

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

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July 19, 2012
BOARD MEETING

Members Present

Alice Belmont, Chairperson
Eva Hallis
Tuanya Layton
Nancy Oughton
Grace Peters

Members Excused

Fred Gabriele, M.D.

Office Staff

Nancy Godby
Randy Fink
Kate Campbell, Attorney

The meeting was called to order by Ms. Belmont, Chairperson, at 5:00 PM.

Ms. Belmont established that a quorum was present.

MINUTES:

A motion was made by Ms. Oughton to accept the minutes of the April 11, 2012 meeting. Ms. Layton seconded the motion. The motion carried.

FINANCIAL REPORT:

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

OLD BUSINESS:

A. CONSENT AGREEMENTS UPDATES-COMplete

Ms. Godby informed the Board that Lindsay Daniels, Sheri Boley and James Everett had completed their consent agreements with the Board and had paid their fees. Ms. Godby stated that the Board had been informed by the NMTCB that Chasity Rubin, who had been disciplined previously by the Board, had lost her certification with their organization. Ms. Godby informed the Board that Kenneth Harrison has fulfilled his consent agreement with the Board including the payment of all of his fees.

B. PROGRAM UPDATES

Ms. Godby informed the Board that a letter had been received from Mountain State University requesting an extension on completing the requirements for starting their new programs. Ms. Godby stated that the Higher

Learning Commission had revoked the school's accreditation and that she had been informed that the JRCERT was going to do a site visit on July 24th and 25th to evaluate the status of their imaging program. Ms. Godby stated that she had adjusted her schedule so that she could attend the site visit. Ms. Layton agreed to also attend as a representative of the Board. Due to the uncertainty regarding the status of the school Ms. Oughton made a motion to table any action regarding the new programs. Ms. Layton seconded the motion. The motion carried.

Ms. Godby informed the Board that she had received an action plan for the Bluefield State College Nuclear Medicine program's implementation. Ms. Godby stated that the school had requested an extension, that they were expecting to be prepared to accept applications for the fall 2012 semester. After discussion Ms. Layton made a motion to accept the request for an extension. Ms. Oughton seconded the motion. The motion carried.

C. CLOSURE DEVICES AND PULLING SHEATHS

Ms. Godby presented the Board with the final document that has been placed on the Board's website under Frequently Asked Questions stating the Board's position on closure devices and pulling sheaths.

Ms. Belmont stated that the Board had required that facilities that submitted requests under this policy provide the Board with documented training, competencies, and a Board approved facility policy. After further consideration Ms. Belmont suggested that a job description also be required. Ms. Godby stated that all the required documentation including job descriptions had been submitted by both WVU and Weirton hospitals and had been reviewed by Ms. Belmont and herself and appeared to be complete. Ms. Oughton made a motion to accept WVU Hospital's documentation. Ms. Peters seconded the motion. The motion carried. Ms. Layton made a motion to accept Weirton Hospital's documentation. Ms. Oughton seconded the motion and the motion carried.

D. STATE VEHICLE

Ms. Godby informed the Board that she had been told by Fleet Services that it would be 30 to 45 more days before the agency's new vehicle would be delivered.

E. HB-4012 (ELIMINATION OF BPH DESIGNEE)

Ms. Godby presented the Board with the official letter sent to DHHR by Mr. Bowyer informing them that the BPH Designee position had been eliminated from the Board by the Legislature.

F. OFFICE CLEANING

Ms. Godby informed the Board that the new window blinds had been installed and the carpet and tile floors had been cleaned. A portion of the inside of the building has been painted and the remainder is in acceptable condition for the time being.

OLD BUSINESS

A. LEGISLATURE UPDATE-SONOGRAPHY

Ms. Godby gave a brief update on the hearing that took place in the Legislature regarding the licensure of Sonography technologists. One of the Legislators requested input from the Physician Boards regarding

their point of view on licensing of Sonography technologists. Ms. Godby stated that she had made arrangements to speak to the Osteopathic Board and was waiting for a response from the Board of Medicine. Ms. Godby stated that another hearing before the Legislature would probably be scheduled this fall.

B. ETHICS COMMITTEE

Ms. Godby gave the following information regarding complaints that had come before the Ethics Committee:

04-FY-2012: This licensee was discovered working on a lapsed license during an inspection. The licensee met with the Ethics Committee and indicated that she had put in place measures to ensure that this didn't happen again. The Ethics Committee recommended that the standard penalty for the first offence be enforced including a fine of \$100.00 and \$100.00 in administrative fees be paid and a letter be sent to the licensee and the facility detailing the penalty. Ms. Layton made a motion to accept the Ethics Committee's recommendation. Ms. Oughton seconded the motion. The motion carried.

05-FY-2012: This licensee was discovered working on a lapsed license during an inspection. The licensee met with the Ethics Committee and indicated that she had moved and her mail wasn't being forwarded by the Post Office so she didn't get the renewal notice from the office. The licensee indicated that she had taken steps to insure it didn't happen again. The Ethics Committee recommended that the standard penalty for the first offence be enforced including a fine of \$100.00 and \$100.00 in administrative fees be paid and a letter be sent to the licensee and the facility detailing the penalty. Ms. Layton made a motion to accept the Ethics Committee's recommendation. Ms. Oughton seconded the motion. The motion carried.

06-FY-2012: Ms. Godby stated that during an inspection she discovered a Nuclear Medicine technologist working without a license. During the discussion with this person and the Imaging Director of the hospital, Ms. Godby was informed that the facility had never received notification that Nuclear Medicine technologists were required to be licensed. Both individuals were shocked that they were unaware of the existing regulations regarding licensing of Nuclear Medicine technologists. The technologist was certified by the NMTCB and immediately obtained a license from the Board office. The technologist met with the Ethics Committee and Ms. Campbell advised the Committee that because he didn't have a license with our Board that no action could be taken against him. A letter was sent to the individual stating that no action would be taken against him regarding this infraction. Ms. Oughton made a motion to accept the actions of the Ethics Committee. Ms. Hallis seconded the motion. The motion carried.

07-FY-2012: This licensee was discovered working on a lapsed license during an inspection. The licensee met with the Ethics Committee and indicated that due to personal issues she had failed to renew her license. The licensee indicated that she had taken steps to insure it didn't happen again. The Ethics Committee recommended that the standard penalty for the first offence be enforced including a fine of \$100.00 and \$100.00 in administrative fees be paid and a letter be sent to the licensee and the facility detailing the penalty. Ms. Layton made a motion to accept the Ethics Committee's recommendation. Ms. Oughton seconded the motion. The motion carried.

08-FY-2012: This licensee had worked on a lapsed license prior to an inspection. The licensee met with the Ethics Committee and indicated that she took the mistake very seriously and would not repeat it. The Ethics Committee recommended that the standard penalty for the first offence be enforced including a fine of \$100.00 and \$100.00 in administrative fees be paid and a letter be sent to the licensee and the facility detailing the penalty. Ms. Layton made a motion to accept the Ethics Committee's recommendation. Ms. Oughton seconded the motion. The motion carried.

The Board discussed the fines listed in the Chapter 30 code. Ms. Oughton made a motion that the Board will establish a standard procedure where anyone who is found working on a lapsed license be assessed a fine of \$100.00 plus \$100.00 in administrative fees for the first offence. Also that facilities will be fined \$500.00 for allowing a licensee to work on a expired license, in addition facilities will be fined \$100.00 when licenses are not properly posted. Ms. Peters seconded the motion. The motion carried.

C. NOTICE OF NEW FEES-TREASURER, EFFECTIVE 7-1-12

Ms. Godby presented the Board with new banking fees that are going to be charged to State agencies by the Treasurer. Ms. Godby indicated that the only item that would effect the Board would be a charge back on returned check fees.

D. INSPECTIONS VIOLATIONS

Ms. Godby informed the Board that during her inspections she has encountered 14 violations regarding improper license posting. Ms. Godby indicated that all of the facilities have notified her that the violations have been corrected. Ms. Godby informed the Board that an individual had expressed concern that individuals were performing imaging tasks who were not licensed by the Board. Ms. Godby stated that she had visited the site and informed them of the allegation and sent the facility a letter of inquiry regarding their imaging procedures. Ms. Godby stated that the facility responded and stated that only properly licensed individuals are being allowed to perform medical imaging procedures.

E. LICENSE POSTING FOR MOBILE IMAGING UNITS

Ms. Belmont addressed the Board regarding the posting of licenses in a mobile imaging unit. Discussion by the Board indicated that there were inconsistent measures regarding posting of licenses on these units. Ms. Oughton made a motion that licenses must be displayed on the mobile unit in the sight of the patients for any technologist who is working on that unit on that day. Ms. Layton seconded the motion. The motion carried.

F. Freedom Of Information Act (FOIA)

Ms. Godby informed the Board that a number of FOIA requests had been received in regard to technologists employed by one facility. The Board discussed the proper procedures regarding the appropriate way to respond to FOIA requests. Ms. Godby presented the Board with a form that another Agency used for FOIA requests and that could be modified to also accommodate requests for mailing lists. Ms. Campbell informed the Board that the Board could not require the form be used for FOIA requests but that it was acceptable to make a form available for use. Ms. Oughton made a motion that a general purpose form be prepared that could be used for FOIA and address list requests and that it be made available for use. Ms. Layton seconded the motion. The motion carried.

G. PRACTICE STANDARDS

Ms. Godby informed the Board that the Board's current Practice Standards had been put in place June 3, 2009. Ms. Godby indicated that due to the constantly changing environment a review of the Practice Standards was in order. Ms. Oughton made a motion that a committee be established including Ms. Oughton, Ms. Layton and Ms. Hallis to revisit the Practice Standards and meet to do this review. Ms. Layton seconded the motion. The motion carried.

H. MRI AND NM APPRENTICE LICENSE EXPIRATION

Ms. Godby informed the Board that there had been numerous inquires to the Board regarding MRI and NM apprentice licenses in reference to their expiration and the requirements related to working as an Apprentice. Ms. Godby stated the she had researched the code and found that 30-23-19 stated that a license that was obtained on July 1, 2007 could be renewed 4(four) times and that no other mention of issuing MRI and NM Apprentice licenses after that date could be found. Ms. Oughton made a motion that the Board would cease issuing Apprentice MRI and NM

licenses. Ms. Layton seconded the motion. The motion carried.

I. OFFICE FURNITURE-DESK

Ms. Gody informed the Board that she had contacted the WV Correctional Industries regarding a new desk unit to be used at the Cool Ridge office. Ms. Godby indicated the price provided for this unit seemed to be excessive and requested that this item be tabled until she could do further research using other suppliers. Ms. Layton made a motion to table this item. Ms. Oughton seconded the motion and the motion carried.

J. MAILING LISTS

Ms. Belmont stated the questions regarding requests for Mailing Lists had been completed by the Board during the discussion regarding FOIA requests.

K. COMPUTER SECURITY

Ms. Godby stated that she has been working on security issues regarding the agency's computers including updating all passwords. She also said that she was still waiting on information from the Office of Technology regarding moving the Board's computer systems onto the State's Mainframe using the Enterprise System. Ms. Godby stated that by doing this we would be able to take advantage of the security built into the State's computer systems and all office files would be backed up on their system. The permanent employees would also be issued WV.Gov email addresses. Ms. Godby informed the Board that there would probably be a fee for using their system. Ms. Oughton made a motion to approve moving the Board computer systems to the State Enterprise system. Ms. Hallis seconded the motion. The motion carried.

L. WV.GOV EMAIL ADDRESSES

This item was discussed under the previous topic.

M. BOARD MEMBER CONCERNS

Ms. Peters inquired regarding her position on the Board. Ms. Peters stated that her appointment had expired. During discussion Ms. Belmont stated that Board members held their position until they were replaced. Further discussion covered Board member responsibilities and training.

N. EXECUTIVE DIRECTOR REPORT

Ms. Godby presented the Board with reports detailing her activities since the previous Board Meeting. The following documents were reviewed:

1. A report listing the number of facilities inspected, and violations discovered.
2. A state map with the counties that had been inspected highlighted.
3. A listing of all the hospitals in the state with the facilities that had been inspected highlighted.
4. A detailed Executive Director Performance Document designed to track Ms. Godby's work accomplishments in relationship to the Performance Expectation Score Card that was developed by the Board regarding the Executive Director's job performance. Ms. Layton made a motion to accept the Executive Director's report. Ms. Peters seconded the motion. The motion carried.

O. ELECTION OF OFFICERS

Ms. Belmont opened the floor for nominations for Board Secretary and Board Chairperson. Ms. Oughton nominated Ms. Hallis for the position of Secretary. Ms. Layton nominated Ms. Oughton as Chairperson. No other nominations were made. Ms. Peters made a motion to close nominations and accept those nominated to their positions by acclamation. Ms. Layton seconded the motion. The motion carried.

P. EXECUTIVE SESSION, (PERSONNEL MATTERS)

Ms. Oughton made a motion to go into executive session to discuss personnel matters. Ms. Peters seconded the motion. The motion carried.

Ms. Oughton made a motion to end the executive session. Ms. Peters seconded the motion. The motion carried.

Q. PERFORMANCE EVALUATION-ADMINISTRATIVE SECRETARY

Ms. Belmont reviewed Mr. Fink's job performance. Ms. Oughton made a motion to accept Mr. Fink's performance evaluation. Ms. Layton seconded the motion. The motion carried.

R. TEMPORARY EMPLOYEE BILLING

Ms. Oughton made a motion to accept Mr. Bowyer's temporary employment billing for May and June, 2012. Ms. Layton seconded the motion. The motion carried.

S. SAFETY COMMITTEE, (ASSIGN BOARD MEMBER)

1. SAFETY AND LOSS CONTROL POLICY

Ms. Godby informed the Board that a safety questionnaire had been received from the Board of Risk Management. Ms. Godby stated that by using this document as a guide she had developed a safety policy for the office and corrected a number of deficiencies including installing smoke detectors at the office and acquiring a first aid kit for the state vehicle. Shortly after taking these actions the new insurance carrier for the state visited the office and the changes made were beneficial to the Board during the facility inspection. Ms. Godby stated that one of the BRIM requirements was that there be a Safety Committee that would include one Board member, Mr. Fink and herself. Ms. Layton agreed to serve on the Safety Committee. Ms. Godby presented the completed Safety Policy for review and approval. Ms. Hallis made a motion to approve the Safety Policy as presented and accept Ms. Layton's appointment to the Safety Committee. Ms. Peters seconded the motion. The motion carried.

T. LICENSEE ISSUES

1. ARRT CEU PROBATION

Mr. Fink addressed the Board regarding individuals who were not current or registered with the ARRT renewing their licenses online. After discussion it was agreed that these individuals would be invited to the next Ethics Committee meeting to explain their actions. The Board discussed the CE requirements for renewal, comparing the ARRT's biennial requirements with the existing practice used by the Board for licensees who are not ARRT registered. The Board also discussed the CE requirements related to a licensee who was issued a Probationary Permit.

7/19/2012

Page 7

Next Meeting Date and Location

The next meeting will be held at the Country Inns and Suites at Elkview , WV on October 18th. The meeting will begin at 5:00 pm.

Ms. Oughton made a motion to adjourn the meeting. Ms. Layton seconded the motion. The motion carried.

The meeting was adjourned at 08:55 PM.

Minutes submitted by Randy Fink, Administrative Secretary.