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JAN 12 1990

Docket No. 030-12343  
License No. 47-17199-01

Humana Hospital Greenbrier Valley  
ATTN: Mr. Greg L. Gibson  
Executive Director  
P. O. Box 497  
Ronceverte, WV 24970

Gentlemen:

SUBJECT: ENFORCEMENT CONFERENCE

The Nuclear Regulatory Commission (NRC) has completed its investigation of activities associated with Humana Hospital Greenbrier Valley. A copy of the Synopsis of the Office of Investigation (OI) Report, issued on July 24, 1987, is enclosed.

The NRC requires that information provided to the Commission by a licensee be complete and accurate in all material respects. As noted in the Synopsis of the OI Report, a question has arisen concerning the accuracy of qualification, training and experience data submitted to the NRC by your organization. Accordingly, as discussed between Mr. C. Hosey of this office and yourself during a telephone conversation on January 4, 1990, an Enforcement Conference will be held at your facility at 9:00 a.m., on January 24, 1990, to discuss the findings of the NRC investigation and any actions that have or will be taken to assure that information required by the NRC is complete and accurate in all material respects. A proposed meeting agenda is enclosed.

In accordance with Section 2.790 of the NRC "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosures will be placed on the NRC Public Document Room.

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Should you have any questions regarding these arrangements, we will be pleased to discuss them.

Sincerely,  
Original Signed By: */fol*  
James L. Milhoan

Stewart D. Ebnetter  
Regional Administrator

Enclosures:

- 1. Synopsis of OI Report 2-85-016
- 2. Meeting Agenda

cc w/encl:  
State of West Virginia

bcc w/encl:  
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## SYNOPSIS

This investigation was initiated upon the request of the U. S. Nuclear Regulatory Commission (NRC), Region II Regional Administrator, to resolve the allegation that a Humana Hospital Greenbrier Valley (HHGV), Ronceverte (Lewisburg), West Virginia physician/radiologist (applicant) submitted hospital license amendment request documentation which contained false, erroneous and inaccurate qualification, training, and experience data. The alleged, a Confidential Source, advised that the applicant deliberately and intentionally misrepresented training and experience information in one or more of the three Preceptor Statements (NRC Form 313M, Supplement B) submitted to the NRC for the purpose of amending the HHGV license to include the applicant's name as an authorized user of byproduct material. Reportedly, the applicant's action violated the requirements of 10 CFR Part 30, a condition of the HHGV license and procedures pursuant to the contents of the NRC's Regulatory Guide 10.8.

A review of the applicable regulatory guide disclosed that the Preceptor Statement is the document utilized by the NRC to qualify and authenticate the clinical training and experience or "on-the-job" nuclear medicine case participation of a physician who is seeking an NRC license to practice nuclear medicine. The licensing files at the NRC, Region II, reflect that the HHGV submitted required documentation on behalf of the applicant under cover of a June 24, 1985, transmittal letter. The three preceptor statements, which comprised the significant portion of the request package, were previously signed and dated by separate licensed physicians who supposedly personally supervised the applicant's clinical training and experience.

The alleged, formally interviewed on two separate occasions, related essentially that the applicant had neither participated in nor completed all of the clinical training and experience indicated on a preceptor statement signed by a licensed physician certified to practice nuclear medicine at the HHGV. Further, the alleged advised that a counterpart at the Alleghany Regional Hospital (ARH), Low Moor (Clifton Forge), Virginia, reported the applicant had not participated in the training indicated on a preceptor statement signed by a licensed physician at the ARH facility. Interviews of nuclear medicine technicians at the ARH and at Kings Daughters Hospital (KDH), Ashland, Kentucky, confirmed, after reviewing preceptor statements signed by licensed physicians at both institutions, that the applicant's clinical training and experience data was inflated and incorrect and not reflective of personal participation. A physicist did confirm that the applicant's academic training reflected on the applicable form submitted with the license amendment request was correct.

Current and former HHGV physicians and administrative officials testified regarding their knowledge of the allegation that the applicant submitted false qualification data to the NRC. One official advised he initially withheld the applicant's license amendment request because he was concerned about the validity of the training data contained in the preceptor statement signed by the HHGV's licensed physician. This individual related that the license amendment request was submitted after the hospital Executive Committee unanimously recommended the action and the applicant's attorney threatened litigation. The other interviewees claimed no personal knowledge of documentation improprieties by the applicant but related personality and professional deficiencies which contributed to marginal performance. One source related

that, for these reasons, the applicant's contract to provide exclusive radiology and nuclear medicine services at HHGV was not renewed after October 1985.

The three preceptor physicians were interviewed to obtain information regarding applicant's experience and personal participation in clinical training. One physician, after reviewing the preceptor statement he signed, reported that it appeared to have been altered and training information added and deleted after it was returned to the applicant. A second physician related that he placed erroneous and false nuclear medicine case participation data on the applicant's preceptor statement knowing that the applicant had participated in no more than 10 to 25 percent of the total cases indicated. The third physician said he supervised the applicant in his participation of some nuclear medicine cases and that the totals on the preceptor statement appeared accurate although he relied upon the applicant's integrity, to place correct numbers on the form.

The applicant was interviewed regarding the alleged preceptor statement improprieties and he steadfastly denied he had reported any clinical training data in which he did not participate. A second proposed interview was cancelled after it was learned the applicant had major surgery and was unable to continue his nuclear medicine practice. A review of Nuclear Medicine Department records and logbooks at the HHGV, the ARH, and the KDH was conducted during the investigation. It was determined that these facilities strictly require a record of certain radioisotopic activities of the types listed on the preceptor statement. This review failed to disclose a record of the applicant's participation in any of the clinical training reported in the license amendment request.

During the investigation HHGV administrative records pertinent to the allegation were reviewed. This documentation relates to various aspects of the applicant's relationships with HHGV staff and administrative officials and their interactions concerning the license amendment application. Specifically, it was confirmed that a former HHGV official reluctantly submitted applicant's license amendment request to the NRC after apparent coercion by the hospital Executive Committee and the threat of litigation by applicant's attorney.

Based upon investigative disclosures, it was established unequivocally that the applicant did not personally participate in all of the training and nuclear medicine procedures reported on the three preceptor statements. It appears that the applicant deliberately submitted false qualification data to the NRC for their use during the license amendment request decision process. Finally, the investigation did not reveal substantive evidence that HHGV Executive Committee officials suspected improprieties by the applicant nor were there any indications developed that these individuals conspired with the applicant to falsify application data.

JAN 12 1990

ENCLOSURE 2

PROPOSED MEETING AGENDA  
FOR ENFORCEMENT CONFERENCE

Humana Hospital Greenbrier Valley  
Ronceverte, West Virginia  
January 24, 1990  
9:00 a.m.

- |                                     |          |
|-------------------------------------|----------|
| I. Opening Remarks                  | NRC      |
| II. Discussion of NRC Concerns      | NRC      |
| III. Investigation Findings         | NRC      |
| IV. Corrective Actions for Findings | LICENSEE |
| V. Closing Remarks                  | NRC      |