

# Oregon Board of Radiologic Technology (OBRT) Quarterly Board Meeting

## July 13, 2007 MINUTES

State Office Building      800 NE Oregon Street, Room 140      Portland, Oregon

### ATTENDANCE

**Members and Staff:** Ernest Wick, LRT, Board Chair; Carrie Whitlock, LRT, LRTT; Lorraine Bevacqua, LRT; Frank Erickson, MD; Richard Fucillo, LRT; Peter-Jon Chin, CNMT; Doug Cech, LRT; Terry Lindsey, Manager, RPS (Advisory Member); Mary DeFerrari, RPS (Advisory Member); Linda Russell, Executive Director; Heidi Park, Staff; Bernice Fox, Staff

**Members Absent:** None.

**Also Present:** Carol Parks, Senior Assistant Attorney General; Barb Smith, Portland Community College/OSRT

The OBRT Board meeting was held Friday, July 13, 2007 in Conference Room 140, Portland State Office Building (PSOB), Portland, OR. Chair Ernest Wick, called the meeting to order at 8:29 AM and welcomed Mary DeFerrari, the new RPS Advisory member and asked to introduce herself to the Board.

Senior AAG Carol Parks discussed the authority the Board has to certify technologists in the use of Computed Tomography in conjunction with merged or "fusion" technology (Gamma camera). She stated there has to be a statute to support every administrative rule and since SB144 was not passed this legislative session, the Board cannot license any of the modalities included in that bill. However, the Board is authorized to require training of technologists in the operation of SPECT/CT equipment. A letter could be issued, certifying that radiation therapy technologists and nuclear medicine technologists have received a minimum of 12 hours of training to operate this equipment. This ruling is based on ORS 688.480(2), with an amendment to rule 337-010-0011(2) and (3) removing the language referring to restricted licensing. Terry Lindsey concurred that if technologists have a letter on file from the Board with no expiration date acknowledging they did the required training, this would comply with the rules of RPS when they do inspections. Linda Russell offered to prepare a letter to this effect for submission at the next Board meeting on October 12, 2007.

Senior AAG Parks pointed out that rule 337-001-0000, which was drafted by the Department of Justice many years ago for all the health-related licensing boards, has an error in the wording. The word, "permanent" should be inserted before the word rule. The rule should read as follows: "Prior to the adoption, amendment, or repeal of any

**permanent** rule, the State Board of Radiologic Technology shall give notice of the proposed adoption, amendment, or repeal”.

Additionally, under rule 337-001-005, Model Rules of Practice, the date should be updated and read as follows: “The Uniform and Model Rules of Procedure under the Administrative Procedures Act dated **2005**” replacing September 15, 1997.

### **EXECUTIVE SESSION – CALL TO ORDER – ORS 192.660 (1) (K)**

The Executive Session is pursuant to ORS 192.660 (1)(K). Chair Ernest Wick, called the meeting to order at 8:50 AM to discuss confidential Board discipline and investigative cases that are confidential according to ORS 676.175.

The following cases were reviewed and the licensees or applicants where asked or requested to appear before the Board regarding disciplinary action taken by the Board, alleged violations or criminal history: Case #05-06-03, Case #06-03-03, Case #07-04-03, Case # 07-04-04, and Case #07-06-03.

### **PUBLIC SESSION – CALL TO ORDER**

Board Chair, Ernest Wick called Public Session to order at 11:42 AM and welcomed guests.

A motion was made to clarify that OAR rules 337-010-0010 and 337-010-0015 qualification requirement of the current ARRT certificate, also applies to renewals. (Motion made by Lorraine Bevacqua; seconded by Richard Fucillo; vote was unanimous).

Terry Lindsey reported he was contacted by Kim Earp at Portland Adventist who asked about the requirements for training and operation of CT equipment. Many places are switching from traditional x-rays to CT equipment. He referred her to the OBRT rule 337-010-0011, requiring a minimum of 12 hours training in the operation of CT scanners. Aside from the wording regarding licensure that will be removed, the OBRT rule is in agreement with the rules of RPS. Carrie Whitlock clarified this rule was specifically for radiation therapists that are not radiographers.

### **APPROVAL OF MINUTES**

Chair Wick asked if there were any additions or corrections to the April 20, 2007 Board meeting minutes. Frank Erickson requested a correction to page 3, Investigations Case, 07-03-05, line 5, to change the name from Frank Fucillo to Frank Erickson and under "Licensees Appeared Before the Board", line 4, change the name from Frank Fucillo to Frank Erickson. Chair Wick asked if there were any other additions or corrections to the April 20, 2007 Board meeting minutes. Hearing none, Richard Fucillo

made a motion to approve the change in the minutes for the meeting; seconded by Frank Erickson; vote was unanimous.

Chair Wick asked if there were any additions or corrections to the May 17, 2007 Special Board Meeting Conference Call minutes. Hearing none, Richard Fucillo made a motion to approve the minutes for the meeting; seconded by Doug Cech; vote was unanimous.

## **RATIFICATION OF LICENSES ISSUED**

The Board approved the following licenses that have been issued: Permanent Initial Radiologic Technologist licenses 106660 to 106734; Permanent Initial Limited Permit 3729 to 3746; Temporary Initial Radiologic Technologist licenses and Temporary Initial Limited Permit licenses L03710 to L03782 (motion presented by Carrie Whitlock; seconded by Richard Fucillo; vote was unanimous).

## **INVESTIGATIONS CASE**

Ernest Wick read the investigative case roster:

**05-06-03** Licensee appeared before the Board. The Board moved to change the random monthly drug screens to random quarterly drug screens with a letter stating the licensee must wait a minimum of one year before the licensee can ask to be reviewed. (Motion made by Ernest Wick; seconded by Richard Fucillo; vote unanimous).

**06-03-03** The Board moved to approve AAG, Carol Parks, to send a letter of Final Order to licensee. (Motion made by Richard Fucillo; seconded by Lorraine Bevacqua; vote unanimous).

**07-04-03** Licensee appeared before the Board. The Board moved to impose a fine of \$500 for a notice of disciplinary action based on a violation of 688.525(1)(g) as defined by 337-010-0060 (3)(g). (Motion made by Lorraine Bevacqua; seconded by Doug Cech; vote unanimous).

**07-04-04** Licensee appeared before the Board. The Board moved to issue the license by way of a Consent Order with a stipulation that licensee will have quarterly random drug screens for one year as defined by 688.525(1)(a) and (3). (Motion made by Lorraine Bevacqua; seconded by Ernest Wick; vote unanimous).

**07-06-03** Licensee appeared before the Board. The Board moved to impose a fine of \$500 for a notice of disciplinary action based on 688.525(2) as defined by 337-010-0060(3)(n). The Board also moved to send a letter to the school, stating the licensee is no longer eligible to teach and include in the letter the requirement the school require all of their instructors review the OBRT rules and statutes as well as the instructor's manual. (Motion made by Richard Fucillo; seconded by Lorraine Bevacqua; vote unanimous). A final motion was made to refer the facts of this case to the Board of Nursing, the Board of Medical Examiners and to Radiation Protection Services, if

applicable. (Motion made by Lorraine Bevacqua; seconded by Frank Erickson; vote unanimous).

The following cases involved making a false statement on applications. A signed Final Order and Civil Penalty were paid for each case. Board approved closure of cases. (Motion made by Richard Fucillo; seconded by Lorraine Bevacqua; vote unanimous).

**06-11-02**    **06-11-03**    **07-03-02**    **07-03-03**    **07-03-04**    **07-03-05**

The following cases involved operating without licensure. A signed Consent Order and Civil Penalty were paid for each case. Board approved closure of cases (Motion made by Richard Fucillo; seconded by Lorraine Bevacqua; vote unanimous):

**07-05-01**    **07-05-02**    **07-06-02**

No action was taken by the Board on the following monitored probationary cases:

**03-05-01**    **05-06-04**

## **OLD BUSINESS**

Executive Director, Linda Russell presented and clarified details of the OBRT 2005-2007 Budget Summary which included revenue and expenditures through May 2007. She stated the legal expenses are over-budget and an appeal to the legislature might be made in the next biennium to increase the budget for legal costs. Since instituting background checks on all initial and renewal licensees, The Board's legal expenses have increased. However, a decrease in legal costs is anticipated after a full renewal cycle of another 2 to 3 years.

## **NEW BUSINESS**

Linda Russell presented information regarding changes taking place with the ARRT Post-Primary "Pathways" Certifications. They now accept nuclear medicine technologists that are Nuclear Medicine Technology Certification Board (NMTCB) certified. After the practicals are completed, they can sit for the ARRT exam in Computed Tomography (CT). The ARRT issues a certification in CT and registration is renewed with continuing education requirements. She stated the technology is changing so quickly and we need to keep up these changes.

Lorraine Bevacqua proposed a statute change be included in the legislative concepts for the next session to reflect these new technologies; that is, a way to issue limited scope of practice licensing in these new categories that are restricted practice.

Ms. Russell suggested when the Board moves forward with changing licensees to medical imaging technologists, then OBRT could list the specialized areas to practice in, especially for nuclear medicine technologists. Carrie Whitlock suggested we need an

education and understanding as to how these new technologies operate so we can incorporate the proper wording into the concepts.

Linda Russell commented on the results of this last legislative session. She stated that although SB 144 did not pass, we learned from the process. She also notified the Board that HB 2252 was signed into law. We have the authority to move forward with instituting fingerprint cards on out-of-state applicants and licensees and for those who are multi-source offenders; which will be a valuable tool to ensure public protection. OBRT worked in conjunction with the Department of Consumer and Business Services (DCBS) who introduced the bill and other state agencies. She commented this was Bernice Fox's first opportunity to be involved in the legislative process and she did an excellent job.

Ms. Russell reminded the Board that the idea of a "super-board" being created is still a viable concept in the minds of some of the legislators, where all licensing is done in one place. The Board needs to garner the support of other boards and interested legislators to present a case that OBRT is capable of overseeing its licensing process with integrity. She also stated OBRT's record speaks for itself; OBRT continues to be in line with its budget and on top of its investigations.

Ernest Wick stated that in a conversation with the Mitch Greenlick, Chair of the House Committee on Healthcare, a concern was expressed that the Board wanted to license MRI and ultrasound and that it was not ionizing radiation. This underscored the need to communicate with everyone involved in the changes the Board wants to make. It is essential that the Board establish contacts to include those involved on a national level and ask for help and support.

Barb Smith reported the certifying board for (Magnetic Resonance Imaging) MRI was not supporting the CARE bill as their understanding is that only radiologic technologists can do MRI. She suggested the Board clarify that people who are credentialed in MRI can be MRI technologists; they do not have to be radiologic technologists. She recommended OBRT create a committee with representatives from MRI, ultrasound and nuclear medicine that are independent of the Board. She mentioned the importance of demonstrating how the Board is cooperating with the interested parties in the bill and that everyone involved (legislators, ASRT, etc.) be contacted before the bill is resubmitted at the next session.

## **PUBLIC COMMENT & ADJOURNMENT**

Board Chair Ernest Wick asked if there was any other business or public comment. Hearing none, he thanked everyone for coming and adjourned the meeting at 12:32.

The next Board meeting is scheduled for October 12, 2007 in Conference Room 140 at the Portland State Office Building.