

KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY

November 8, 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: Brian Judy, Elizabeth Morgan

Guests: Carson Kerr, Public Protection Cabinet
Dewey Crawford

AGENDA ITEM	Time	DISCUSSION	Action
Call to order	1 minute		Meeting was called to order at 1:07 pm.
Approval of October Minutes	2 minutes		A motion to approve the October minutes was made by Sharon Whitaker. Carol Scherbak seconded motion. Motion passed.
Approval of Board Travel and per diem	1 minute		Steve Wells made a motion to approve Board travel and per diem pay. Jacob Hack seconded motion. Motion passed.
Review of Office Personnel Time Records	3 minutes		The office timesheets were reviewed and approved by board chair. No issues to report.
Committee Reports	20 minutes	<p><u>Education Committee</u>: No report.</p> <p><u>Complaint/Violation Committee</u>:</p>	<p>The complaints/violations committee made a recommendation to open an investigation in case 16.36. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to dismiss case 17.09A since the board was notified that the individual is deceased, to open case 17.09B, and initiate a complaint for unlicensed practice. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in cases 17.20A and 17.20B. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to dismiss cases 17.20C and 17.20D as the facts alleged in this matter do not</p>

AGENDA ITEM	Time	DISCUSSION	Action
			<p>constitute any apparent violation of law. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 12-day suspension and a \$600 civil penalty in case 17.21 for working with an invalid license for 12 days. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.24. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.25A. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to initiate a complaint in case 17.28 for practicing without a valid license. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.29 for working on an invalid license; and issue a 27-day suspension and \$1350 civil penalty for working without a valid license for 27 days. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.30 for unlicensed practice. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.31 for unlicensed practice. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.32 for working on an invalid license and open an investigation. Karen Leek seconded.</p>

AGENDA ITEM	Time	DISCUSSION	Action
		<p data-bbox="680 537 995 565"><u>Applications Committee:</u></p> <p data-bbox="680 1008 1192 1036"><u>Communications Committee:</u> No report.</p> <p data-bbox="680 1073 1110 1101"><u>Regulations Revision Committee:</u></p> <p data-bbox="680 1109 1199 1369">a. Update on amendments to 201 KAR 46:081 and new administrative regulation for administrative subpoenas: Board reviewed amendments to 46:081 and materials incorporated by reference and reviewed new administrative regulation.</p> <p data-bbox="680 1377 1184 1503">b. Amendments to 201 KAR 46:010, 201 KAR 46:020, and 201 KAR 46:035: Board reviewed updates to the administrative regulations</p>	<p data-bbox="1228 134 1570 162">Recommendation passed.</p> <p data-bbox="1228 170 1873 329">The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.33 for unlicensed practice. Betty Brown seconded. Recommendation passed.</p> <p data-bbox="1228 337 1913 464">The complaints/violations committee made a recommendation to initiate a complaint in case 17.34 for a positive drug screen at work. Betty Brown seconded. Recommendation passed.</p> <p data-bbox="1228 505 1902 732">The applications committee reviewed the applications of six individuals and made a recommendation to approve the following applications: Emily Wise, Angela Pope, Lori Pihl, Shannon Mains-Vocke, Kelly Hughes, and Mandi Baker. Steve Wells seconded the recommendation. Recommendation passed.</p> <p data-bbox="1228 740 1923 967">The applications committee reviewed the application for Ashley Montgomery and made a recommendation to deny the applicant because the program completed was not JRCERT accredited and the individual does not meet the requirements of KRS 311B.100 (3). Sharon Whitaker seconded. Recommendation passed.</p> <p data-bbox="1228 1073 1892 1300">The regulations revision committee made a recommendation to file amendments to 201 KAR 46:010 with edits discussed, including an update to Section 1 (14) and (18), removing (17), and adding definitions of “medical imaging” and “therapeutic procedures”. Betty Brown seconded. Recommendation passed.</p> <p data-bbox="1228 1308 1923 1435">The regulations revision committee made a recommendation to file amendments to 201 KAR 46:020 to remove Section 10. Steve Wells seconded. Recommendation passed.</p> <p data-bbox="1228 1443 1860 1503">The regulations revision committee made a recommendation to file amendments to 201 KAR</p>

AGENDA ITEM	Time	DISCUSSION	Action
		<p>c. The committee received a question from an individual asking if a BMIRT license is required to practice within the limits of their practice standards but not utilizing radiation producing equipment. After discussion, it was determined that an individual must be licensed to practice if they use ionizing or nonionizing radiation to perform medical imaging or radiation therapy procedures.</p> <p>d. Questions have been brought to the committee about the expanded list of organizations accepted by the board to approve continuing education for licensees. The expanded list includes organizations that may not meet the standards set forth by the licensee's national certification. This may cause confusion for some licensees.</p>	<p>46:035 with edits discussed, including updating the standards of practice incorporated by reference to the most recent versions, incorporate the glossary for the practice standards, and incorporate the standards of ethics from ARRT and NMTCB. Jacob Hack seconded. Recommendation passed.</p> <p>The regulations revision committee made a recommendation to file amendments to 201 KAR 46:081, including the removal of information pertaining to the Independent Study Course and updating the applications. Steve Wells seconded. Recommendation passed.</p> <p>The regulations revision committee made a recommendation to file a new administrative regulation to include administrative subpoenas. Steve Wells seconded. Recommendation passed.</p> <p>The regulations revision committee made a recommendation to give Amy Adkins the authority to approve any non-substantive changes to the administrative regulations as filed. Steve Wells seconded. Recommendation passed.</p> <p>The regulations revision committee made a recommendation to file a technical change to the administrative regulations to update KBMIRT office address and delegate the Executive Director to oversee this process once occupancy has been established at the new office. Betty Brown seconded. Recommendation passed.</p> <p>Carol Scherbak made a motion to notify licensees through email and an announcement on the website about the expanded list of accepted organizations that can approve CE for licensees and the fact that this list may differ from the approved list for their national certification. The motion further delegated the Executive Director to draft the communication with the final approval given by Amy Adkins. Betty Brown seconded. Motion passed.</p>
Old Business	15 minutes	<p><u>Reorganization Updates:</u> No updates.</p> <p><u>Office Move Updates:</u> The move is anticipated to occur in November. Final</p>	

AGENDA ITEM	Time	DISCUSSION	Action
		<p>work on the new office is projected to be completed on November 10. The new address is 125 Holmes Street, Suite 320. The December meeting will be held at the new address (unless there is a delay with the move). Elizabeth will communicate to the board and the public where the location of the meeting will be held in December. If the meeting is at the new address, it will be a special meeting.</p>	<p>Carol Scherbak made a motion to notify licensees of the board's new address by mail and email, and asked the communications committee to aid in drafting the communication. Betty Brown seconded. Motion passed.</p>
Executive Director Update	5 minutes	<p><u>License Update: October</u></p> <ul style="list-style-type: none"> a. New: 34 b. Renewal: 589 c. ISC: 9 d. Late: 4 e. Follow-up to late license submissions: in committee <p><u>Related legislative activity: None</u></p> <p><u>Budget: Report for October distributed</u></p> <ul style="list-style-type: none"> a. Revenue 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 b. Administrative Assistant: ongoing c. ARRT CE Consensus Meeting: Executive Director gave a brief overview of the topics of interest from the meeting. 	
New Business			
Future meetings		<p>December 13, 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>	

AGENDA ITEM	Time	DISCUSSION	Action
Meeting adjourned			Carol Scherbak made a motion to adjourn meeting. Steve Wells seconded. Meeting adjourned at 2:43pm.