

**KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY**  
**February 8, 2017**  
**1:00 pm**

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

Board Members Absent:

ExOfficio Members: Brian Judy, Elizabeth Morgan

Guests: Charles Coulston

AGENDA ITEM	Time	DISCUSSION	Action
Call to order	1 minute		Meeting was called to order at 1:26 pm.
Introduction of New Board Member	1 minute	Jaime Warren was sworn in prior to the board meeting. Ms. Warren introduced herself and will serve as the Nuclear Medicine representative.	
Approval of January Minutes	2 minutes		A motion to approve the January minutes was made by Sharon Whitaker. Betty Brown 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. Carol Scherbak seconded motion. Motion passed.
Review of Office Personnel Time Records	3 minutes		Board chair reviewed time records and found them satisfactory.
Committee Reports	20 minutes	<p><u>Education Committee:</u></p> <p>a. LXMO program: New textbook and workbook, along with corresponding coursework was reviewed by committee. <i>Radiography Essentials for Limited Practice, 5<sup>th</sup> ed.</i> and <i>Workbook and Licensure Exam Prep for Radiography Essentials for Limited Practice, 5<sup>th</sup> ed.</i> by Bruce W. Long, MS, RT(R)(CV), FASRT, Eugene D. Frank, MA, RT(R), FASRT, FAEIRS and Ruth Ann Ehrlich, RT(R)</p>	The education committee made a recommendation to begin utilizing the new textbook, workbook, and materials beginning April 1, 2017. Betty Brown seconded. Recommendation passed.

AGENDA ITEM	Time	DISCUSSION	Action
		<p><u>Complaint/Violation Committee:</u></p>	<p>The complaints/violations committee made a recommendation to summons the individual in case 14.02 to appear before the complaints and violations committee at the March 8, 2017 meeting. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a five (5) day suspension and a \$200 civil penalty in case 16.23a. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a \$400 civil penalty in case 16.23b. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a twenty-seven (27) day suspension to be retroactively applied from date of cease and desist notification and a \$1,350 civil penalty in case 16.28a. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint by the Executive Director in case 17.03a. Carol Scherbak seconded. Recommendation passed.</p> <p>In case 17.04, the complaints/violations committee made a recommendation for the Executive Director to contact the Louisville Metro Police Department to file a report due to information received of possible altered document that appear to be forgery. Carol Scherbak seconded recommendation. Amy Adkins, Betty Brown, and Steve Wells recused themselves from the vote. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint by Executive Director in case 17.05a. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to initiate a complaint in case 17.05b. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint by</p>

AGENDA ITEM	Time	DISCUSSION	Action
		<p data-bbox="680 971 995 1003"><u>Applications Committee:</u></p>	<p data-bbox="1228 131 1850 196">Executive Director in case 17.06a. Betty Brown seconded. Recommendation passed.</p> <p data-bbox="1228 196 1839 331">The complaints/violations committee made a recommendation to initiate a complaint in case 17.06b. Carol Scherbak seconded. Recommendation passed.</p> <p data-bbox="1228 331 1892 466">The complaints/violations committee made a recommendation to ratify the initiating complaint by Executive Director in case 17.07a. Karen Leek seconded. Recommendation passed.</p> <p data-bbox="1228 466 1892 600">The complaints/violations committee made a recommendation to initiate a complaint in case 17.07b. Betty Brown seconded. Recommendation passed.</p> <p data-bbox="1228 600 1923 935">The complaints/violations committee made a motion to amend 201 KAR 46:070, Section 3 to set a cap on the civil penalties, which are \$50 per day an individual works with an invalid license and double for the employer of the individual [per 201 KAR 46:070, Section 3 (2) and (3)]. The amendment would set the maximum civil penalty for an individual at \$1,500 and \$3,000 maximum civil penalty for the employer of the individual. Carol Scherbak seconded motion. Motion passed.</p> <p data-bbox="1228 971 1818 1105">The applications committee made a recommendation to approve the initial license application for Lauren Nelson. Steve Wells seconded. Recommendation passed.</p> <p data-bbox="1228 1105 1923 1273">The applications committee made a recommendation to deny the initial license application for Jessica Frailey, due to not meeting the requirement of JRCERT accreditation. Sharon Whitaker seconded. Recommendation passed.</p> <p data-bbox="1228 1273 1923 1440">The applications committee made a recommendation to deny the initial license application for Eddie Culp, due to not meeting the requirement of JRCERT accreditation. Karen Leek seconded. Recommendation passed.</p> <p data-bbox="1228 1440 1902 1503">The applications committee made a recommendation to approve the renewal application</p>

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		<p><u>Communications Committee:</u> A discussion about the release of licensee's email addresses to organizations resulted in the determination that, since the board's applications do not currently differentiate between personal and business email addresses, and the</p>	<p>of Brad Croslin. Carol Scherbak seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to deny the request by Deborah Hoke to waive the reinstatement and late fees associated with late renewal. Karen Leek seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to approve the initial license application for Dakota Lake. Carol Scherbak seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to approve the renewal application of Faye Clayton. Sharon Whitaker seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to approve the renewal application of Tammey Kelly. Jaime Warren seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to approve the renewal application of Monica Whetstone. Jaime Warren seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to deny the initial license application for Bruce Fout, due to not meeting the requirement of JRCERT accreditation. Jaime Warren seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to approve the initial license application for Brian Huynh. Carol Scherbak seconded. Recommendation passed.</p>

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		<p>open records act indicates that personal email addresses are discretionary to release, the board will not release email addresses to organizations.</p> <p><u>Regulations Revision Committee:</u></p> <p>a. Update on amendments to 201 KAR 46:060, 201 KAR 46:070, 201 KAR 46:090, and 201 KAR 46:040: all amendments will be filed by the deadline this month.</p> <p>The board reviewed and made additional edits to the application for renewal of a medical imaging and radiation therapy license to include business email and questions about disciplinary action.</p> <p>The board reviewed and made edits to the initial medical imaging and radiation therapy license application to include question about prior disciplinary action in other jurisdictions and nationally, years of experience, employment information and clarification of educational degree options.</p> <p><u>Advisory Opinion:</u> KBN/CHFS-RHB The board is awaiting a response from KBN as to whether it is within the scope of practice for a Registered Nurse to administer radiopharmaceuticals. The KBN Practice Committee meeting was held in January and attended by the BMIRT Executive Director. A question was posed by the KBN committee as to what the board's concerns are on the topic. As a result, the board determined</p>	<p>The regulations revision committee made a recommendation to amend 201 KAR 46:040 to include updates to materials incorporated by reference, the renewal application, and information regarding reinstatement. Jacob Hack seconded. Recommendation passed.</p> <p>Carol Scherbak made a motion to approve the renewal application as edited. Betty Brown seconded. Motion passed.</p> <p>Jacob Hack made a motion to approve the initial license application as edited. Betty Brown seconded. Motion passed.</p>

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		<p>that the Executive Director would respond with concerns about the educational training and clinical competency related to radiopharmaceuticals.</p> <p>The regulations committee was asked to review regulations to assure consistency with the scope of practice standards that are incorporated by reference into regulation.</p>	
Old Business	15 minutes	<p><u>KBN/KBMIRT Workgroup</u>: ongoing</p> <p><u>HB 172</u>: The bill will be amended in committee to include additional requirements. At this point the bill has been referred to the House Committee on Licensing, Occupations, and Administrative Regulations.</p>	
Executive Director Update	5 minutes	<p><u>License Update</u>: January</p> <ul style="list-style-type: none"> <li>a. New: 36</li> <li>b. Renewal: 725</li> <li>c. ISC: 2</li> <li>d. Late: 3</li> <li>e. Follow-up to late license submissions: in committee</li> </ul> <p><u>Related legislative activity</u>:</p> <p>SB 116: Introduced in the Senate and mirrors language in HB 172 to expedite the legislative process.</p> <p>SB 132: Introduced in the Senate and would abolish the board and create the Medical Imaging and Radiation Therapy Advisory Committee under the Board of Medical Licensure.</p> <p><u>Budget: Report for January distributed</u></p> <ul style="list-style-type: none"> <li>a. Revenues</li> <li>b. Expenditures</li> <li>c. YTD Balance</li> </ul>	<p>Carol Scherbak made a motion to delegate Amy Adkins and Elizabeth Morgan to meet with Senator Jimmie Higdon to discuss SB 132. Betty Brown seconded. Motion passed.</p>

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		d. Outstanding Bills  <u>Other:</u> a. Record Retention Schedule Review: ongoing	
<b>New Business</b>			
<b>Future meetings</b>		March 8, 2017  <i>All meetings are scheduled to start at 1:00 p.m. and are held at the KBMIRT office: <b>42 Fountain Place, Frankfort</b></i>	
<b>Meeting adjourned</b>			Steve Wells made a motion to adjourn the meeting. Jaime Warren seconded. Motion passed. Meeting adjourned at 3:14 pm.