

KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY
Special Meeting: December 6, 2012

Board Members Present: Andrea Cornuelle, Sheryl Abercrombie, Amy Adkins, Carol Scherbak, Vicki Poplin, Cybil Nielsen, Ellis Blanton, Rebecca Baker

Board Members Absent: Anne-Marie Brown

ExOfficio Members: Vanessa Breeding, Ryan Halloran

Guests: Dewey Crawford, Charles Coulston, Charlie Kendell, Donna Holtz, Larry Clarke, Christina Gordley, Ryan Halloran

AGENDA ITEM	DISCUSSION	ACTION
Call to order		
Introductions	Those present introduced themselves; Cybil shared that she will be leaving Kentucky in May 1 2013 and will resign from the board at that time.	
Approval of Minutes – 11-15-2012	Cybil moved to approve; Sheryl seconded. They are now public record.	
Swearing in of Board Members	Joy (notary) conducted the swearing in of Carol Scherbak and Vicki Poplin. Rebecca Baker was sworn in later by Stephanie Schweighardt We still have one board members who has not been sworn in: Anne-Marie Brown	
Election of Officers	Need a secretary/recorder to take minutes Bylaws are needed Elect chair today (Cybil) Vice chair should be elected to preside in chair's absence. Ellis moved that we vote by secret ballot for chair/vice chair/recorder; Rebecca seconded. Cybil asked that her name be deleted from the ballot, as she is leaving the state in the summer.	Chair – Sheryl Vice Chair – Andrea Recorder - Amy
Update: <ul style="list-style-type: none"> • Regulations • Budget • Space • Personnel 	Personnel – Cybil has initial contact with Personnel; they have been in contact with HR, as they are trying to determine where to assign us; we do not have to post the non-merit position; interested candidates will have to complete an application. Mary E. Harrod is currently our contact until one is assigned. Cybil will continue to gather more information. Office Space – Scott Aubrey is our contact; Sheryl has	

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	<p>emailed him requesting options. Based upon our needs, we need approximately 1,000 sq ft. Because of our budget issues, he may be waiting to proceed.</p> <p>Carol moved that the Board authorize Sheryl to pursue and identify sites to secure office space, up to 1,000 sq. ft for the use of the Board; the Board will send a letter to Scott Aubrey at the Finance Office; Board will approve any proposed lease.</p> <p>Cybil seconded.</p> <p>Discussion ensued regarded the budget for this.</p> <p>Motion passed unanimously.</p> <p>Regulations – Ryan distributed the current regulations. He has already met with the LRC regarding the transfer. Discussion about the process for transferring regulations to the Board. Dewey suggested putting the current regulations through without any changes, other than editorial changes, first; then submit an amendment for other more substantive changes. Sheryl moved that we review the regulations to identify editorial changes and identify substantive changes that we would like to submit at a later date. Withdrew regulations. Ellis moved that the board review the regulations and report next month with changes. A committee would be created to review regulations for changes. Amy seconded. Board members will send revisions to Cybil and she will create a master copy. Sheryl seconded. We will vote on the editorial changes and current regulations, then form a committee.</p> <p>Cybil seconded.</p> <p>Budget – Sheryl shared what she had been doing with regard to budget transfer; Charlie Kendell then shared his interpretation of the budget and offered some suggestions relative to the budget. He talked about what he can help us relative to forward planning. The Cabinet will support us as long as necessary. He said that he believed he could forward about \$40,000 (available) to the Board if we were to go on our own on January 1. They will need about 30 days notice. Sheryl asked for monthly expense records. Charlie suggested asking Vanessa for the revenue numbers. Charlie suggested that it would</p>	

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	<p>probably be well into the spring before the transfer is made. Larry Clarke suggested that the Board ask for actual expenditures. Donna said that the budget includes actual expenses; 2013 budget is projected. Larry asked a question regarding the cash carry forward figures. When looking at the cash balances (year end). Essentially, the numbers that the radiation operator program should have been approximately \$85,000. There is a discrepancy between what Charlie said he could pass along to the Board vs \$85,229 which was excess—ending balances for the past 5 years. Charlie said that we will not be able to resolve this at this time. Cybil asked for clarification, according to statute, any excess should have been placed into trust. She also asked where the \$40,000 figure came from. Charlie clarified: Using the scenario of the last 5 years, they need to come up with about another \$40,000. We will also need to add the revenues from the current year. Clarification on FTE's in the current situation. According the Cabinet, there are 2 FTEs—we need clarification on this, as it could impact carry forward figures. Sheryl asked Charlie if we could have data by next month; he said yes. Gov office will have to bless all budget transactions; this is a group effort.</p>	
<p>Board Member Training (as scheduled by Mr. Halloran)</p>	<p>Mr. Ryan Halloran distributed the executive order on ethics to those who had not received it. Under KRC 311B 040, subsection 6, upon recommendation by the majority of the board members, the governor may remove any board member.... This is a provision relative to boards. He did an executive order, which sets out the rules for board members. We have executive, administrative and judicial branch functions. Mr. Halloran instructed the board relative to responsibilities and relevant statutes that govern the Board.</p> <p>Open records/open meetings- advised the board members not to respond to phone complaints; complaints must be in writing.</p> <p>Open meetings – how we want to handle; everyone has to have equal opportunity to talk.</p> <p>Closed meetings – exemption must be identified relative to specific statute. Can discuss in closed session; vote is</p>	<p>Mr. Halloran will contact John Steffen for training.</p> <p>Open meeting/Open records training will be completed by staff.</p>

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	<p>taken during open session. Quorum of board cannot have a discussion unless it is a noticed meeting. Can add items to regular meeting agenda. Must stick to agenda for special meetings. Notice must be given to public for special meetings. Staff needs to keep records. Complainant must sign complaint.</p> <p>The board has judicial immunity when adjudicating a case; when acting in good faith, board members also have immunity. Board members should be granted authority by the board to do things; should be in minutes.</p> <p>In the case of a disciplinary hearing, if a board member has a conflict, board member must recuse and explain why; needs to be in the minutes. Board member then leaves room until discussion is completed.</p>	
Hire attorney	<p>We can put out a request for proposal (finance department) where law firms could submit a proposal for review and consideration by the board. The finance department would publicize this for us. If the Attorney General's office charges \$100/hour for legal service; court fee is \$125/hour (board rate). The AG's office has 4 attorneys who could support us.</p> <p>Investigators could not be hired within the AGs office. May want to have a "contract" investigator. A board member could be an investigator, but that board member could not be on the complaint committee or participate in any of the discussions. Complaint committee would have to authorize subpoena.</p>	Sheryl moved that while the board discusses who to hire, the board is going into closed session; Rebecca seconded. Following discussion, Amy moved to return to open session, Cybil seconded; all voted unanimously. Ellis moved to hire the attorney general's office.
Set regular meetings	<p>2nd Wednesday of month, 1:30 – 4:30 Next meeting, January 9, 2013</p>	<p>Agenda items for next meeting: Content for website Swearing in of board member Budget Amy Bensenhaber – open meetings/records Executive director Regulations Replacement of Cybil – she needs to submit resignation</p>
Future meetings	January 9, February 13	
Meeting adjourned		