

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

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March 31, 2011

**BOARD MEETING**

**Members Present**

Alice Belmont, Chairperson  
Jamie Browning  
Melissa Haye  
Fred Gabriele, MD  
Nancy Godby  
Elaine Moore, MD  
Nancy Oughton  
Grace Peters

**Members Excused**

Jean Morris  
Robert Smith, M.D.

**Office Staff**

Grady Bowyer  
Randy Fink  
Kate Campbell, Attorney

Ms. Belmont, Chairperson, called the meeting to order at 5:17 PM. Ms. Belmont established that a quorum was present.

**MINUTES:**

A motion was made by Ms. Godby to accept the minutes of the September 15, 2010 meeting. Dr. Gabriele seconded the motion. The motion carried.

**FINANCIAL REPORT:**

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

Dr. Moore addressed the Board regarding the possibility of the Board sponsoring an educational event or speaker at a state educational conference as a benefit to the licensees in the state. After discussion, Dr. Moore made a motion for Mr. Bowyer to inquire as to the legality for the Board to sponsor an educational event for the licensees. If it is determined that this can be done, Mr. Bowyer was instructed to insert \$ 5,000.00 into the 2012 budget for this. Ms. Haye seconded the motion and the motion carried.

**COMPLAINTS:**

**A. KENNETH A. HARRISON - ACCEPTED BY SUPREME COURT - FYI**

Mr. Bowyer informed the Board that the appeal on the Harrison case that was submitted to Supreme Court has been accepted. At this time, the hearing has not been scheduled. Mr. Bowyer indicated that he would keep the Board informed of any developments regarding the case.

**B. KRISTI ESTEPP - FAILED DRUG SCREENS - HEARING - FYI**

Mr. Bowyer informed the Board that a hearing on this matter was held on February 1, 2011. At this time, the Board has not received a decision from the Hearing Examiner but it is expected to be received prior to the June Board meeting.

**C. 02-FY2011- TERMINATED-THEFT OF PRESCRIPTION DRUGS (NMTCB)**

Mr. Bowyer informed the Board that a complaint had been received regarding a licensee who was accused of stealing a patient's medication. Mr. Bowyer stated that no response had been received from the licensee or the NMTCB regarding this complaint. After discussion Dr. Moore made a motion to table this item until the next meeting pending receipt of additional information. Dr. Gabriele seconded the motion and the motion carried.

**D. 03-FY2011-HIPPA VIOLATION/GIVING DIAGNOSIS-RECOMMENDATION**

Ms. Hays informed the Board that a complaint was received by the Ethics Committee regarding a licensee. The licensee was preparing to do an x-ray on a patient, but the patient refused due to her being pregnant. The technologist told the patient that the test results she had been given indicated that she was not pregnant. At this point, the patient became very agitated. The patient filed a complaint with the hospital and the Board stating that the technologist had given the lab test results in such a way that other people in the room could hear, thus violating HIPPA regulations. The reported lab results were in error and the patient was indeed pregnant. The technologist responding to the complaint stated that she had told the patient the test results in a way that no one could hear. Ms. Hays stated that the Ethics Committee had met with the technologists and reviewed documentation regarding the incident and could not determine probable cause related to a HIPPA violation. Ms. Hays stated that the Ethics Committee recommended that the complaint be dismissed due to the lack of probable cause. Dr. Moore made a motion to accept the Ethics Committee recommendation. Ms. Oughton seconded the motion and the motion carried.

**E. 04-FY2011-DISCUSSION OF PATIENT'S CONDITION WITH PHYSICIAN-FYI**

Mr. Bowyer informed the Board that a patient had contacted the Board because, while having an x-ray, the technologist had observed that the patient had a nail biting problem. The technologist spoke to the patient's physician regarding the observation. Mr. Bowyer indicated that the licensee had not responded to his letter but the licensee has until April 17 to respond. No action could be taken at this time.

**OLD BUSINESS**

**A. LEGISLATION -FYI**

Mr. Bowyer informed the Board that the proposed sonography legislation had not been advanced from committee.

**B. SUNRISE APPLICATION FOR 2012**

Mr. Bowyer informed the Board that he had contacted Charles Roskovenski with the Legislature on what the best route to resubmit the sonography legislation for 2012. Mr. Roskovenski suggested the Board submit a

Sunrise application for this discipline. Mr. Bowyer stated that the Legislative Committee had met on 3/23/2011 and prepared the required document for filing. Mr. Bowyer went over the contents of the application and the supporting documentation with the Board. Dr. Gabriele made a motion to accept and submit the proposed Sunrise Legislation. Ms. Oughton seconded the motion and the motion carried.

#### C. BONE DENSITOMETRY - EDUCATION

Ms. Godby presented the Board a letter that was prepared by committee to be send out to the facilities that have Bone Densitometry units. The purpose of the letter is to inform the facilities of the requirements under state law regarding licensing of the operators and the possible legal consequences of unlicensed persons operating the machines. After discussion, Ms. Hays made a motion to send the letter with the modifications agreed to in discussion. Ms. Oughton seconded the motion and the motion carried.

#### D. Lock Box

Mr. Bowyer informed the Board that the State Treasurer's office was not able to implement the Lockbox program for checks that had be presented to the Board in a prior Board meeting. Mr. Bowyer stated that the Treasurer's office had designed an ACH deposit system that allows the Board to electronically deposit all personal checks daily. Money orders, business checks and cash must still deposited manually. Use of this new process has helped bring the office closer to compliance with State regulations that require all monies be deposited daily.

### NEW BUSINESS

#### A. EXECUTIVE DIRECTOR POSITION

Ms. Belmont informed the Board that the salary and expenditures needed for the new director's position upon Mr. Bowyer's retirement in April, 2012 must be approved at this meeting in order to be included in the 2012 budget, to be submitted in early May.

Mr. Bowyer presented the Board with the following recommendations:

1. Start full time January 1, 2012 as Assistant Executive Director at a salary of \$45,000.00 plus benefits.
2. Purchase new car in December at a cost of approximately \$400.00 per month until lease is paid off. Assign the new car to Assistant Director with Executive Director continuing to use the existing leased car until his retirement.
3. Promote Assistant Executive Director to Executive Director on May 1, 2012 at a salary of \$50,000.00 plus benefits.
4. If Assistant Executive Director does not have a computer at home with which to do the work of the Board, move the office computer assigned to the Executive Director to their home. The laptop can be brought to the office whenever the new Executive Director is at the office.

Mr. Bowyer stated that the money for the car can be put in the budget but if the new director does not want the use of a state car, would not be required to be used. After discussion, Dr. Moore made a motion to accept these recommendations. Ms. Godby seconded the motion and the motion carried.

The Board discussed whether the Executive Director position was going to be advertized in the newspaper. Mr. Oughton made a motion that the position be advertized in the Charleston newspaper and on the

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Board's website with the cost not to exceed \$2,000.00. Dr. Gabriele seconded the motion and the motion carried.

Ms. Godby presented the Board with a Performance Standards Scorecard related to the performance evaluation of the new Executive Director position. Ms. Godby stated that there were still a number of items on the document that needed input from the Board. After discussion, Dr. Gabriele made a motion that suggestions related to this document be sent to Ms. Godby prior to May 15 so that the document could be completed by the next Board meeting. Ms. Hays seconded the motion and the motion carried.

**B. RETENTION AND DISPOSAL OF RECORDS - FYI**

Mr. Fink informed the Board we were only required to maintain the last five years of applications, original applications and any historical, legal documentation related to a licensee. He started going through all of the active records and shredded the unneeded documentation. This process has freed up almost four full size file cabinets of the nine located in the office which, at the beginning of the process, were completely full.

**C. APPOINTMENTS - FYI**

Mr. Bowyer informed that he had not received any new information from the Governor's office regarding the appointment of Board members.

**D. MALFUNCTIONING FAX MACHINE**

Mr. Bowyer informed the Board that the fax copier printer that he has at his home office was malfunctioning. Dr. Moore made a motion the Mr. Bowyer purchase a new machine. Ms. Hays seconded the motion. Motion carried.

**NEXT MEETING DATE AND LOCATION**

The next meeting will be held at the Country Inns and Suites at Elkview WV on June 23, 2011.  
The meeting will begin at 5:00 PM.

The meeting adjourned at 8:00 PM.

Minutes submitted by Randy Fink, Administrative Secretary.

**MINUTES APPROVED 6/23/11**