

# Oregon State Board of Radiologic Technology (OBRT)

## January 8, 1999 Minutes

State Office Building ☐ 800 NE Oregon Street, Suite 407 ☐ Portland, Oregon

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### ATTENDANCE

**Members and Staff:** Brian Buckingham, LRT; Lee Flanders, LRT; Darrell Hocken, RT, Advisory Member; Erica Hovet, LCSW, Public Member; Betty Palmer, LRT; Glen Plam, LRTT, Chairman; Ken Stevens, MD, Radiologist; Larry Strayer, Investigator; Lianne Thompson, Executive Officer; Doug Van Fleet, Clerk.

**Members Absent:** Mercedes Herrera, LRT.

**Also Present:** Randy Harp, LRT, Oregon Society of Radiologic Technologists (OSRT), President; Richard Marion, LRT, Kaiser Permanente; Yayoi Nakatani, Oregon State University (OSU), MBA Quality Assessment Program (MBAQAP); Jennifer Norris, OSU, MBAQAP; Bart Pierce, LRT, OSRT; Barbara Smith, LRT, OSRT, Portland Community College (PCC); Kathy Tate, OSU, MBAQAP; Steve Uroshevich, LRT, Apollo College, and X-ray Education Services; Anne Warden LRT, OSRT, NWC delegate.

Committee Meetings held to consider agenda items, 8:00 a.m. –

A quorum was established and the meeting called to order (executive session) for considering the Investigation Committee report. At 10:19 a.m., the public session was called to order.

### MINUTES APPROVAL [Attachment 1]

October 9, 1998: Mr. Plam directed attention to page 3, “Chair Report”: “He has also talked with Nancy Ellingson....” Mr. Plam corrected: “[He] didn’t talk to Nancy Ellingson.” Ms. Palmer directed attention to page 5, “New Business”: “Radiation Therapy Week....” The corrected reading: “National Radiologic Technology Week.” **The minutes were unanimously approved as corrected.**

### CHAIR REPORT

Mr. Plam called for nominations for chair (annual election). Mr. Buckingham moved that Mr. Plam continue in the office. Ms. Hovet seconded. **The motion passed unanimously.**

## CONTINUING EDUCATION (CE)

Ms. Palmer presented the CE Advisory Committee report [Attachment 2]. She also recommended the adoption of the staff-obtained evaluation report [Attachment 3], indicating that the board does need feedback from CE participants. Dr. Stevens suggested that the provider indicate how many participants are responding.

Ms. Smith: “Who gets the evaluations?” Ms. Palmer answered that the staff would receive and transmit to the CE Committee. (The evaluation report form would be sent—stapled to the approved request-- to the provider.) Dr. Stevens directed that “Presenter” be put with “Course Title.”

Ms. Thompson complimented Ms. Palmer on her insistence that there must be something in writing re the Board’s status as an American Registry of Radiologic Technologists (ARRT) RCEEM. (The staff had been unable to find a relevant document.) Ms. Thompson has obtained a copy of the original letter [Attachment 4]. She spoke to the penultimate paragraph: “...the ARRT will consider accepting state-generated CE activity reports for individuals as documentation of participation in CE activities.” Ms. Thompson will be working to get feedback to see what the board must do to get the technology for such reports.

Ms. Palmer reported working on the approval-request form to make it more user-friendly.

Mr. Plam asked whether a current ARRT card is now sufficient for license renewal. [No; OAR 337-010-0025(4) A sample of the total population...will be required to submit continuing education verification documents with renewal applications....]

“Continuing Education” (the request-and-approval report [Attachment 5]) showed that 38 approval requests were received during the fourth quarter. All but four were approved. Ms. Palmer: “We don’t disapprove too many.”

Ms. Thompson called attention to the current calendar [Attachment 6].

Ms. Palmer related that unconventional approval requests are occasionally received. One in particular she brought to the board’s attention: “Advanced Clinical Research on the Internet for Health Care Professionals” (promoted by PCC’s Institute for Health Professionals). She characterized the presentation as teaching how to interpret health-research reports, and she was dubious about its applicability. Mr. Marion said that the American Society of Radiologic Technologists gives credit for reading research. (Absent board approval, reading research would be subject to OBRT “independent reading” limits.) **The board decided that the internet request would be cut by half—to four hours.**

## BOARD OFFICE REPORT

The meeting was turned over to the MBAQAP team. Ms. Norris said that the program fields 10 teams per year. Ms. Thompson clued the board: she is looking forward to getting a performance audit—“Are we doing the right thing?” Mr. Hocken: “What’s the end result?” Ms. Norris answered that at about June, the board would be presented a list of strengths, and opportunities for

improvement. There would be no prescriptive advice—rather, a comparison of the board with the Oregon quality-assessment award characteristics.

Ms. Thompson characterized the board as a hybrid. It may not spend without earning (as a private venture), but it may spend with legislative approval only. Ms. Hovet stressed that the assessment tool (the only one available) was developed for a manufacturing enterprise. Ms. Thompson, mentioning her previous two meetings (one a gathering of the limited-permit advisory committee, one the staff) with the team, expressed her delight with the group’s availability. Dr. Stevens asked who else would be interviewed. Ms. Norris answered, “Everyone here.”

She asked for what was the board members’ main service. Mr. Plam answered in terms of assuring the public’s safety—making sure that practitioners are ethical, moral and educated. “Who is the main customer?” (The public and licensees.)

“What makes the board successful?” Ms. Flanders answered in terms of the board’s upholding the statute. Mr. Plam volunteered that one of the board’s successes is its communication with stakeholders, including professional societies. Ms. Thompson summarized: “Communication and regulation.” Mr. Plam attributed some success to the necessity of providing an accounting of board actions to the legislature. Ms. Palmer mentioned the board’s concern re patient care.

Dr. Stevens worried about imaging techniques not regulated by the board—making safety holes in the state. Ms. Warden claimed that there isn’t adequate protection (chemical safety) for the worker. Mr. Marion mentioned the success that the board has had as a responsible complaint reviewer. Mr. Buckingham extended the topic by citing the board’s ability to monitor the actions of objects of complaints. Ms. Thompson referred to the board’s obligation to investigate unprofessional conduct. Mr. Plam contrasted the manufacturer’s “producing to make people happy” with whatever the government agency’s goal might be.

Ms. Nakatani asked who it is who determines Ms. Thompson’s job. Mr. Plam pointed out that that would be the board. Ms. Palmer suggested that the chairman might solicit input from board members’ special interests.

Ms. Nakatani: “How do you determine whether the board is respected?” Mr. Plam: “We hear about it. I get phone calls all the time.” Ms. Thompson mentioned the web site’s open invitation:

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[Lianne.G.Thompson@state.or.us](mailto:Lianne.G.Thompson@state.or.us)

Ms. Tate inquired re the relationship between board and training programs. Ms. Palmer answered that the board assesses the limited-permit examination results and assures the statute’s curriculum dictates but for licenses, accepts ARRT credentials.

“What are the dimensions of leadership for the board?” Mr. Plam: “To set policy.” “What does ‘strategy’ mean to the board? Long-term planning?” Mr. Hocken: “The board used to function with a five-year plan.” Mr. Plam: “We are preparing for the future, filling in the gaps.” Ms. Thompson: “The budgeting document is a huge piece of that. A three-year cycle is about what’s involved.”

“What is the revenue goal of the board?” Ms. Palmer: “We would like more money for computerization.” Mr. Plam mentioned the desirability of a half-time investigator. (Mr. Marion questioned the demand for such a person.) Ms. Tate concluded by asking for individual board-

members' agenda.

### **Legislative Concepts**

The board's bill [Attachment 7] to the legislature was discussed. Mr. Marion asked whether the concept changes the reciprocity provision. Mr. Plam answered that the change had occurred in the preceding session.

The Oregon Association of Hospitals and Health Systems' "1999 Health Practitioner Licensure Reform Act" was introduced by Ms. Thompson—to the extent of the "Talking Points" paper [Attachment 8] of Ms. Thompson, Dave McTeague and Joan Bouchard (of the Boards of Chiropractic Examiners and Nursing, respectively). (Ms. Bouchard is "on" only if her board agrees.)

### **Agency Request Budget** [Attachment 9]

Ms. Thompson directed attention to pages 30-32—Performance Measures. The "Estimated 99-01 biennial Total" assumes fee-increase approval and the consequent 3.0 FTE staff capability. If the increase is denied, capability becomes 2.0.

Personnel matters of note: Effective 12/01/1998, Chris Stewart's position became limited-duration, qualifying him for fringe benefits. Mr. Stewart will be unavailable during March due to back surgery. Mr. Van Fleet is retiring 03/01/1999 but working full-time till 05/01/1999 (and then part-time). Ms. Thompson is recruiting for a person to work 0.4 FTE. The Performance Measures are dependent on maintaining current staffing levels, including network-administration and database-programming contracts that expire 06/30/1999. (The Board of Nursing is the only agency on the floor with staff dedicated to information management.) Page 47 shows the staffing of the agency since 1989; recent fluctuations reflect the challenge of accomplishing the board's work with too little financial support. Ms. Thompson emphasized the difficulty of accomplishing the work without 3.0 FTE.

Policy Option Packages, Page 56, Package 261, Workload Issues, \$53,929: Ms. Thompson "...hopes it's enough." (The request allows for a six-month contingency.)

Package 263, OAR Review, \$12,849: Ms. Thompson announced that the board would be going on the road ("instate travel: 2,150 miles") to meet with stakeholders. Mr. Hocken asked whether, since the board could not go everywhere, there might be some other contact means, such as mail. Ms. Thompson assured that the plan is subject to refinement.

Package 264, Revise Limited Permit Examination, \$12,680: This would be an important component of improving initial competence.

Package 265, Computer Replacement Schedule, \$3,000: This would be a gesture toward the people's hopes for working smarter and better.

### **Credit-card Transactions** [Attachment 10]

Ms. Thompson showed that the pertinent net revenue for 1998 through October was \$2,479.21.

## **Policies**

The governor-required model policy “Working with the Legislature” [Attachment 11]—regulating agency lobbying of the body—was introduced for discussion. The policy is a compromise resulting from the veto of the preceding session’s bill that would have prohibited the agency from representation within the capitol during session. Mr. Buckingham moved the adoption of the policy; Mr. Plam seconded; **the vote was unanimously favorable.**

The governor-required model policy “Telework Policy” [Attachment 12] was introduced by Ms. Thompson. The official state stance on stemming the growth in auto travel makes this policy particularly applicable to large agencies. However, even for a small agency, Ms. Thompson assured the board that the policy would apply when possible. In the spirit of “distance communications,” she has ordered an analogue line on her telephone so that she may talk or fax on the same line. [The board’s payments for fax: “calls” average \$12 per month, maintenance is about \$4 per month (paid annually), initial cost was about \$194.] She feels pleased with the board’s upgrading of technology, making it possible for her to check her e-mail by remote access. Mr. Plam moved the adoption of the policy; Ms. Palmer seconded; **the vote was unanimously favorable.**

## **Administrative Rules**

The amended rules adopted by the board but omitted from the 07/10/1998 minutes--  
Changed rules

- 337-020-0000 (permanent license)
- 337-020-0020 (permanent limited permit)

New rules

- 337-021-0010 (temporary-permit fee)
- 337-021-0020 (delinquent-renewal fee)
- 337-021-0030 (permanent-license fee)
- 337-021-0040 (permanent-limited-permit fee)
- 337-010-0025 (continuing education)
- 337-010-0030(2)(a) (bone-densitometry limited permit)—were reaffirmed upon

motion by Ms. Palmer, second by Mr. Plam and **unanimous vote.**

The proposed rule 337-010-0081 (chemical dependency) [Attachment 13] was approved upon motion by Mr. Plam, second by Ms. Palmer and **unanimous vote.** The proposed deletion of rules 337-010-0065 and 337-010-0075 (requiring an answer to charges, and consequences of failure to answer, respectively) was approved upon motion by Mr. Plam, second by Ms. Palmer and **unanimous vote.**

The governor-required model rule “Confidentiality and Inadmissibility of Mediation Communications” [Attachment 14] would be appropriate to any board wish for mediation rather than discipline. Mr. Plam moved the adoption of the policy; Ms. Palmer seconded; **the vote was unanimously favorable.**

## **“Newly-certified” Lists**

Those persons approved for licenses, limited permits and temporary permits during the final 1998 quarter [Attachment 15] were confirmed upon motion by Mr. Plam, second by Mr. Buckingham and **unanimous vote.** The introduction of the new Ms.-Palmer-requested (October

1998 minutes) column heading was noted.

### **Call Transfers to Radiation Protection Services**

The staff time obligation for these communications has been reduced by about 90%. Mr. Hocken is accorded appreciation for getting his section listed in the telephone directory.

### **Newsletter** [Attachment 16]

Ms. Thompson praised Mr. Stewart's accomplishment. The public meeting mentioned at the bottom of Page 1 is for collecting feedback to present to the legislature. Ms. Hovet wished that a response form might be included.

## **INVESTIGATIONS**

NOTE: In accordance with ORS 688.605(2), the identities of some individuals and facilities are confidential and withheld from public disclosure during the period of investigation.

Except as indicated, **all motions and seconds originated with the Investigation Committee; all board decisions were unanimous.**

**Case 97-04-07: Request for probation shortening. Denied.**

**Case 98-07-01(a): Dismiss, Ms. Flanders abstaining.**

**Case 98-07-02: Consent order approved** [Attachment 17].

**Case 98-08-01: Films found acceptable. Case dismissed.**

**Case 98-08-03: The employer knowingly employed (an unlicensed) person for the purpose of practicing radiologic technology. \$1000 fine unpaid. Send a letter saying that the appropriate licensing agency will be notified unless there is payment by 02/01/1999.**

**Case 98-09-01: No violation; dismiss.**

**Case 98-09-05: Employee dismissed for making inappropriate comments to a patient. Prescription blanks subsequently missing. Possible unprofessional conduct. Suspend the limited permit for failure to maintain on file with the board their correct current residence address. Send the certified letter to the last known address. (The board has the limited permit.)**

**Cases 98- -10- -01, -04, -05; -11- -01, -02, -03, -04, -05, -06** [Attachments 18-26]: **Consent orders approved.**

**Case 98-12-01: Licensee failed to complete application process within two weeks. Dismiss.**

**Case 98-12-02: Employer's dilatory procedures allowed break between permittee's temporary- and limited permits. Letter of concern mentioning the \$1000 fine.**

### **Emotionally-impaired Technologist**

Mr. Plam reported that he has a colleague experiencing emotional trauma, possibly sufficient to impair job performance. He recommended that such a case become the concern of the Investigation Committee and that it be included in the procedures used with the drug-impaired. “If it affects the job, we should be involved.”

Dr. Stevens observed that it might be better if the board intervened before the problem got complicated. Ms. Thompson characterized the cut-and-dried “you’re out/you’re in” as inexpensive but damaging to the livelihood. She thinks it healthy to “keep the folks working” and monitor their compliance.

Ms. Palmer stressed the role of the board in educating licensees to apprise the board of impaired colleagues. Ms. Thompson suggested the utility of a formal diversion program.

Mr. Buckingham expressed concern re effort duplication. Need the board be involved when the employer might have the situation under control? Mr. Strayer read the law (ORS 688.605(1)): “Any radiologic technologist...shall...report to the board any suspected violation of ORS 688.405 to 688.605...” Ms. Thompson: “When is there a problem? When there is a problem, what do we do about it? Does the board want to create a safety zone? That’s the essence of a diversion program.

Ms. Hovet reported that the bar and medical associations have such programs. Mr. Strayer volunteered that the veterinary board refers appropriately to Springbrook Northwest.

## **LIMITED PERMIT**

### **Limited-permit Advisory Committee Proposal** [Attachment 27]

Mr. Plam asked how much of an increased workload would be involved and whether there might be a pilot program of three or four months. Ms. Palmer gave assurances and said that the revised program could start 01/01/2000. Mr. Plam congratulated the committee on its work.

Ms. Thompson pointed out that the increased frequency of radiation-use-and-safety (RU&S) testing would capture students’ fresher knowledge. She mentioned the possibility of contracting out—but at the risk of loss of a revenue source. She also mentioned that monthly RU&S testing might lead to monthly “all” testing.

Ms. Palmer noted that the flowchart of the committee proposal needs revision. Ms. Thompson indicated that the proposal would be sent to the courses of study—after the flowchart is revised.

### **Bone Densitometry**

Yet another manufacturer has inquired re approval as a course of study (but hasn’t followed up). Ms. Palmer explained that any student would take a RU&S class and then machine-specific training. Mr. Plam asked whether—the student having the basic theory in hand—the machine training could be left to the employer. Ms. Palmer cited the experience of Shelia Orwoll and Christine Snow (Oregon Health Sciences University and OSU, respectively): the typical employer knows too little to assure against misdiagnosis.

Mr. Hocken endorsed Mr. Plam’s idea—to avoid endorsements to limited permits. Ms.

Palmer cautioned that the relative isolation of densitometrists in offices and the lack of colleagues with whom to discuss technical matters would deprive them of information available best from formal training. She did agree that the multiplicity of machines poses a problem.

She wants the RU&S questions made current in terminology, and she'll continue work on the flowchart.

### **General**

It was asked whether exam scores might be released to schools. Mr. Buckingham mentioned instructor influence on scores, indicating that score knowledge could give the school a measure of teaching effectiveness. In response to Mr. Harp's request (Limited Permit Advisory Committee minutes, 11/13/1998), **it was decided that the updated graphs showing school trends** [Attachment 28] **(requested by Mr. Plam in the July 1997 meeting and developed by Mr. Stewart) be released to the schools.**

### **OLD BUSINESS**

**Policy Manual Review**—Progress on rule revisions  
Automatically forwarded to the next meeting.

The meeting was adjourned at 2:24 p.m.