

KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY

January 11, 2017

1:00 pm

Board Members Present: Amy Adkins, Betty Brown, Jacob Hack, Karen Leek, Carol Scherbak, Steven Wells, Sharon Whitaker

Board Members Absent: Jaime Warren

ExOfficio Members: Elizabeth Morgan

Guests: Marcus Jones, KYOAG, Charles Coulston

AGENDA ITEM	Time	DISCUSSION	Action
Call to order	1 minute		The meeting was called to order at 1:05 pm.
Approval of December Minutes	2 minutes	A suggestion was made to edit the minutes to include the name of each committee in the report of action.	A motion to approve the December minutes, as edited, was made by Steve Wells. Sharon Whitaker seconded motion. Motion passed.
Approval of Board Travel and per diem	1 minute		Betty Brown made a motion to approve board travel and per diem pay. Steve Wells seconded motion. Motion passed.
Review of Office Personnel Time Records	3 minutes		Amy Adkins reviewed time records and found them to be satisfactory.
Officer Elections	2 minutes		<p>During the December 2016 meeting, it was determined that officer elections would be held during the January 2017 meeting. Amy Adkins reminded members that she and Carol Scherbak had been nominated for chair. Carol Scherbak addressed the board and withdrew her name from the nominations.</p> <p>Steve Wells made a motion to elect Amy Adkins board chair. Carol Scherbak seconded motion. Motion passed.</p> <p>Steve Wells made a motion to elect Betty Brown the vice chair. Jacob Hack seconded motion. During the discussion, Carol Scherbak brought up the fact that both Amy Adkins and Betty Brown worked for the same organization. Motion failed to pass vote.</p> <p>Steve Wells made a motion to elect Sharon Whitaker the vice chair. Jacob Hack seconded. Motion passed.</p>

AGENDA ITEM	Time	DISCUSSION	Action
Committee Reports	20 minutes	<p><u>Education Committee:</u> a. LXMO program: ongoing</p> <p><u>Complaint/Violation Committee:</u> Ongoing: 14.02 16.07 16.17 16.19 16.20 16.21 16.23a 16.23b 16.25a 16.25b 16.28a 16.28b 16.35 16.36</p>	<p>No report from education committee.</p> <p>The complaint/violation committee made a recommendation to issue a five (5) day suspension and a \$150 civil penalty in case 16.22a. Betty Brown seconded recommendation. Recommendation passed. Steve Wells abstained from the vote.</p> <p>The complaint/violation committee made a recommendation to issue a \$300 civil penalty in case 16.22b. Carol Scherbak seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue a five (5) day suspension and a \$100 civil penalty in case 16.24a. Betty Brown seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue a \$200 civil penalty in case 16.24b. Karen Leek seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to open an investigation in case 16.26a. Carol Scherbak seconded recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to open an investigation in case 16.26b. Betty Brown seconded recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue an eight (8) day suspension and a \$400 civil penalty in case 16.27a. Carol Scherbak seconded. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue an \$800 civil penalty in case 16.27b. Betty Brown seconded recommendation. Steve Wells opposed recommendation.</p>

AGENDA ITEM	Time	DISCUSSION	Action
			<p>Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue a five (5) day suspension and \$100 civil penalty in case 16.30a. Karen Leek seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue a \$200 civil penalty in case 16.30b. Betty Brown seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to open an investigation in case 16.31. Carol Scherbak seconded recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue a five (5) day suspension and a \$100 civil penalty in case 16.32a. Karen Leek seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to issue a \$200 civil penalty in case 16.32b. Betty Brown seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to open an investigation in case 16.33a. Betty Brown seconded recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to open an investigation in case 16.33b. Carol Scherbak seconded recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to ratify the initiating complaint by the Executive Director in case 16.34a. Carol Scherbak seconded recommendation. Recommendation passed.</p> <p>The complaint/violation committee made a recommendation to initiate a complaint in case 16.34b. Karen Leek seconded recommendation.</p>

AGENDA ITEM	Time	DISCUSSION	Action
		<p data-bbox="680 837 995 867"><u>Applications Committee:</u></p>	<p data-bbox="1228 136 1898 331">Recommendation passed. The complaint/violation committee made a recommendation to ratify the initiating complaint by the Executive Director in case 17.01a. Betty Brown seconded recommendation. Recommendation passed.</p> <p data-bbox="1228 337 1864 467">The complaint/violation committee made a recommendation to initiate a complaint in case 17.01b. Karen Leek seconded recommendation. Recommendation passed.</p> <p data-bbox="1228 474 1892 604">The complaint/violation committee made a recommendation to ratify the initiating complaint by the Executive Director in case 17.02a. Carol Scherbak seconded recommendation. Recommendation passed.</p> <p data-bbox="1228 610 1871 773">The complaint/violation committee made a recommendation to initiate a complaint in case 17.02b. Betty Brown seconded recommendation. Recommendation passed.</p> <p data-bbox="1228 837 1923 1032">The applications committee made a recommendation to deny a request by Monica Whetstone to reduce or waive the late fees associated with late renewal. Karen Leek seconded recommendation. Steve Wells opposed recommendation. Recommendation passed.</p> <p data-bbox="1228 1039 1929 1169">The applications committee made a recommendation to approve the license renewal application of Christine Rudenga. Carol Scherbak seconded recommendation. Recommendation passed.</p> <p data-bbox="1228 1175 1919 1305">The applications committee made a recommendation to approve the renewal application for Lori Rupe. Karen Leek seconded recommendation. Recommendation passed.</p> <p data-bbox="1228 1312 1929 1507">The applications committee made a recommendation to deny the initial license application for Kerry Thompson, due to not meeting the requirement of graduating from a JRCERT accredited program. Carol Scherbak seconded. Recommendation passed. The applications committee made a recommendation</p>

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		<p><u>Discussion:</u> After reviewing the letter, Carol Scherbak offered comments. Ms. Scherbak indicated that she was also on the committee to review the regulations at the time, which eventually were passed into law in 2007. During the review process, the Cabinet had concerns about certain programs and wanted to make the requirement for all programs to be JRC accredited. The requirement for programmatic accreditation was in the 2007 regulation and when the board was formed, the regulations were not changed, they were recodified. In 2015, when the regulations were revised by the board, the revisions were to clean up the language of the preexisting regulations. Ms. Scherbak voiced that her concern comes from the fact that as far back as 2005 there were discussions that the JRC accreditation standard would be added into the regulations. The program and the cabinet knew in advance that these regulations would be forthcoming, and yet the program did not maintain accreditation. Ms. Scherbak noted that there are citizens of Kentucky that in good faith went through the program and were given a license by the cabinet. Something that occurred in the past cannot be changed; however, in the regulations committee report a potential resolution to this issue will be proposed. Ms. Scherbak said it is unfair to allow the actions of our predecessors' impact the</p>	<p>to approve eligibility for Trisha Henry to sit for the limited scope exam. Karen Leek seconded recommendation. Recommendation passed.</p> <p>The applications committee made a recommendation to deny the initial license application for Celeste Pace, due to not meeting the requirement of graduating from a JRCNMT accredited program. Karen Leek seconded recommendation. The board members were provided a letter from Charles Coulston, Program Coordinator of Nuclear Medicine & Molecular Imaging Technology at Bluegrass Community & Technical College in Lexington, KY for consideration. Following the discussion, board chair called for a vote. Steve Wells opposed the recommendation. Recommendation passed.</p>

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		<p>citizens today. Steve Wells indicated that he had known Mr. Coulston for many years and that he knows Mr. Coulston would not graduate an individual that was not competent. Mr. Wells indicated he thinks the board should allow the individual to have a license. Carol Scherbak voiced that her concern was that the board must operate within the current law; and also said that she is in favor of a change to rectify the situation. Sharon Whitaker asked if the board should table the vote until after the regulations committee report. Several board members answered that the board is legally constrained to the current law. A review of 201 KAR 46:040, Section 2 and 201 KAR 46:030, Section 1 took place.</p> <p><u>Communications Committee:</u> No report</p> <p><u>Regulations Revision Committee:</u></p> <ol style="list-style-type: none"> a. Update on amendments to 201 KAR 46:060, 201 KAR 46:070, and 201 KAR 46:090; no update b. 201 KAR 46:040: Discussion: Steve Wells asked about whether this update would include in state individuals. Carol Scherbak indicated that the amendment would address applicants who do not meet the accreditation standard. Ms. Scherbak mentioned that, in the past, the board has had discussions with representatives concerning programmatic 	<p>The regulations committee made a recommendation to revise 201 KAR 46:040 to create a section that would include language about reciprocity. Jacob Hack seconded recommendation. The board members reviewed the proposed amendment. Following the discussion, the chair called for a vote. Recommendation passed.</p>

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		<p>accreditation and that in those discussions we were asked not to give preferential treatment to individuals from out-of-state. The committee took this into consideration while editing the amendment. Ms. Scherbak also pointed out that 201 KAR 46:040 does not apply to Limited X-ray Machine Operators.</p>	
Old Business	15 minutes	<p>KBN/KBMIRT Workgroup: Carol Scherbak provided a brief summary of potential changes in the ASRT's Practice Standards that would change the supervision standards of radiographers. Ms. Scherbak will provide additional information as it is made available.</p> <p>It was also discussed that the October 2016 Interim Joint Committee Meeting for Licensing and Occupations minutes incorrectly identified Dr. Kristie Paris as representing the board. Executive Director will contact the LRC to have that information corrected.</p>	
Executive Director Update	5 minutes	<p><u>License Update:</u> December</p> <ul style="list-style-type: none"> a. New: 25 b. Renewal: 269 c. ISC: 3 d. Late: 1 e. Follow-up to late license submissions: in committee <p><u>Related legislative activity:</u> House Bill 172 was introduced by Representative Jeff Greer on January 7, 2017. At this time, the bill has not been referred up to a committee. A copy of the proposed bill was provided to the board for review. Amy Adkins stated that the</p>	

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		<p>board will not take any position or comment on the bill.</p> <p><u>Budget:</u> Financial Report of December 2016 provided to the board for review.</p> <ul style="list-style-type: none"> a.Revenues b.Expenditures c.YTD Balance d. Outstanding Bills <p><u>Other:</u></p> <ul style="list-style-type: none"> a. Record Retention Schedule Review: Ongoing 	
New Business			
Future meetings		<p>February 8, 2017</p> <p><i>All meetings are scheduled to start at 1:00 p.m. and are held at the KBMIRT office: 42 Fountain Place, Frankfort</i></p>	
Meeting adjourned			<p>Steve Wells made a motion to adjourn meeting. Betty Brown seconded motion. Meeting adjourned at 2:28 pm.</p>