any part thereof, certified by the secretary and
14 attested by the seal of the board, shall be prima facie
15 evidence of all matters recorded therein.

16 (b) On or before the first day of January of each year in
17 which the Legislature meets in regular session, the board
18 shall submit to the governor and to the Legislature a
19 report of its transactions for the preceding two years, an
20 itemized statement of its receipts and disbursements for
21 that period, a full list of the names of all persons licensed
22 or registered by it during that period, statistical reports
23 by county of practice, by specialty if appropriate to the
24 particular profession, and a list of any complaints which
25 were filed against persons licensed by the board, includ-
26 ing any action taken by the board regarding those
27 complaints. The report shall be certified by the presi-
28 dent and the secretary of the board, and a copy of the
29 report shall be filed with the secretary of state.

ARTICLE 2. ATTORNEYS-AT-LAW.

§30-2-5a. Legal corporations.

1 (a) One or more individuals, each of whom is licensed
2 to practice law within this state, may organize and
3 become a shareholder or shareholders of a legal corpora-
4 tion. Individuals who may be practicing law as an
5 organization created otherwise than pursuant to the
6 provisions of this section may incorporate under and
7 pursuant to this section. This section is not intended to
8 amend the statutory or common law as it relates to
9 associations or partnerships, except to allow partner-
10 ships of lawyers to organize as a legal corporation.

11 (b) A legal corporation may render professional service
12 only through officers, employees and agents who are
13 themselves duly licensed to render legal service within
14 this state. The term "employee" or "agent" as used in
15 this section does not include secretaries, clerks, typists,
16 paralegal personnel or other individuals who are not
17 usually and ordinarily considered by custom and prac-
18 tice to be rendering legal services for which a license is
19 required.

20 (c) This section does not modify the law as it relates to
21 the relationship between a person furnishing legal
22 services and his client, nor does it modify the law as it

B. NOTIFICATION TO LICENSEES OF PUBLIC HEARING

MEMORANDUM**PLEASE POST**

May 7, 1997

Dear Concerned Persons:

Enclosed are two (2) proposed changes to the existing 30-23-1 Rules and Regulations for Radiologic Technology.

1. A new Series (2) which adds continuing education as a pre-requisite for renewal of licensure in the State of West Virginia for all Radiologic Technologist/Radiation Therapist.
2. Proposed fee increase is based on the added costs of implementing continuing education requirements and providing better service to the licensee. The Board has not proposed a fee increase since 1984.

A public hearing will be June 10, 1997, 6:00 P.M., State Capitol Complex, Conference Room C, Building 7. Please submit any written comments to the board office by June 6, 1997.

Sincerely,



Deborah Smith, Ph.D., RT (R)

DS/jc

Enclosures

WV Radiologic Technology
Board of Examiners
3049 Robert C Byrd Drive
Room 303
Beckley, WV 25801

Phone/Fax: 304-256-6985

C. SUBMITTED TO LEGISLATIVE RULE-MAKING COMMITTEE

MEMORANDUM

DATE: July 10, 1997

TO: Legislative Rule Making Committee

FROM: WV Radiologic Technology Board of Examiners

RE: Increase of Fees

It is through this correspondence that the West Virginia Radiologic Technology Board of Examiners, hereinafter referred to as "Board", request the Legislative Rule Making Committee to consider changes in W.V.Code 30-23-1 and consider the information provided as justification for such changes. The Board would like to offer the following comments for review:

Senate Bill 358 requested that the State Board communicate to licensees on an annual basis, as well as to legislative members. This annual report would be approximately 3300 reports going out. This would incur a cost related to labor of putting the annual report together plus the printing and mailing.

Senate Bill 356 also required the State Board to mandate continuing education tracking system with inspection. This incurs increased mailings, stationery, envelopes and labor intensity as well as computerized systems for tracking. Many of the technologists commented that the ARRT/ASRT has mandatory continuing education tracking for those who are registered or members of the professional organization, however only a small group of technologists belong to the ASRT and not all technologists in the state hold certification with the ARRT. The board still has a need for financial resources to assure that those who do and do not hold ARRT Certification met the continuing education requirements established by law.

In order to be more accessible to our licensees we would like to incorporate a WV State Board of Examiners Web page that would give licensees access to who is licensed in the State, to allow them to get an application, etc. We have often received criticism by those we license that we are not accessible to the needs of those we serve or that we do not do our perceived jobs. We do not have the money to accommodate full time assistant, to be available to a work force that has twenty-four hours, seven days a week, three hundred sixty-five days a year responsibility. Those who work hours outside normal business hours (permanent midnights or afternoons)

would be served if we have on-line access.

We currently only have one phone line, we do not have an 800 phone line or can we afford to have a second phone. We need to have a fax line as well as E-mail and a 1-800 number. The Board office recently moved to comply with ADA guidelines. Our former office did not meet the requirements for licensees to enter the building, therefore we have had to move to a new location. We have increased rental expenses, as well as operational costs for the new facility.

We are experiencing increased complaints regarding unlicensed personnel apply ionizing radiation to human beings without being qualified or licensed. These complaints require an investigator at \$45/hour plus expenses. Our board members all have full time jobs and can no longer keep up with the number of complaints, inspect radiography programs and do all that the law requires us to do without increased resources/finances. The biggest issue is the lack of training to conduct investigations, proper documentation requirements for the investigations, skills to interview, and conducting investigations requires in-depth knowledge of the laws. The Board Member's background do not include the investigative and legal requirements. The Board Member's expertise is in actual health care delivery. We admittedly struggle with carrying out the duties of the Board that relate in inspections, investigations, enforcement of the law, and instituting appropriate legal action. It is imperative that the Board position itself to better handle complaints with qualified resources.

Senate Bill 358 also gave the board members an opportunity to be paid per diem rate. The board has never received compensation other than travel reimbursement. We have historically only conducted two meetings per year, but the increased demands on the board is requiring an increased number of meetings and travel. We can no longer afford to do this work without compensation. It is only fair and fitting that this Board be compensated as other Boards are and per the opportunities allowed by Senate Bill #358.

The Board office is in need of updated equipment, a copier that will duplicate more than one page at a time and can take care of the demands of 3,500 members. Office furniture is needed, desks, chairs, files, conference table, etc.

The board is required to inspect 9 Radiologic Technology Educational Programs throughout the State. This requires overnight travel expenses for members to be a part of the radiography program inspections, that can be 1-2 days long. In order to keep current with changes that are required by the educational curriculum, it is necessary to send board members to training on an annual basis. In an effort to keep current with licensure issues throughout the States, the board would like to have at least one board member represent us at the CLEAR or FARB conference.

Some were upset that we did not mail to each and every member. The cost of mailing is approximately \$1.00 /licensee, this would have been an additional \$3,500.00, that the board did not have. We took great efforts to notify those who were licensed. We mailed to over 558

facilities/organizations. We put an ad in the professional magazine. The annual report went out in 1996 we informed the membership that changes were coming due as a result of Senate bill #358. We instructed the membership to call with any questions or suggestions that they may have about the development of the up coming changes. We spoke at the local and state professional societies to inform individuals of changes and requested input.

The field of Radiologic Technology has changed drastically over recent years. This field is more appropriately referred to as "Medical Imaging" and incorporated such subspecialties as Ultrasound, CT Scanning, MRI, Mammography, etc. Some of these subspecialties are regulated Federally and professionally different than the other. It is the Board's opinion that we need to look at all these related imaging modalities and develop a statute that would establish standards for all modalities of Medical Imaging. With this goal in mind, additional resources , at least on a consultation basis, would be necessary to assist the Board.

It was mentioned that we should incrementally increase the fees and not increase the entire amount at one time. However, knowing that the board has not made in changes since 1978, we do not wish to annually come back to this committee for changes that need to made. We know these changes will not become effective for several months and this allows the licensees to make adjustments. We have included information on other states and professions and we feel that we feel our justifications for the increase are clearly substantiated.

In closing, the increase in fees is to keep current with the daily operational costs to better serve our licensees and the public of West Virginia. As a Board, we unanimously support moving forward with the proposed changes, taking into consideration the few comments generated by the membership by written or oral comment from the public hearing.

If you need further information, please feel free to give us a call at the Board Office at 304-787-4398. Thank you for your consideration.

/jc