

Oregon Board of Radiologic Technology (OBRT) Quarterly Board Meeting

October 12, 2007 MINUTES

State Office Building 800 NE Oregon Street, Room 1A Portland, Oregon

ATTENDANCE

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

Members Absent: None.

Also Present: Carol Parks, Senior Assistant Attorney General; Diane Dupree, Tuality Hospital, Hillsboro; Monica Quintero-DeVlaeminck, Pioneer Pacific College

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 8:30 AM in Conference Room 140, Portland State Office Building (PSOB), Portland, OR to discuss confidential Board discipline and investigative cases that are confidential according to ORS 676.175.

The OBRT Board meeting was held Friday, October 12, 2007 in Conference Room 1 A. Chair Ernest Wick introduced new RPS Advisory member Margaret Lut. Terry Lindsey, RPS Advisory member, informed the Board that Margaret Lut and another staff member, Terry Jones, may fill in as RPS representatives at various times in the future.

Linda Russell introduced the Board's new Budget and Management (BAM) analyst, Michael Kaplan. Mr. Kaplan gave a summary of his background.

The following cases were reviewed and the licensees or applicants were asked or requested to appear before the Board regarding disciplinary action taken by the Board, alleged violations or criminal history: Case #07-07-01, Case #07-07-02, Case #07-08-01, and Case # 07-08-02.

PUBLIC SESSION – CALL TO ORDER

Board Chair, Ernest Wick called the Public Session to order at 11:30 AM and welcomed guests. He asked Sr. AAG Parks to make a statement regarding comments Board members can make publicly when they are representing the Board and when they are expressing a personal opinion. He also asked to explain the process of communicating through the Executive Director and a discussion of processes that are beneficial for us. He pointed to issues Rep. Mitch Greenlick had with our Board and with all the licensing Boards as well. This was an opportunity for Sr. AAG Parks to remind the Board of expectations, define roles and obligations of the Board members. Due to the shake up at the Nursing Board, both publicly and privately, legislators are looking at the boards and evaluating their processes.

Sr. AAG Parks explained that when you're e-mailing amongst each other, there could be an issue of establishing a quorum, so you have to be cautious and careful. She recounted the details of a conference she attended to examine personal computers of Board members. People are requesting the hard drives from these computers. If everybody communicates with the Executive Director, Linda Russell, and she forwards the communication to the Board members, then there is no need to be concerned with establishing a quorum.

Carrie Whitlock inquired about communication between sub-committee members. Carol stated there isn't a problem as long as there are less than 3 members. She suggested the sub-committee members send a copy of their e-mails to Linda Russell. She also suggested Board members keep all of their Board-related e-mails in one file; at the conference she attended, they advised everyone keep a separate file for e-mails. This means do not do a "reply to all". If one Board member sends a reply to 3 Board members, that constitutes a quorum and it's important to avoid that situation. The safest way is to send them to Linda Russell with a copy to Chair Wick; Linda will forward them to the Board members and the sub-committee members. Linda asked the Board members to be explicit in the instructions as to how they want e-mails to be sent out, i.e. the type of response expected.

Sr. AAG Parks made it clear the Board needs to be conscientious about complying with the law. The boards are being scrutinized and we don't want the public perception that we're doing anything wrong. We need to have the same goal on the Board – enforce the law and make the law as strong as you can as far as public protection based on the limitation of the statutes. It's difficult for individuals to remember the Board is an entity of one even though there are different Board members; the Board needs to speak in one voice. On the other hand, Board members are also citizens and have a right to express an opinion. Make sure whoever you're speaking to understands you're speaking as an individual and not as a Board member.

Chair Wick commented the process of contacting Linda before a Board member contacts Sr. AAG Park directly is a better process for us. Carol will take her direction from Linda and that way we won't have a fiscal impact.

Lorraine commented on the Governor's report by Tom Powers that was very comprehensive and explained how the boards function. There were no consistencies between Boards in terms of how complaints are handled. Chair Wick noted that just a few years ago, OBRT was a target by the legislature. AAG Parks observed in 1999, the legislature inserted into OBRT statutes that we have to adopt rules with advice from the AAG; no other board has that language in their statutes. Chair Wick spoke to the Governor's office and they commented the OBRT has made very good improvements. Linda said she had communicated some corrections and adjustments to Tom Powers on the report he had submitted to her for review prior to his final report. Chair Wick commented on how well he thought the Board functioned, working together. Having served on a national board, Richard Fucillo noted the importance of supporting a board's decision, whether you like it or not. People's perception is that even when you express a personal opinion, they perceive that you're representing the board. Carol said if you're having a discussion with a legislator; do not express a personal opinion as it might be construed as the Board's opinion.

APPROVAL OF MINUTES

Chair Wick asked if there were any other additions or corrections to the July 13, 2007 Board meeting minutes. Hearing none, Frank Erickson made a motion to approve the minutes for the meeting; seconded by Richard Fucillo; vote was unanimous.

RATIFICATION OF LICENSES ISSUED

The Board approved the following licenses that have been issued: Permanent Initial Radiologic Technologist licenses 106735 to 106851; Permanent Initial Limited Permit 3746 to 3747; Temporary Initial Radiologic Technologist licenses and Temporary Initial Limited Permit licenses L03783 to L03836 (Motion made by Richard Fucillo; seconded by Doug Cech; vote was unanimous).

INVESTIGATIONS CASE

Richard Fucillo read the investigative case roster:

07-03-01 Licensee did not appear before the Board. The Board moved to take no further action and close the case. (Motion made by Lorraine Bevacqua; seconded by Richard Fucillo; vote unanimous).

07-07-01 Licensee appeared before the Board. The Board moved to grant licensure and close the case. (Motion made by Lorraine Bevacqua; seconded by Richard Fucillo; vote unanimous).

07-07-02 Licensee appeared before the Board. The Board moved to impose a fine of \$500 for a notice of disciplinary action based on violation of 688.525(1)(g) as defined by 337-010-0060(3)(g). (Motion made by Richard Fucillo; seconded by Frank Erickson; vote unanimous).

07-08-01 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 Richard Fucillo; vote unanimous).

07-08-02 Licensee appeared before the Board. The Board moved to impose a fine of \$500 for a notice of disciplinary action based on 688.525(1)(g) as defined by 337-010-0060(3)(g). The Board moved to waive \$250 if applicant completes an Anger Management class and provides proof of completion. The Board moved to waive another \$250 if applicant completes an Ethics course and provides proof of completion, both within one year from date of signed Stipulated Agreement. (Motion made by Frank Erickson; seconded by Richard Fucillo; vote unanimous).

The following case involved operating without licensure. A signed Consent Order and Civil Penalty was paid. Board approved closure of case (Motion made by Lorraine Bevacqua; seconded by Doug Cech; vote unanimous):

07-07-03

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

03-05-01 **05-06-03** **05-06-04** **07-04-04**

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

06-03-03 **07-04-03** **07-06-03**

Executive Director, Linda Russell passed out a DHS model of their Criminal History Check process including a list of Potentially Disqualifying Crimes. She asked the Board to review these lists as a way of applying disciplinary action to investigation cases on a consistent rather than a case-by-case basis. Lorraine stated she would provide the Board a copy of a disciplinary action matrix that is used by the state of Washington. Terry Lindsey stated they use the DHS model regarding disciplinary actions.

COMMITTEE UPDATES

Carrie Whitlock, chair of the Continuing Education committee, detailed what the committee is currently working on. She stated the task would be updating our continuing education application and possibly including some information from other licensing agencies' applications across the nation.

Richard Fucillo, chair of the Limited Permit School Inspections committee, presented his report on school inspections completed by himself and Chair Ernest Wick on Apollo, Concorde and Pioneer Pacific. Linda Russell joined them at the Apollo and Concorde schools visits. They looked at student records, the faculty and the physical facility. They interviewed students at random and looked at radiation exposure charts. Approximately 3-4 hours were spent at each site, looking at all the records. They recorded what they found and suggested corrective action with comments. They informed the schools it would take about 4-5 weeks for a final report. Chair Wick stated their reception at the schools was positive and they were receptive to the verbal comments and suggestions to improve their programs. A final report will be forthcoming.

Linda Russell suggested adding the issue of extending more hours for the Core module beyond the current 52 hours required to OBRT's next agenda. Richard Fucillo concurred the schools expressed a desire for the increased hours to cover the information needed for the new Core module. The students they spoke with indicated they were not getting enough time in the labs. The schools would like support from OBRT to increase their hours.

Linda described the American Registry of Radiologic Technologists (ARRT) Limited Scope examination process to the Board and commented it would take at least a year of exam scores to produce reliable exam results data. The new examinations were administered to the Limited Scope applicants starting in January 2007. In January 2008, another report will be generated that will reflect a more accurate picture of test scores. Linda informed the Board the ARRT-administered examination fees would increase to \$100.00 effective January 01, 2008 for all state licensing purposes.

OLD BUSINESS

Chair Wick commented on the excellent scores of the Customer Service Performance Measures, indicating how well the staff is doing. The survey reflects the satisfaction of our licensees, either on our website, in person or on the phone. In a legislative meeting a year ago, the legislators wanted to see evidence OBRT was monitoring the customer service performance. Linda stated she has excellent staff working with her and is very proud and satisfied with the team work.

Linda Russell passed out the Discrimination and Harassment Free Workplace policy from the Department of Administrative Services (DAS). She asked the Board members to date and sign the employee acknowledgement and give them to her.

Linda informed the Board she had met with some legislators since the July Board meeting to discuss ways in which the OBRT could accomplish its goals. Linda commented on the meeting she had in Gresham with Senator Laurie Monnes Anderson. They discussed the defeat of SB 144 and looked at future possibilities regarding legislation to move the OBRT forward and address public safety with regulatory oversight for other common place imaging modalities currently un-regulated. Senator Monnes Anderson acknowledged her commitment to work with Representative Mitch Greenlick and the Board to improve healthcare.

Linda met with Representative Greenlick and his staff in September to discuss the 2007 legislative session and ways to improve legislation for the 2009 session. He offered several suggestions on how to proceed with the Board's Legislative Concepts for the 2009 session and a new bill. Representative Greenlick is dedicated to improving healthcare and public safety and is willing to work with the Board during this process. Linda asked the Board if they would like to move forward with the representative's suggestions and they agreed. At that point, it was announced the first public meeting to begin this process and move forward is scheduled for November 15, 2007, 9:00 AM in Conference Room 1A of the Portland State Office Building. Invitations and agendas will be mailed out by Board staff approximately two weeks prior to the meeting. Frank Erickson and Lorraine Bevacqua from the Legal Committee will develop a presentation for the meeting.

Chair Wick opened discussion on the proposed changes for OAR 337-010-0011 that will require nuclear medicine technologists and radiologic technologists to provide evidence of training in CT. He asked AAG Parks to comment on these changes. The following changes were proposed by the Board:

Under 337-010-0011, the main heading, delete the word "**Licensing**", and the rule will read, "Qualifications of Computed Tomography Equipment Operators and Merged Technology Equipment Operators."

Under 337-010-0011(1), revise to read, "An operator of diagnostic computed tomography equipment must be certified by the American Registry of Radiologic Technologists in Computed Tomography (CT) or in Radiography with **evidence of training on file** in the operation of CT equipment:"

Under 337-010-0011(2), revise to read, "In addition to qualifications to operate radionuclide imaging devices, Nuclear Medicine technologists may operate computed tomography scanners only for use in non-diagnostic (attenuation co-efficient) images in conjunction with merged or "fusion" technology exams **only** after:"

Under 337-010-0011(3), revise to read, “In addition to qualifications to operate radiation therapy devices, Radiation Therapy technologists may operate computed tomography scanners only for use in non-diagnostic radiation therapy simulation **only** after.”

As discussed in the Board meeting of July 13, 2007, the following changes were proposed:

Under rule 337-010-0000, 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”.

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 **January 1, 2006**, replacing September 15, 1997.

A motion to approve the above rule changes was made by Frank Erickson; seconded by Doug Cech; vote was unanimous.

NEW BUSINESS

Terry Lindsey spoke about the Positron Emission Tomography (PET) portion they updated in their rules in 2006. The intention was to pick up on the request that had been made according to the certification bulletin of the Nuclear Medicine Technology Certification Board (NMTCB) and the ARRT. They both came up with programs to recognize a method of training for the new fusion technology and the first exams were offered in April, 2006. This should be compatible with RPS and OBRT’s programs and with the new legislation. Terry will monitor what happens with OBRT’s legislation and pick up on changes we will have. Linda Russell inquired about developing a letter to verify completion of Computed Tomography (CT) training. Frank Erickson suggested the Continuing Education (CE) Committee handle the training completion letter. Margaret Lut will be the RPS advisory member on the CE Committee. Please send her an e-mail with a copy to Terry Lindsey.

Chair Wick stated when he and Linda Russell attended the last Oregon Society of Radiologic Technologists (OSRT) meeting, it was requested to change the OBRT continuing education request form to be standardized with the OSRT form. Diane Dupree from Tuality Hospital offered details of this request. Category A is required for evidence of CE to renew the ARRT registration and Category B is no longer accepted. What has occurred in the past is that OSRT has been doing some seminars to provide CE for the limited permit holders as well as the radiologic technologists. In the process, to keep the paperwork to a minimum, Diane was submitting only to the OBRT for the approval because Oregon is recognized as a Category A approval. That is acceptable as long as the participant is licensed in Oregon. Since we are a border state with

Washington, if the seminar was advertised as Category A approved and the participant was not licensed in Oregon, the ARRT would not recognize it, because they've done away with Category B. The request is to revise the CE approval request to match the OSRT's approval request and make it easier to fill out both forms.

Carrie Whitlock commented the CE Committee needed to review this and consider the most efficient form of revising the CE approval request form. Richard Fucillo also suggested the CE Committee have further discussion on the revision of the form and come back with a recommendation. Chair Wick proposed this as an agenda item for the next Board meeting on January 11, 2008.

Monica Quintero-DeVlaeminck commented on the limited permit school inspections. This was her first inspection and didn't know what to expect. She appreciated all the comments and advice from the committee to help the students and her program. She agreed with extending the number of hours for her program. Students need to learn digital equipment and they need more hours for that as well. She suggested OBRT might also offer guidelines as to the ratio of number of teachers to students. She also commented on the fact that students might wait to take the limited permit exams after completion of their courses due to financial constraints.

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 2:52 PM.

The next Board meeting is scheduled for January 11, 2008 at 8:30 AM in Conference Room 1-A at the Portland State Office Building.