

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

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March 22, 2012

**BOARD MEETING**

**Member Present**

Alice Belmont, Chairperson

Jamie Browning

Nancy Godby

Nancy Oughton

Grace Peters

Fred Gabriele, MD

Tuanya Layton

**Members Excused**

Jean Morris

Eva Hallis

**Office Staff**

Grady Bowyer

Randy Fink

Kate Campbell, Attorney

**Guests:**

Carletta Williams, Weirton Medical Center

Fred Kirby, St. Mary's Medical Center

Kelly Mace, CAMC

Doylene Morrison, CAMC

HR Lockhart, Camden Clark Medical Center

Mark Boreman, Weirton Medical Center

Stacy McPherson, CAMC

Jocelyn Slone, CAMC

Elaine A. Davis, CAMC

Ms. Belmont, Chairperson, called the meeting to order at 5:04 PM. Ms. Belmont established that a quorum was present.

**MINUTES**

A motion was made by Ms. Godby to accept the minutes from the November 29, 2011 meeting. Dr. Gabriele seconded the motion and the motion carried.

A motion was made by Ms. Godby to accept the minutes from the February 28, 2012 meeting. Dr. Gabriele seconded the motion and the motion carried.

**FINANCIAL REPORT**

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

**COMPLAINTS**

**A. CASE # 02-FY2011 - THEFT OF PRESCRIPTION DRUGS - HEARING**

Ms. Godby stated that there had been no response from the licensee regarding this complaint. Mr. McClung, hearing examiner, directed the Board to take appropriate action as determined by the Board. The Ethics Committee recommended the licensee's license be revoked and that the licensee be required to pay the administrative costs incurred by the Board for the hearing which totaled \$2,755.00. Ms. Oughton made a motion to accept the Ethics

Committee's recommendation. Ms. Browning seconded the motion and the motion carried.

B. WORKING ON LAPSED LICENSE - 01-FY2012, 03-FY2012 & 04-2012

Ms. Belmont stated that the Ethics Committee had met with three licensees regarding working on lapsed licenses. Ms. Godby gave the following information and recommendations from the Ethics Committee meeting regarding these complaints:

01-FY2012 The licensee worked three days on a lapsed license. In discussion, the licensee explained how the error occurred and indicated the severity of the mistake that was made by working on an expired license. The Ethics Committee recommended a consent agreement with a \$100.00 fine and administrative costs of \$100.00, for a total cost to the licensee of \$ 200.00. Dr. Gabriele made a motion to accept the Ethics Committee's recommendation. Ms. Peters seconded the motion and the motion carried.

02-FY2012 The licensee worked during the month of February on a lapsed license. Upon discovering that the license had lapsed the licensee renewed the license. The licensee had never allowed this to happen in the past and indicated that it would never be allowed to happen again. The Ethics Committee recommended a consent agreement with a \$100.00 fine and administrative costs of \$100.00, for a total cost to the licensee of \$ 200.00. Dr. Gabriele made a motion to accept the Ethics Committee's recommendation. Ms. Oughton seconded the motion and the motion carried.

03-FY2012 This was a new licensee who had been looking at the ARRT website and didn't realize that her temporary permit had expired. The Ethics Committee recommended a consent agreement with a \$100.00 fine and administrative costs of \$100.00, for a total cost to the licensee of \$ 200.00. Ms. Oughton made a motion to accept the Ethics Committee's recommendation. Ms. Layton seconded the motion and the motion carried.

C. UNLICENSED OPERATORS PERFORMING X-RAYS - 02-FY2012

04-FY2012 Ms. Godby stated that a complaint had been made regarding an unlicensed person performing imaging in a chiropractor's office. The person did not have a license with the Board so the matter was referred to the Chiropractic Board for delegating authority to practice medical imaging to an unlicensed individual.

D. KENNETH A. HARRISON - PAYMENT PLAN - FYI

Mr. Bowyer informed the Board that Mr. Harrison has begun making the payments required under his payment agreement to repay the Board the administrative costs incurred by the Board during his hearing process.

E. KRISTI ESTEPP - SMITH - COMPLETION OF PAYMENTS - FYI

Mr. Bowyer informed the Board that Kristi Estep-Smith has completed repayment of the administrative fees as outlined in her Final Order of the Board. Ms. Estep-Smith's license is currently in suspended status for a period of five (5) years.

**OLD BUSINESS**

A. LEGISLATIVE UPDATE

Mr. Bowyer informed the Board that the Sonography legislation, SB 616, did not make it out of the Senate Government Organization Committee. Senator Stollings and Senator Foster submitted a resolution to study the

practice of Sonography during the Interim meetings of the Legislature. This study resolution passed the Senate but did not proceed from the House Rules Committee to the floor for a vote. The Legislature is considering a joint study resolution for Sonography in one of their Interim Committees.

**B. CLOSURE DEVICES / PULLING LINES**

Ms. Belmont asked Mr. Bowyer to explain the process that lead to the statement that was put out by the Board regarding closure devices and pulling lines. Mr. Bowyer presented the sequence of events that had lead to the statement in the FAQ section on the Board's webpage. Mr. Bowyer stated that there has been a number of questions come up regarding an RT (R) pulling a line during a procedure. Mr. Bowyer stated that he had contacted Peter Rath with ASRT asking if this is within the scope of practice of an RT (R). Upon a response from Mr. Rath, the Board's position on this matter was formulated and mailed to all hospitals in the state and posted on the Board's web page.

There were a number of questions presented to the Board by the guests that were present regarding the statement that was sent out by the Board. After discussion, the Board decided to table any action regarding this issue until clarification can be received from ARRT and ASRT regarding the Board's position on this issue.

**NEW BUSINESS**

**A. ASSISTANT DIRECTOR**  
**1. PURCHASES**

Mr. Bowyer informed the Board that a new computer and software had been purchased for the Assistant Executive Director.

Ms. Godby presented the Board with the options that were available for internet service at her home. After discussion Ms. Browning made a motion to get the three year plan with Frontier at the cost of \$89.99 per month that includes phone and internet service. Dr. Gabriele seconded the motion and the motion carried.

Mr. Bowyer informed the Board of the options for the Assistant Director's cell phone service. After discussion, Ms. Browning made a motion that service be obtained thru AT&T if cell phone service at Ms. Godby's home was acceptable. Ms. Oughton seconded the motion and the motion carried.

Mr. Bowyer presented the Board with the options for a office chair for the new Director. After discussion, Dr. Gabriele made a motion to obtain a chair from Staples. Ms. Browning seconded the motion and the motion carried.

Mr. Bowyer discussed a printer to be used by the Assistant Director. Mr. Bowyer stated that there was a 4 in 1 printer available from the Chairperson but there could be the need for a new printer to be used by himself or the Assistant Director. After discussion, Dr. Gabriele made a motion to give Mr. Bowyer authorization to buy a new printer, if needed. Ms. Peters seconded the motion and the motion carried.

**2. TRAVEL**

Mr. Bowyer discussed the need for the Assistant Executive Director to attend the CLEAR Conference and investigator / inspector training in San Francisco, CA from September 3 thru 8, 2012. Ms. Browning made a motion that Ms. Godby attend the Clear Conference and training in San Francisco. Dr. Gabriele seconded the motion and the motion carried.

Discussions were held concerning Ms. Godby attendance at the ASRT's Annual Governancy & House of Delegates meeting in Las Vegas, NV, June 29 - July 1, 2012. Ms. Godby was scheduled to attend as a Delegate representing the state WV Society of Radiologic Technologists (WVSRT). However, due to an Ethics Commission ruling, Ms. Godby cannot represent the WVSRT at the ASRT meeting. The Board approved her attendance at the ASRT meeting to represent the Board. Dr. Gabriele made a motion that Ms. Godby attend the ASRT conference and that the Board cover any necessary travel expenses. Ms. Oughton seconded the motion and the motion carried.

Approval was also given to Ms. Godby to represent the Board at the WVSRT meeting in October. Dr. Gabriele made a motion that Ms. Godby attend the WVSRT conference and that the Board cover any necessary travel expenses. Ms. Oughton seconded the motion and the motion carried.

Ms. Godby requested permission to attend the Conference of Radiation Control Program Director's meeting in Florida in May. After discussions, this request was denied. Ms. Godby will be taking over May 1, 2012 as Executive Director, and the Board felt she would not be acclimated into the position by that time to allow her to be away during the month of May.

#### B. CONTRACT FOR ETHICS OUTSIDE ADVISOR

Ms. Belmont informed the Board that consideration has taken place regarding contracting an outside advisor to help with the Ethics Committee. This would alleviate problems with having a voting quorum during the Board Meetings. Ms. Belmont stated that the problem had been solved by limiting the actual number of Board Members that are involved in the Ethics Committee meetings. After discussion, Ms. Godby made a motion that the Board would not pursue contracting an outside advisor. Dr. Gabriele seconded the motion and the motion carried.

#### C. ETHICS COMMISSION ADVISORY OPINION

Mr. Bowyer informed the Board that he had contacted the WV State Ethics Commission regarding a couple of issues raised at the last WV Association of Licensing Boards meeting. The concerns were:

1. May an Executive Director of a licensing Board be a member and or officer in a professional organization that the Board regulates.
2. May a member of a licensing Board be a member or officer in a professional organization that the Board regulates.

In the Ethics Commission Advisory, an Executive Director of a Chapter 30 licensing Board cannot be an officer in a professional organization that they regulate but could be a member. A Board member is allowed to be a member and an officer of the organization.

#### D. COVERING LAST NAMES ON POSTED LICENSES

Mr. Bowyer informed the Board that he had been questioned regarding covering up the last names of licenses that are posted at the licensee's work place. After discussion, it was determined the Board's Series 1 rule required the licenses be displayed at a licensee's work place. A legislative rule change would be required to modify this requirement. Dr. Gabriele made a motion that no action be taken on this item at this time but be placed under consideration for when the Board might update the law and Rules before the Legislature. Ms. Peters seconded the motion and the motion carried.

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E. ISSUING TWO OR THREE ORIGINAL LICENSES FOR RENEWAL FEE

Mr. Bowyer stated that he had received a request to issue additional licenses to licensees that work in more than one location. After discussion, it was determined that the Series 1 Rule allows the licensee to photo copy their license and post that at their additional work place, as long as they have their pocket card available to verify their copied license. A change to the Legislative Rules would be required before the office could furnish additional licenses at no costs. Current Series 1 Rule requires a \$15.00 fee per duplicate license. Dr. Gabriele made a motion that the current policy be maintained until such time as the Board may consider this request and re-write the Series 1 Rule. Ms. Oughton seconded the motion and the motion carried.

F. RESIGNATION - NANCY - EFFECTIVE 3/31/2012

Ms. Belmont informed the Board that Ms. Godby has resigned as a Board member effective March 31, 2012 to move into her new position as Assistant Executive Director. Mr. Bowyer stated that the personnel division had made her Board member resignation and her appointment into the new position both effective on April 2, 2012, which will be her first day in the new position.

G. REFUNDING REQUEST

Mr. Bowyer informed the Board that the office has received a request for a partial refund of a renewal license. The request was made from the estate of a licensee that had died two months after renewing her license. After discussion Ms. Oughton made a motion that the policy of the Board would be a no-refund policy. Ms. Godby seconded the motion and the motion carried.

MEMBER / EMPLOYEE CONCERNS

Due to discussions regarding personnel matters, Ms. Browning made a motion that the Board go into Executive Session. Ms. Oughton seconded the motion and the motion carried. Upon exiting the Executive session, the following recommendations were purposed:

A. TEMPORARY EMPLOYMENT

The Board decided to table the possibility of the Executive Director returning to work for the Board as a temporary employee until the next Board meeting.

B. CHANGING OFFICE HOURS - EFFECTIVE MAY 1, 2012 AND RAISE FOR ADMINISTRATIVE SECRETARY

Dr. Gabriele made a motion, seconded by Ms. Oughton, that the office hours be changed from the current 9AM - 3 PM to 8AM- 4 PM, effective May 1, 2012. This would increase Mr. Fink's hours by 520 hours per year. Also, due to this increase in work hours and increased responsibilities, Dr. Gabriele made a motion, seconded by Ms. Browning, that Mr. Fink's salary be increased to \$36,000.00, effective May 1, 2012. Both items were voted on and passed unanimously.

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**NEXT MEETING DATE AND LOCATION**

The next meeting will be held at the Wonder Bar Steak House at Bridgeport WV on April 11, 2012 at 5:00 pm.

Ms. Oughton made a motion to adjourn the meeting. Dr. Gabriele seconded the motion and the motion carried. The meeting adjourned at 9:08 PM.

Minutes submitted by Randy Fink, Administrative Secretary.

APPROVED 4/11/12