

KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY

August 13, 2024

1:00 pm

Board Members Present: Keri Leamy, Sharon Whitaker, Jeffrey Fannin, Ryan Hamilton, Lucas Rodriguez, Nancy Uhls, Eric Burchfield

Board Members Absent:

ExOfficio Members: Carson Kerr, Elizabeth Morgan

Guests: Michael Helphinstine

AGENDA ITEM	Time	DISCUSSION	Action
Call to order	1 minute		Quorum was established; meeting was called to order at 1:03 pm. Board chair recognized and welcomed guest.
Approval of April Minutes	2 minutes		A motion to approve April minutes was made by Sharon Whitaker. Nancy Uhls seconded. Motion passed.
Approval of Board travel and per diem	1 minute		Nancy Uhls made a motion to approve board travel and per diem for today's meeting and per diem from May and July committee meetings. Lucas Rodriguez seconded. Motion passed.
Committee Reports	20 minutes	<p><u>Education Committee:</u> No report.</p> <p><u>Complaint/Violations Committee:</u> The complaint/violations committee made a recommendation to approve the following actions: 23.19 Issue Order for a Corrective Action Plan & Agreed Order for \$3,000 civil penalty 23.23 Open Investigation 24.02 Dismiss, as no apparent violation of the law occurred 24.03 Dismiss, as no apparent violation of the law occurred 24.04 Ratify Initiating Complaint & Open Investigation 24.06 Issue notice of 45-day retroactive suspension and \$1,500 civil penalty 24.07 Issue Order for a Corrective Action Plan & Agreed Order for \$6,000 civil penalty 24.08 Initiate Complaint & Issue Cease and Desist Order; Close Case unless individual applies for reinstatement. 24.09 Initiate Complaint and Open Investigation 24.10 Private Written Admonishment & Warning Letter to Facility 24.11 Private Written Admonishment & Warning Letter to Facility 24.12 Private Written Admonishment & Warning Letter to Facility 24-V-003 Issue notice of 45-day retroactive suspension and \$1,500 civil penalty 24-V-004 Dismiss, as no apparent violation of the law occurred 24-V-005 Issue notice of 13-day retroactive suspension and \$650 civil penalty</p>	

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		<p>24-V-007 Issue notice of 5-day retroactive suspension and \$200 civil penalty 24-V-008 Issue notice of 5-day suspension and \$50 civil penalty</p> <p>The recommendation to approve the list of actions was seconded by Nancy Uhls. Jeffrey Fannin recused himself from voting on case 24.09, Sharon Whitaker recused herself from voting on case 2024-V-004, and Keri Leamy recused herself from voting on 2024-V-008. Recommendation passed.</p> <p>The complaint/violations committee makes a recommendation that the Board delegate authority for the Executive Director and Legal Counsel to, upon receipt of a report from the Radiation Health Branch inspector regarding unlicensed practice, proceed with the issuance of a request for a Corrective Action Plan to the facility, as well as a settlement agreement for civil penalty. Terms will include the possibility to pay the civil penalty in monthly installments, and due to the informal nature of the offer, have the option to offer lower fine/penalty sums. Nancy Uhls seconded. Recommendation passed.</p> <p><u>Applications Committee:</u> The applications committee made a recommendation to approve applications for Michael Gooch, Michele Qualkenbush, April Riley, Amanda Roberts, Steven Purcell, Jonathan Fowlkes, Amber Adams, Latanya Williams, and Jason Cook. Sharon Whitaker seconded recommendation. Recommendation passed.</p> <p><u>Communications Committee:</u> No report.</p> <p><u>Regulations Revision Committee:</u> Student Techs: ongoing</p> <p>The regulations revision committee made a recommendation to file amendments to 201 KAR 46:035, Sections 3 and 4 to update materials incorporated by reference to include the most recent versions. Lucas Rodriguez seconded. During discussion, the Board reviewed drafted updates to the regulation. Recommendation passed.</p> <p>The regulations revision committee made a recommendation to file amendments to 201 KAR 46:040, Section 16 Form 1 and Form 2 to include questions about Alternative Disposition Agreements with ARRT, and whether individual practiced while unlicensed. Keri Leamy seconded. During discussion, the Board reviewed drafted updates to the regulation and forms. Recommendation passed.</p> <p>The regulations revision committee made a recommendation to file amendments to 201 KAR 46:060, Section 4(2) to remove referenced information from presenters of continuing education programs. Lucas Rodriguez seconded. During discussion, the Board reviewed drafted updates to the regulation. Recommendation passed.</p>	

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		<p>The regulations revision committee made a recommendation to file amendments to 201 KAR 46:100, Sections 3, 4 and 8 and Form 10 and 12, to allow scholarship recipients to apply for the renewal of a scholarship award. Jeffrey Fannin seconded. During discussion, the Board reviewed drafted updates to the regulation and forms. Recommendation passed.</p> <p>The regulations revision committee made a recommendation to give the board chair the authority to approve any non-substantive changes to the administrative regulations filed. Lucas Rodriguez seconded. Recommendation passed.</p>	
Old Business	15 minutes	<p><u>New Database Update</u> Database is operating as desired, allowing staff to work more efficiently. Board members will have the opportunity to obtain board meeting materials through the database for future meetings.</p> <p><u>Council on Postsecondary Education (CPE) Update:</u> The Additional Budget Request was approved by the legislature, and the contract with CPE has been fully executed. CPE has published the Request for Proposals for Nuclear Medicine programs through August 15. Once CPE has selected the program, funds will be distributed, as per contract.</p>	
Executive Director Update	5 minutes	<p><u>License Update:</u> April 2024</p> <ul style="list-style-type: none"> a. New: 54 b. Renewal: 462 c. Late: 5 d. Follow-up to late license submissions: in committee <p>May 2024</p> <ul style="list-style-type: none"> a. New: 172 b. Renewal: 738 c. Late: 2 d. Follow-up to late license submissions: in committee 	

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		<p>June 2024</p> <ul style="list-style-type: none"> a. New: 64 b. Renewal: 698 c. Late: 1 d. Follow-up to late license submissions: in committee <p>July 2024</p> <ul style="list-style-type: none"> a. New: 39 b. Renewal: 613 c. Late: 8 d. Follow-up to late license submissions: in committee <p><u>Related legislative activity:</u> The 2024 Kentucky Legislative session's final day was April 13; the following bills are ones that are being tracked, with final outcomes from the session noted: SB 154 (Bill to update KRS 311B)-BILL DIED in committee SB 28 (Podiatry Asst. Licensing)-BILL VETOED by Governor HB 159 (related to immunity from criminal liability for health care providers)-LAW HB 124 (related to reviewing criminal convictions prior to pursuing education in the occupation for which license is required)-BILL DIED HB 766 (require the licensing authorities of healthcare occupations to collect workforce participation data during the annual, biennial, or triennial licensure renewal process)-BILL DIED HB 509 (require boards to supply members with email addresses to aid in transparency)-BILL DIED HB 397 (include military orders</p>	

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		<p>documenting a military assignment transfer to Kentucky as valid proof of military service)-LAW</p> <p><u>Related ARRT, ASRT, NMTCB updates: N/A</u></p> <p><u>Budget: Report thru July 2024 distributed to Board Members</u></p> <ol style="list-style-type: none"> a. Revenue b. Expenditures c. YTD Balance d. Outstanding Bills <p><u>Other:</u></p> <p>The Executive Director and Program Coordinator attended the 2024 ASRT Educational Symposium and Annual Governance and House of Delegates Meeting June 27-30, 2024. Both found the event to be very informative. The Executive Director provided a brief presentation on items that were discussed at the event. Highlights from the presentation include:</p> <ul style="list-style-type: none"> • White Paper from the 2024 Consensus Committee on the Future of Medical Imaging and Radiation Therapy • The Artificial Intelligence Era: The Role of Radiologic Technologists and Radiation Therapists • Shielding continues to be a topic of confusion based on different opinions that are available. The ASRT has a helpful website specifically for the topic of shielding: Patient Shielding Task Force 	<p>Nancy Uhls made a motion to send the Executive Director and one other representative of the board to</p>

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			the ASRT Educational Symposium and Annual Governance and House of Delegates Meeting each year, on condition that funding is available. Lucas Rodriguez seconded. Motion passed unanimously.
New Business			Sharon Whitaker made a motion to form a committee of the board to create a strategic plan for the future of the board and the board's budget. Nancy Uhls seconded. Motion passed.
Future meetings		<p><i>October 8, 2024</i></p> <p><i>All meetings are scheduled to start at 1:00 p.m. and are held at the KBMIRT office: 2365 Harrodsburg Rd, Suite A220</i></p>	
Meeting adjourned			Nancy Uhls made a motion to adjourn meeting. Sharon Whitaker seconded. Meeting adjourned at 2:36 pm.