

Oregon State Board of Radiologic Technology (OBRT)

January 11, 2002 MINUTES

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

ATTENDANCE

Members and Staff: Barbara Agrimson, LRTT, Board Chair; Matt Lang, LRT; Edna Marr, LRT; Hank Miggins, CIA, Public Member; Rees Stuteville, LRT; Carol Parks, AAG; Lianne Thompson, Executive Officer; Linda Russell, Staff; Judy Lee, Staff.

Members Absent: Brian Buckingham, LRT; Christopher Griffin, MD;

Also Present: Jeramy Patton, DAS BAM Analyst; Randy Harp, LRT, Allied Medical Institute; Ken McCart, OSRT Board Member, Diane Dupree, OSRT President; Steve Uroshevich, X-ray Education Services & Hologic, Inc.

Public Session: 10:30 AM

EXECUTIVE SESSION - CALL TO ORDER - ORS 192.660 (1) (f)

The OBRT Board meeting was held Friday, January 11, 2002 in room 445, State Office Building, Portland Oregon. Board Chair, Barbara Agrimson called the meeting to order at 9:00 AM to discuss confidential Board discipline and investigations.

PUBLIC SESSION - CALL TO ORDER -

Board Chair Barbara Agrimson called Public Session to order at 10:32 AM.

INVESTIGATIONS –As Of October 08, 2001

The Investigative Committee asked Executive Officer Lianne Thompson to present the investigative cases to the Board. Ms. Thompson explained ORS 192.660 (1) (f) and summarized the open investigative cases.

The Board voted on the following cases:

99-12-02

10/12/01: Board unanimously voted to issue Consent Order with a \$1000 Civil Penalty imposed and suspended, provided the licensee adheres to the terms of the probation. The Board agreed on number four; probation for five years. Staff will develop a checklist of conditions. 4) Probation with conditions, such as no violent conduct of any kind in any part of his life, evaluation by a board-approved mental health evaluator and compliance with any treatment recommendations. Licensee is to share the Final Order with employers and make quarterly reports to the Board. Date of Final Order 11/08/2001-

Board to collect \$1000 Civil Penalty. **1/11/2002: Barbara Agrimson moved to enter Final Order/\$1000 Civil Penalty. Seconded by Rees Stuteville. Board unanimously approved.**

00-01-04

Her limited permit expired 05/31/1999. Legislature is very concerned with collections, and it needs to be done even if the case is determined “uncollectable.” Referred by staff to Dept. of Revenue for collections. **No updated news as of 1/11/2002, Lianne Thompson will check on status.**

00-04-01

Final Order is complete and will be issued. Carol Parks, AAG explained the lowering of the Civil Penalty by AAG Mussell was done in error at the Hearing. The Board accepted the Civil Penalty of \$1000. Date of Final Order 10/23/2001.

1/11/2002: Barbara Agrimson moved to enter Final Order/\$1000 Civil Penalty. Seconded by Rees Stuteville. Board unanimously approved.

00-09-02

“Case is pending” –OBRT’s Investigator served her with the disciplinary papers on October 5, 2001. 10/12/2001: A Default Order will be issued if there is no response within 21 days and turned to collections if necessary. Board approval needed to issue Default Order. **1/11/2002: Barbara Agrimson motioned to issue Default Order. Seconded by Rees Stuteville. Board unanimously approved.**

00-11-05

Licensed RN, Nursing Board sent a warning letter. Received signed Consent Order 03-21-01 but no payment of the \$2000 Civil Penalty has been made. **1/11/2002: Barbara Agrimson moved to send to Department of Revenue for collections. Seconded by Rees Stuteville. Board unanimously approved.**

00-11-06

Investigative Committee and OBRT approved a \$1600 Civil Penalty/\$250 month payments. A Consent Order admitting the infractions signed by her and shared with any employer in the next two years. No signed Consent Order or payment for Civil Penalty received. 10/12/01 Board unanimously approved Final Order. Board approval was emailed to AAG Parks, follow up to fax. **1/11/2002: Barbara Agrimson motioned to issue a Default Order. Seconded by Rees Stuteville. Board unanimously approved.**

00-12-03

Carol Parks, AAG advised to dismiss case and adopt Oregon Administrative Rules that clarify “unethical conduct.” 10/12/01 Board unanimously voted close case with warning letter and notice to limited permit school. The warning letter sent out October 29, 2001 to her and Allied Medical School; her letter was returned: moved, no forwarding address. **1/11/2002: Returned warning letter will be placed in file and case closed.**

01-01-06

1/31/01 reported by a former employee, in a telephone call to Chris Stewart. Alleged to be taking radiographs with unlicensed operators exceeding authorized scope of practice. Case was referred to Radiation Protection Services (RPS) for immediate investigation by their staff. See also case 01-06-03. 10/12/01: AAG Parks advised OBRT to work with RPS to obtain an interagency agreement stipulating which agency pays for what etc. The focus is working together to protect the public. Case was referred to Radiation Protection Services for action. **1/11/2002: Lianne Thompson explained that RPS could request to look at their x-ray logs, which is a great benefit to the Board.**

01-02-02

A mobile service company was going to ask RPS for a waiver to allow LP holders to perform fluoroscopy after watching an instructional video as directed by employer. AAG Frank Mussell reviewed both OBRT's and RPS' Oregon Administrative Rules for jurisdiction. He advised that RPS has greater jurisdiction. Radiation Protection Services' OARs specifically address Fluoroscopy [in OAR 333-106-045(6)]. OBRT's statutes [ORS 688.480 & 688.515(2)] speak about computed tomography, studies that include the use of contrast media and head studies but do not specifically address fluoroscopy. Edna Marr suggested that OBRT's languages addressing fluoroscopy needs to be changed in statute and rule. 10/12/01: This case will be given to investigator. OBRT budget does not have enough money to investigate at this time; the case was referred to Radiation Protection Services for action. **1/11/2002: Terry Lindsey reported to the Board that RPS is looking into this issue.**

01-03-01

Applicant provided relevant information per Ms.Thompson's request. He expressed a desire to be licensed again. Proceed with licensure. 10/12/01: Board unanimously voted to issue licensure with a Consent Order, six random supervised urinalysis and one-year probation. Applicant signed for certified letter with Consent Order etc. on 12/31/2001. **1/11/2002: OBRT has had no response to date.**

01-04-04

Investigative report received October 30, 2001. Licensee has a "Last Chance" Agreement with employer and his receiving treatment from Best Care Services. Consent Order stipulates probation for two years, two random urinalysis monthly through RSS Testing, Share Consent Order with employer and provide quarterly reports to OBRT. Certified letter with Consent Order etc. was sent on January 04, 2002. **1/11/2002: OBRT has had no response to date.**

01-04-05

Board agreed that OBRT staff checks with NRC for compliance and close case if compliant. Terry Lindsey, Radiation Protection Services confirmed that it is OK to close case. Medical doctors may perform this procedure. **1/11/2002: Barbara Agrimson motioned to close case. Seconded by Rees Stuteville. Board unanimously approved.**

01-04-06

4/23/01: Under Investigation-Received complaint against an oncology clinic, alleging that they hired approximately one month ago a message therapist who is assisting in the treatment room. Investigator's report received. 10/12/2001:After discussion from the

Board, AAG Parks advised that OBRT be consistent and equal with both the RN and massage therapist; that is, issue a Civil Penalty and suspend the fine for both. The Board's intention is to use this as an educational tool. Board unanimously approved. 12/28/01: Warning letter sent to the Director of Medical Physics, Hospital Radiation Oncology and Consent Orders with \$1000 Civil Penalty (to be suspended upon receipt of signed Consent Order) were sent to RN and massage therapist. **01/11/2002: Lianne informed Board that she is working with Dr. Cecak to develop job descriptions for RNs and massage therapists. The law states that they need to be licensed by the Board to "position". AAG, Parks informed the Board that they could choose to inform the Board of Nursing, or not. She warned that OBRT should not use leverage of reporting to the Nursing Board as an effort to get them to sign a Consent Order.**

01-05-02

10/12/01 Board unanimously voted to issue a Consent Order per OAR 337-10-60 (3) (j), \$1000 Civil Penalty and send a letter to ARRT when discipline is complete. December 31, 2001 Consent Order with \$1000 Civil Penalty was sent certified mail to address of record. **1/11/2002: OBRT has had no response to date.**

01-05-05

The licensee reported to the Board he has entered an outpatient chemical dependency treatment program in Eugene for the treatment of alcoholism. Has signed "Last change" agreement with employer. His therapist and case manager is an LCSW and the program will take approximately 30 weeks. His psychologist will be treating him initially weekly for 3 to 6 months. His supervising psychologist reports that he is participating satisfactorily in counseling. 10/12/01: Currently in compliance. Need Board advise on how to proceed? **1/11/2002: Lianne reported that the caseworker wants to make sure her client has signed a release to talk to OBRT. Board advised to continue to monitor.**

01-06-03

Received Investigation report on September 12, 2001. Due to licensee having pneumonia her meeting with OBRT Executive Officer was postponed. As of 10/12/2001 that meeting had not taken place. Lianne met with Licensee and confirmed information provided in investigative report that an error had been made by previous staff and she had not been working without licensure. License holds a Permanent Limited Permit in Spine, Chest & Ribs, and Upper & Lower Extremities that is valid until 01/01/2003. Need Board approval to close case.

1/11/2002: Barbara Agrimson motioned to close case. Seconded by Rees Stuteville. Board unanimously approved.

01-06-05

Performed computed tomography from 11/11/2000 to 05/25/2001 without ARRT certification. (Information from Jeffrey Drop, CEO, St. Anthony Hospital, Pendleton. 10/12/01: Board unanimously approved closing case and sending warning letter to St Anthony letting them know it is not OK to operate without licensure in hand. Before sending warning letter an email was sent 12/30/01 to AAG Parks for statutory clarification. **1/11/2002: On 1/9/2002 AAG parks e-mail clarified ORS 688.480 as a one-time ARRT certification. Matt Lang remarked that it is too bad that intent cannot be taken into account. He asked when does intent become enforceable. AAG Parks gave an example of a workers compensation case to explain. She**

informed the Board that there must be legislative history for a statute in order to win in court. Change needs legislative concepts continuously. Hank Miggins asked that a footnote be made for legislative action. Barbara Agrimson motioned that staff send a letter and closed case. Seconded by Rees Stuteville. Board unanimously approved.

01-06-06

04/2000: Charged with violating hospital's substance-abuse policy. 05/22/2000: Employment terminated for zero-tolerance violation. Now amphetamine-free for six months. Seeks probationary period permitting him to accept new employment. Needs recommendation from the Investigative Committee and OBRT Board. 10/12/01: Pending: will send Investigator to Madras and then will prepare and send Consent Order for his signature. **1/11/2002: Barbara Agrimson moved that staff monitor probation until January 03, 2004. Seconded by Rees Stuteville. Board unanimously approved.**

01-08-02

Applicant reported arrest on two counts of criminal mistreatment; confirmed by LEDS check. Despite repeated requests for more information, nothing received from applicant. October 10, 2001 set as deadline for declining application if adequate explanation is not sent to Office. 10/12/01: Board unanimously voted to deny application and close case. January 04, 2002 applicant signed for the certified letter denying his application for licensure in Oregon. A \$24.00 refund request was issued 12/31/2001. **1/11/2002: Rees Stuteville asked AAG Parks if OBRT should have a non-refundable application fee. AAG Parks will need to look and see if we have any restrictions to determine if all OBRT needs is a rule to implement. Barbara Agrimson motioned to close case. Seconded by Rees Stuteville. Board unanimously approved.**

01-08-04

Diagnostic RT license was renewed until October 1, 2003. The LRT was managing the angiography department at Salem Hospital. He has resigned. A warrant was issued and his computer hard drive was turned over to the State Police who are attempting to obtain more information. The police are still conducting an investigation to determine the nature of the charges that will be coming. His ARRT registration is also valid until 10/31/2001. Pending - OBRT agreed to renew licensure and wait until criminal charges are complete before taking action.

1/11/2002: AAG Parks reported to OBRT that this case is proceeding very slowly.

01-09-01

Alleged complaint of excessive force during mammogram. Need OBRT Board advice on how to proceed. 10/12/01: Board unanimously voted to have Lianne Thompson send a closure letter with no action taken. December 31, 2001 closure letter was sent to complainant. Need Board approval to close case.

1/11/2002: Barbara Agrimson motioned to close case. Seconded by Rees Stuteville. Board unanimously approved.

01-10-01

Applicant has held his limit of temporary licensure in the past. His last licensure expired 2/8/1998. He obtained certification through ARRT in August 2001. Need advice from Board on how to proceed. Self-disclosed multiple incidents of alcohol abuse. 10/12/01: Board unanimously voted to issue a Consent Order requiring monthly-supervised

urinalysis during a two-year probation period. 10/25/2001: Received signed Consent Order. Licensee is currently working in Walla Walla, WA. His Oregon licensure is valid to 02/01/2003. Need Board approval and begin monitoring probation. **1/11/2002: Barbara Agrimson moved that staff monitor probation until October 25, 2003. Seconded by Rees Stuteville. Board unanimously approved.**

01-10-05

Applicant self disclosed on RT application previous felony conviction from 1989. LEADS check did not show conviction. 10/29/01 Investigative committee OK'd licensure. Need Board approval to close case. **1/11/2002: Barbara Agrimson motioned to close case. Seconded by Rees Stuteville. Board unanimously approved.**

01-10-07

10/29/01: Received Patient's advocate complaint of unprofessional conduct while performing a mammogram. Case referred to Radiation Protection Services, as they can enforce MQSA. **1/11/2002: Terry Lindsey/RPS spoke with the doctor and advised the Board that this is not a radiation issue but rather patient care. Matt Lang remarked that OBRT does not have a "Code of Ethics" and this case should possibly be turned over to the professional society. ORS 688.525b states, "In the judgment of the Board guilty of unethical or unprofessional conduct in the practice of radiologic technology". AAG Parks said the Board may need an administrative rule for clarification and that this case may constitute "gross negligence". Hank Miggins questioned what could be accomplished by taking this type of action. Edna Marr explained that the Board needs clarification. Mr. Lang stated he does not feel OBRT should get involved. Ms. Marr and Rees Stuteville agreed. RPS and OBRT will continue to work together to resolve this.**

01-11-01

RT applicant self-disclosed previous misdemeanor conviction on application. Applicant provided summary of landlord – tenant disagreement and court document. Sent to the investigative committee 11/09/2001. AAG Parks advised to proceed with unconditional license. Need Board approval to close case.

1/11/2002: Barbara Agrimson motioned to close case. Seconded by Rees Stuteville. Board unanimously approved.

01-11-02

Working without a valid "Permanent Limited Permit" from 05/01/01 to 11/16/2001. Falsifying to her employer Valley View Medical Clinic that she had proper OBRT licensure to take films and had left her licensure with previous employer. The permit holder had gone through a placement service to obtain employment. The Executive Director met with Lianne Thompson on how they have instituted and are monitoring clients since this incident. He sent a confirmation letter outlining their monitoring system dated January 04, 2002. Received investigation report November 23, 2001. The disciplinary documents were sent certified on 01/04/02 and the Consent Order and \$1700 Civil Penalty etc. were signed for on January 05, 2002. **1/11/2002: OBRT has had no response to date.**

01-11-03

TLP applicant self-disclosed previous felony and misdemeanor convictions on application. Applicant has a past history of use of controlled substances and alcohol.

12/20/01 OBRT received court documents. Disciplinary paperwork was sent 12/27/01. Consent Order stipulates probation for three years, two random urinalysis monthly through RSS Testing, Share Consent Order with employer and provide quarterly reports to OBRT. Consent Order and RSS agreement were signed December 27, 2001. Need Board approval and begin monitoring probation. **1/11/2002: Barbara Agrimson moved that staff monitor probation until December 27, 2004. Seconded by Rees Stuteville. Board unanimously approved.**

01-12-01

RT applicant self-disclosed misdemeanor conviction but did not disclose complete record. 12/06/01 Applicant admitted to Lianne Thomson that he did not list all convictions because he was lazy and knew we would find them. She asked him to contact Texas and California authorities and have them send us a copy of his arrest & convictions. January 04, 2002 a letter was sent to DOJ Record Security Section, Sacramento, CA requesting follow-up information for this case. Case is under investigation. **1/11/2002: AAG Parks told the Board that this was a misrepresentation of criminal convictions. Matt Lang asked if OBRT had a time frame. Edna Marr advised the Board that it should be on the application: Failure to disclosed complete information might deny application. AAG parks agreed. Ms. Marr feels that if the applicant has a clean record in California, OBRT should license. Hank Miggins disagreed and felt the applicant was less than honest with his application. AGG Parks said the Board could issue a conditional license with Consent Order stipulating how he must comply. Terry Lindsey advised that OBRT could ask for an employer performance appraisal. AAG Parks advised the Board to wait until a report comes back from California and refer to Investigative Committee.**

01-12-02

LRT self-disclosed DUIL on his renewal application and provided the court documents. Consent Order stipulates probation for two years, one random urinalysis monthly through RSS Testing, Share Consent Order with employer and provide quarterly reports to OBRT. Consent Order and RSS agreement were signed January 04, 2002. Need Board approval and begin monitoring probation. **1/11/2002: Barbara Agrimson moved that staff monitor probation until January 04, 2004. Seconded by Rees Stuteville. Board unanimously approved.**

01-12-03

TLP applicant self- disclosed criminal history. LEADS check showed 2 charges were dismissed and she was convicted of a felony due. This was an employment matter involving sexual harassment etc. 12/12/01 license was issued with no warning letter per Investigative Committee. Need Board approval to close case. **1/11/2002: Barbara Agrimson moved to close case. Seconded by Rees Stuteville. Board unanimously approved.**

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The following cases involved operating without licensure for less than a six month period. A signed Consent Order and \$100 Civil Penalty was paid for each case.
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**01-10-02
01-10-03**

**01-10-04
01-10-06**

Barbara Agrimson moved to close the above listed cases. Seconded by Rees Stuteville. Board unanimously approved.

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“Probation Cases” – Need Continuous Monitoring
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Lianne Thompson said that we monitor probation cases to help encourage the licensees to improve and keep on doing the right thing through “Pride and Professionalism”.

99-03-03

On probation and monitoring until January 30, 2004 with RSS Testing - ***In compliance***

99-04-04

On probation and monitoring until December 15, 2002 with RSS Testing - ***In compliance***

00-10-02

On probation and monitoring until September 13, 2003 (Must complete nine hours of continued education in anatomical area(s) licensed in prior to 08/01/2000 or RU&S.) –***In compliance***

00-12-03

On Probation and monitoring until March 28, 2003 with RSS Testing – ***In compliance***

01-01-03

On probation and monitoring until February 12, 2003 – ***In compliance***

01-01-04

On probation and monitoring until February 22, 2003 - ***In compliance***

01-01-07

On probation and monitoring until March 28, 2003 with RSS Testing –***In compliance***

Barbara Agrimson, made a motion to approve the Board minutes for October 12, 2001 and December 17, 2001. Lianne Thompson had a correction to the December 17, 2001 minutes. She explained that under the Public Information Law, OBRT is required to say how members vote. Her correction was to substitute Matt Lang’s name as the dissenting member. Mr. Lang asked to see the passage. Board members had been given a handout. With no other changes Ms. Agrimson moved that the minutes be approved as corrected. Rees Stuteville seconded and the Board unanimously approved.

EXECUTIVE OFFICER’S REPORT

Executive Officer Lianne Thompson referred the Board to the postcard handout as an example of what should be done to notify stakeholders of the new expedited process. Previously it was sent out to inform licensees of the Boards new website and to visit the site for current updates. The OAR language and Special Board Meeting in December were posted on the website. Posting on the web allows OBRT to reach licensees in a cost effective manner. Ms. Thompson advised the board that OBRT needs an additional allotment to send out the expedited licensure notification mailing. Terry Lindsey replied that Radiation Protection Services (RPS) could provide an additional list of stakeholders, excluding Dentistry when the Board is ready to send out the mailing.

E-commerce/E-government:

Ms. Thompson gave the Board an update on E-commerce/E-government. IRMD is still working on the "Licensee Lookup screen" of OBRT's licensees for Digital Academy. She shared with the Board that OBRT is receiving approximately \$10,000 worth of Information Technology services free by participating in E-Government. Ms. Thompson will continue her travel to Salem to work on the automation cashiering and accounting functions through E-commerce in addition to Digital Academy. Through Ms. Thompson's participation OBRT is part of the collective enterprise of Oregon's E-government.

E-Board Appearance April 2002:

Ms. Thompson informed the Board that DAS/BAM Analyst, Jeremy Patton would be available to answer any questions concerning Emergency Board (E-Board). She referenced her letter written to E-Board Co-Chairs, Honorable Gene Derfler and Honorable Mark Simmons, on January 07, 2002. The letter requests approval of an increase of \$43,546 in the agency's Other Funds expenditure limitation. The agency also requested a Limited Duration position increase of 0.5 FTE for the Licensing Specialist, which is currently authorized for at 0.5 FTE. Ms. Thompson summarized for the Board that licensing volume is up 44% over projections. Limited Permit Exam volume is 108% over projections. Investigation cases are up almost twice over what had been estimated. The extra work for staff in handling the \$1/month crediting of license fees impacts everything OBRT does and everything OBRT cannot do.

Ms. Thompson commented that budgets are figured three to five years in advance. She expressed that when you do not have automated infrastructure in place it is very hard to retrieve the data needed to make budget projections or provide services to licensees. OBRT cannot provide all the administrative services with the staff available. The question was asked without electronic technology how does an agency arrive at actual cost and how do they monitor? Currently Ms. Thompson must retrieve specialty reports, (after the fact) from the Office of Information Services (OIS). The daily revenue is a critical budgeting tool that is only available to OBRT in hard copies. Ms. Thompson reminded the Board that with current budget cuts in General Fund agencies, it is very hard to have "interagency contracts" that will allow those agencies to provide the same services previously available to us without significant cost increases. Terry Lindsey said RPS developed a link with the Cashier's Office electronically. Mr. Lindsey affirmed he would work with the Board to help develop the cashiering piece. Ms. Thompson thanked Mr. Lindsey on behalf of the Board and personally for his support and generosity, to help OBRT develop this critically needed data. Ms. Thompson further explained that when the budget was done previously some figures were estimated rather than actual figures. The estimate is from two years ago with the data available at that time.

Rees Stuteville asked Ms. Thompson to clarify the last entry on the budget document. She explained that it was the Personal Services line item. She explained further that the budget is divided into two parts, Personal Services and Materials and Services. Hank Miggins asked what OBRT's contractual dollar amount was. Edna Marr questioned what the dollar amount was and what dollar amount was needed. Ms. Thompson replied that she would get the Board that information along with the discretionary portion of M and S. Ms. Thompson asked Mr. Patton when the Board would have a recommendation. He stated that the Board would not get to go before the January E-Board and pointed out that it was more likely to be in April 2002. Ms. Thompson communicated she was willing

to help ultimately however monies cannot be spent without appropriate allotment from the legislature. She concluded that OBRT is asking for an increase to meet workload.

Matt Lang was recognized by the Chair and said he had a question to talk over with AAG Parks, who remarked that this AAG advice should be given in Executive Session. Board Chair Barbara Agrimson asked guests present to leave the room and called the meeting back into Executive Session at 11:14 AM.

At 11:50 AM Ms. Agrimson called the meeting back into Public Session with Ms. Thompson continuing on with her report. AAG Parks stated it is proper protocol is have all issues come to the Executive Officer and she will bring to the Board for a decision. Ms. Thompson revealed she is committed to getting the technology staff needs to do their work. As an update she advised the Board that the OBRT website "fee calculation" will be launched once "peer assurance" is achieved.

Limited Permit Examination Revision:

Rees Stuteville has very generously revised the OBRT Limited Permit in an outline format remarked Ms. Thompson. It was expressed that OBRT is still working with Bob Olson on the revision of the limited permit examination and is committed to getting the revision completed.

Department of Education:

Ray Lindley, Department of Education (DOE) attended the Outreach Committee meeting on January 10, 2002. Ms. Thompson mentioned that Randy Harp/Allied Medical Institute had also been working with Mr. Lindley. She expressed that Mr. Lindley is a true advocate for protecting the public and seeing to the well being of all stakeholders involved. In addition he is really a joy to work with.

Mr. Lindley recommended the Board adopt a policy for those students currently enrolled in a Board approved limited permit course of instruction after 2002. All students currently enrolled in a Board approved Limited Permit "Course of Instruction" must take the LP examination by June 30, 2003. What that would mean is that by June 30, 2003 OBRT would have up and running the revised limited permit examination. Ms. Thompson addressed that parameters and conditions need to be set around the transition to the new limited permit examination. Edna Marr asked if once the new exam is ready the old one goes out. Ms. Thompson reply was "Yes," and she went on to say that from now until April 30, 2003 they have to take the old test but beginning June 30th, 2003 they must take the new test. These guidelines let those teaching the limited course of instruction know the curriculum they must be teaching and by what date. Barbara Agrimson questioned whether OBRT would be ready to give the exam June 2003. Ms. Thompson replied that OBRT must have necessary technology in place to have this happen. Matt Lang suggested OBRT should step back and think about this before the members vote. It was Ms. Marr's opinion that if the Board waits until it is too close, it is not fair for everyone. Ms. Agrimson suggested that the Board re-evaluate their position at the October 2002 Board Meeting. Mr. Lang apologized for being late to the Outreach committee meeting but wanted to know what the deal would be with the DOE. Ms. Thompson responded that the Board would set the curriculum and the DOE would enforce. She stated the curriculum and exam are linked. The Board was reminded that everything comes down to funds recommended by the Governor and appropriated by the Legislature. Ms. Thompson will be developing a policy package for the 2003-05 budget

that will automate the testing. OBRT has old computers that are saved for this purpose. The cost for software is not known at this time. So that students could come to the office and staff could monitor the exam. Rees Stuteville announced at the last "Limited Permit Revision" meeting 4-5 hours were spent identifying the curriculum. During the holiday he had taken the information (graph form) and re-formatted to global objectives and specific objectives. The Limited Permit Committee needs to look at each objective and decide what will be in the curriculum. After the committee's review OBRT will have the content specification for the examination. DOE will use this as its guidelines and the Limited Permit Committee would develop test items based on the content specification. Ms. Thompson reminded the Board of the group of individuals involved with this revision from the beginning. She affirmed they would help complete this process if a completion date was set. Ms. Thompson remarked that it would be almost seven years by the time this revision is complete. Ms. Agrimson brought of the question of prerequisites to take the exam. Mr. Stuteville said that "bridging" (link in the chain of education) and how it compares with an accredited educational institute, was discussed at the "Outreach" committee meeting. He recommended to the Board that OBRT should get out of the accrediting business. The accrediting agency is the gatekeeper for Title IV Funds and must monitor default on these Federal loans. Mr. Stuteville is concerned as OBRT is not and does not have the capabilities to follow through with this requirement.

The Board should move these duties over to the DOE as soon as possible.

Ms. Thompson expressed that during the outreach meeting with Ray Lindley, they discussed regulations. The group concluded that the content of the regulation should include both ethical and professional standards of the people as well as the physics of the technology. Should the Board be looking at their five areas of long-term policy initiatives by developing a legislative concept that begins to speak to regulating magnetic, sonography and nuclear medicine? Terry Lindsey explained why RPS used to license nuclear medicine. He pointed out that because of RPS statutory authority to cover ultrasound, magnetic and nuclear; RPS & OBRT need to work together to bridge legislative concepts for regulating and licensing.

Ms. Thompson asked that the Board adopt a policy statement with the following language: Students currently enrolled or enrolled after April 30, 2002 in a Board approved limited permit "Course of Instruction" must take the corresponding limited permit examination by June 30, 2003. Mr. Lang aired that he knew it sounded pessimistic, but realizing the problems with language and rule changes the Board has experienced in the past, he would throw caution to the wind and hold off making a policy at this moment until there is a clearer picture. Ms. Marr told Mr. Lang to look at the purpose of the vote. Mr. Stuteville remarked that the Board needs to set a target or it would be too easy to sit on the back burner. Ms. Thompson asked if it would be helpful to list the language out on the backboard, everyone agreed. Mr. Harp explained how he understood the roll-out of the new exam to be and questioned how many opportunities his students would have to take the exam. Ms. Marr was concerned whether or not any other language or policy needed to be changed. Ms. Thompson will consult with the Assistant Attorney General about the language and the administrative rules.

Board Chair, Barbara Agrimson called the meeting back to order. She asked to have one person speak at a time, raise their hand to be recognized and state their name for the record. Steve Uroshevich, X-ray Education Services & Hologic, suggested that, for

one session, OBRT offer both exam versions. Ms. Thompson listed all of the variables on the board for open discussion. Ms. Agrimson suggested January 01, 2003 as the starting date for the new curriculum to be taught. Ken McCart, OSRT Chairman of the Board expressed that the curriculum completed March 31, 2002 through March 31, 2003 would be eligible to take existing exam(s) and after that date students would take the new exam(s). During the discussion, Mr. Stuteville pointed out that OBRT's responsibility is to educate the directors of the limited permit schools and it is the director's responsibility to educate their students. After an open discussion between Board members and those stakeholders present Ms. Agrimson asked the Board to approve the policy statement. Mr. Stuteville seconded. The Board voted unanimously to approve.

Mr. Stuteville reminded the Board that they needed to vote on definition of entry-level. The Department of Education (DOE) statutes only allow them to accredit entry-level programs. He went on to say that the Outreach Committee would like a policy statement stipulating that each new category is entry-level as was discussed with Mr. Lindley on January 10, 2002. It was explained that each category is an entry-level within a body of knowledge. Ms. Thompson replied that entry-level includes any and all anatomical areas and Bone Densitometry: for the whole group not, Radiation Use and Safety and one anatomical area. The DOE only regulates "entry-level training" commented Ms. Thompson. Ms. Marr asked for further clarification as some areas like Radiation Use and Safety overlap. Her question was, "When students come back to an approved limited permit school to take another anatomical area is it considered entry-level?" Ms. Agrimson explained that, when they do that specific exam, they would be going into a facility as an entry-level. Ms. Marr agreed. Mr. McCart presented the following example for clarification: "If a student passes Radiation Use and Safety, Lower Extremities & Upper Extremities and then they want to come back and take Spine, they'd only have to take Spine and not Radiation Use and Safety." "That is correct," replied Mr. Stuteville. Linda Russell, Board staff emphasized that there was a problem and asked the board to consider OAR 337-010-0030 (1) (e). In general the administrative rule states, one-year "student status" begins at the completion of radiation use and safety and the didactic portion related to the anatomical area they wish to radiograph. In that year students must complete their practical experience, pass the appropriate limited permit exam(s) and obtain a "Permanent Limited Permit". If they do not comply they must go back to school and complete another "Course of Instruction" which includes Radiation Use and Safety. Mr. Stuteville replied that each one of those anatomical areas is an entry-level to that limited permit. Ms. Marr remarked that part of it isn't entry-level because it has a different status. Ms. Thompson explained that Ray Lindley stressed that unless all the anatomical areas and Bone Densitometry are considered individually and collectively as constituting entry-level i.e. anything a limited permit holder does is by definition entry-level then the Department of Education cannot regulate. Mr. Stuteville reiterated once a student completed Radiation Use & Safety and one anatomical area then DOE could not regulate and it would be consider continuing education. Mr. Stuteville asked if that was a problem? The other Board members agreed it was. Steve Uroshevich, X-ray Education Services & Hologic expressed a concern with this question. If a student does Rad Use & Safety and Lower Extremities then they come back to do spine, there is nothing in lower extremities that is preliminary information for spine. Spine is now entry-level, and it is something brand new. Ms. Marr confirmed that she understood Mr. Uroshevich's statement, and she re-emphasized that the status was different. She pointed out students are coming in because they have already had Radiation Use & Safety, so that's what the Board has to

take care of. They come in already a limited permit person, and come back for just an additional area. These students are not truly entry-level. It is not much of a difference but there is a little bit there, she said. In her opinion the Board might get into trouble with it. Mr. Stuteville said the Board could just define that each additional anatomical area is considered entry-level. Mr. Lang indicated for the purpose of the statute each anatomical area would be treated individually. It takes care of the language responded Ms. Marr, but what does it mean? Could Rad Use & Safety be considered a prerequisite asked Mr. Ureoshevich? Ms. Marr suggested that this needs the attention of a smaller group and motioned that the definition of entry-level be referred to the "Limited Permit" committee. Mr. Stuteville seconded. The Board unanimously approved.

OLD BUSINESS

Staff Outreach: Lianne Thompson explained that she spoke with Nancy Ellingson, ASRT, regarding our OBRT CE Presentation. She was informed that as long as she gives her presentation at an ASRT approved seminar there would not be any paperwork to complete. Ken McCart suggested Ms. Thompson present her outline to him and he would send it to ASRT for a one-year approval. OSRT does not have to pay for it, the presentation could be given numerous times during that year. Ms. Thomson will be giving the presentation in February, OSRT in April, May at Oregon Institute of Technology in Klamath Falls, and she has spoken to Barb Smith at Portland Community College. Ms. Thompson reminded the Board that this was a great way to get the message out there at no additional expense. This is a very important consideration due to the Budget restraints we are under added Ms. Thompson.

OSRT Liaison: Ms. Thompson informed the Board; Matt Lang had asked for clarification of "liaison" with OSRT. Mr. Lang commented he had forgotten what his question was. You had asked this some time ago," answered Ms. Thompson. Hank Miggins informed Mr. Lang that he thought he just wanted to know who was the liaison. Mr. Lang asked did this come out of the fact that when he came onto the Board, he was Legislative Committee Chair at OSRT? "When OBRT elected certain committee members I had requested to be Legislative [Committee Chair] and communicate with OSRT." Mr. Lang informed everyone that Dr. Griffin had stated Matt would be doing the liaison. From his experience, he felt that it had changed. "OK, now I remember," remarked Mr. Lang. He went on to say, I think it would behoove us to have one individual communicate with OSRT so that we are not getting different voices to OSRT, I think one voice as opposed to different members of OBRT."

Barbara Agrimson, Board Chair explained to the OSRT President, Diane Dupree the Board had written a letter stating that OBRT wanted to work together. As opposed to working independently, it might be a better commitment for OBRT and OSRT she added. Ms. Dupree acknowledged OSRT had a problem with the language about contractual agreement. Mr. Miggins confirmed the Board was talking about OSRT and OBRT's face to the public and relationship. He did not recall that OBRT had been talking about a contractual beyond the agreement making it public that we are working together. Ms. Agrimson asked Ms. Dupree if there had been clarification from Mr. Miggins statement about the intent of the two groups meeting. Ms. Dupree summarized that her understanding of the letter was something about hard feelings. Mr. Stuteville asked if she would like to review that letter. OBRT's concern is about how we present ourselves to the public explained Mr. Miggins.

Ms. Thompson gave the example that Mr. Lang had a publication from apparently OSRT or ASRT that gave a figure for the OBRT budget that was an incorrect amount. "It is this type of information that is incorrect," remarked Ms. Thompson; "It makes sense that, if it is going to be published, that it be correct and accurate information." She explained further that her assumption was that whoever published this information would print a retraction or correction stating that it was incorrect. Mr. Lang replied that he was part of the "Grass Roots," which is a legislative conduit for ASRT. The inaccurate information she is referring to was a bulletin article about "New Laws Effect RTs" under Oregon, it listed Senate Bill (SB) 5522. "All that was different in there was the figure \$ 406,404. Ms. Thompson had said that was not the [engrossed version of the] bill that had been passed by the Legislature," Mr. Lang remarked. He then implied that he didn't know if it was a challenge, but he would again recommend having one person be able to communicate i.e. with OSRT or ASRT. He expressed that the Board could be more consist with their facts by a having one spokesperson as the liaison. Ms. Thompson replied that it was just an error in the publication. Mr. McCart explained that it was an ASRT publication and suggested that they should know who to contact, in this case Ms. Thompson, to verify that the facts are correct.

Mr. Lang questioned whether or not Ms. Dupree's objections had been answered. Ms. Dupree read the following statement from the OBRT letter; "It would appear that it would benefit from a joint meeting of both Boards to develop a letter of agreement." She asked what that meant. Ms. Agrimson, Board Chair, expressed that she feels that both Boards are out there and just don't communicate very well. She implied that there were enough stakeholders out there who do not know what either Board did. Ms. Agrimson assured everyone that with some type of connection between the two Boards there would be a stronger force to go out and educate the stakeholders. She admitted that the wording of the letter may not have been the best choice, however an agreement or commitment is needed between the two entities. Ms. Dupree acknowledged that she was confused because she thought that is what the Boards were doing. Ms. Agrimson advocated that she would like to think so; OBRT would like to sit down Board to Board and clear some air and start fresh. Mr. McCart asked what about having one of the Board members as liaison. Ms. Thompson indicated that the Board Chair was traditionally the liaison. Ms. Agrimson confessed that she had only been to one OSRT meeting and had obviously not done her share.

Ms. Agrimson acknowledged Mr. Harp, Legislative Chair for OSRT. Mr. Harp suggested that next session OBRT might have some type of legislative agenda, something they would need to get done, where as OSRT will have one also. He announced that it would be nice if OSRT and OBRT could collectively work together in a timely manner on the legislative interests in a closed session. He predicted that next session there should be some changes. Mr. Lang suggested that OBRT and OSRT have a joint annual meeting. "It may not be available this year but it is something to consider. OBRT and OSRT could have separate Board meetings but socialize together and having good positive exposure with the stakeholders." Ms. Dupree summarized that she feels a sense of urgency from the OBRT letter for the two Boards to meet. Ms. Agrimson explained that there is no urgency but a step toward communicating. Ms. Dupree specified that she had written to OBRT requesting for someone from the Board to attend their meetings and has not received a response yet. Ms. Thompson replied that the discussion was a response to that. She said if the Boards would like to have these relationships they need to step

back and look at the broader picture. It is not just about having someone from OBRT show up at OSRT meetings but lets look at the context of the whole relationship and how we can promote a stronger more unified partnership reiterated Ms. Thompson. Mr. Lang expressed that he did not think a formal agreement was needed between the two boards. Ms. Marr pointed out that one thing about having something in writing is that as OBRT members and OSRT members are replaced there is some policy guideline in place. Again, Mr. Lang asked the Board members if they wanted to assign someone to be liaison this year. In unison the members announced the Board Chair is the liaison. Ms. Agrimson thanked everyone for his or her input.

NEW BUSINESS

Steve Uroshevich, X-ray Education Services & Hologic New birth month renewal concept. In term of outreach he would recommend that the Board get in line with ARRT because it is causing people major problems. In his opinion the whole idea of birth month renewal is to spread out work for the Board and make it easier to remember. You cannot have them due on the first of the birth month and have that as a reminder he went on to say. Edna Marr pointed out that the key is paying it. OBRT staff gives the licensees plenty of notice and they can send in their current ARRT registration card as proof of continuing education. Judy Lee explained that it is to the RT's advance because their ARRT card is current until the end of the month and OBRT renewals are on the first of the month. Mr. Uroshevich informed the board that he gets calls objecting to OBRT's renewals being on the first of the month. Lianne Thompson asked him what kind of calls he got? He replied by saying people call him for all sorts of reasons, X-Ray Education Services is an umbrella for every related radiation question on earth. Ms. Thompson thought it was interesting and explained that the renewal date could be changed but it would take another legislative concept and another implementation period. "I brought this up under outreach because you have people who think of OBRT as this horrible pariah, don't slay the messenger, I'm just telling you" remarked Mr. Uroshevich. Ken McCart, OSRT, Chairman of the Board asked if OBRT had seen an increase disciplinary action, as a result of licensees not renewing in a timely manner. Ms. Thompson expressed that it had gone down. Diane Dupree, OSRT President shared another incident where the licensee received disciplinary action and a \$100.00 Civil Penalty for practicing ionizing radiation after their license at expired. Ms. Thompson asked if people were reading their renewal notices that OBRT sends out? Ms. Dupree said she did not know. Ms. Marr emphasized that licensees have the responsibility to read their renewals. She commented that these are the same people who wait until the last minute to get their CEs completed. Mr. McCart replied that the problem is, the licensees are not reading their licenses or renewals. Ms. Thompson explained Board members are aware that OBRT is perceived bad in some peoples mind. Hank Miggins stated OBRT wants to meet with OSRT to let them know OBRT is not bad. Mr. McCart commented that OSRT active members know what OBRT does. "It is the rank and file that don't know what either Board does" he remarked. Ms. Thompson explained the OBRT CE presentation talks about why isn't it in people interest, to consider themselves professionals. She added professionalism is either considered a burden and weapon against them or it is a tool that adds self-respect. OBRT is trying to shift that perception.

Ms. Dupree asked what OBRT's plan was for getting to people, as she didn't see them going to that type seminar? Ms. Marr said the OBRT website: www.obrt.state.or.us was one way. Ms. Thompson explained that OBRT would be doing another postcard mailing provided additional funds are appropriated. The problem is that when OBRT made

projection for what level of licenses they'd have and the appropriate staff to take care of them. Based on the data OBRT had 2, 3 4 years ago OBRT was authorized at 2 ½ people. OBRT's workload is up 45 to 190 percent whereas the Board is working Ms. Lee, Licensing Specialist full time just to keep up. The problem is that if OBRT cannot get to the E-Board and get an expanded legislative appropriation, there is not enough money to send out postcards. Instead OBRT will need to spend previously appropriated funds on staff to process licensing. Ms. Thompson emphasized that this was the impact of the \$1 per month credit and refund.

Barbara Agrimson asked the Board if they wanted to talk about the Care Bill Act. Matt Lang explained the desire to have the Board support the Care Bill. This is a bill that had been introduced by ASRT on the federal level mandating quality patient care. It had not been mandated on a federal level in the past, some states are licensed and some are not. Mr. Lang explained that he would like to possibly see the Care Bill as part of the OBRT CE presentation. He went on to say that AAG Parks had made it clear to OBRT members that the Board represents the Governor. Each member needs to be careful individually concerning conflict of interest issues. It was explained further by Mr. Lang that AAG Parks recommended if all Board members support the "Care Bill", the Board should write a letter to the Governor. The letter should make recommendations why the Governor should support the Boards decision.

Steve Uroshevich asked would the bill abolish limited x-ray. Mr. Lang answered that he didn't think so. No one knows how it will shake out commented Ms. Marr. Mr. Uroshevich stated the bottom line is, if it would abolish limited x-ray then it is just a piece of paper and will never pass anyway. Rees Stuteville reminded those present the main thrust of the Care Act was legislation submitted during the Reagan administration to encourage the states to be responsible and develop Boards to regulate ionizing radiation. There are 32 states with Boards like OBRT; currently there are not 50 states in compliance and if you were to take out those regulations and lay them side-by-side they would run a very large gamut advised Mr. Stuteville. Since it didn't work voluntarily it had to be brought up a notch, to the federal level to get all 50 states on Board, in order to have sibilance of compliance that is normal from one state to the next. Mr. Uroshevich asked if Mr. Stuteville meant they were trying to get other states on board. He answered yes it is about getting the remaining 18 states on board. Mr. Lang advised Mr. Uroshevich that ASRT has a copy of the Care Bill on their website. Hank Miggins asked Mr. Lang what do you want to do. He replied asking the Board to vote on developing a letter to send to the Governor. Ms. Thompson cautioned the Board on their proposed action and where it might lead them down stream and what could go wrong. She asked how does the Board craft a letter so that the Board's reputation is for integrity in terms of patient care. After discussion it was decided that the letter would be written acknowledging the Board's commitment to patient care and asking for the Governor's support of the Care Bill as written, based on the date of the letter. Mr. Lang made a motion to approve writing a letter to the Governor advising him of the Board's support for the Care Bill and asking for his. Seconded by Mr. Miggins. Board Chair, Ms. Agrimson called for a vote and the Board unanimously approved.

PUBLIC COMMENT

Board Chair, Barbara Agrimson opened the meeting to public comment.

Diane Dupree, OSRT President missed last month's OAR public hearing. Ms. Agrimson agreed that it had been December 17th. Ms. Dupree commented on her understanding that the Board is doing every thing they can to process license applications rapidly. She questioned the purpose of raising fees in terms of how that would the Board improve license processing time. Executive Officer Lianne Thompson explained that the new language gives licensees an option to expedite licensure; it is not a mandatory fee at all: it is strictly optional. As staff has pointed out, on the face of the license itself the expiration date is listed. Also, staff sends out the expiration notice and renewal offer at least six weeks ahead of time. The licensees still miss the renewal deadline for one reason or another. They may have moved and not notified the Board or they may just forget about it until they realize that they need their licensure right now. The new language allows the Board have the option of walking it through given limited sets of circumstances. Payment must be in the form of a cashier's check or money order, no criminal background record and in good CE standing with ARRT. Licensees always have the option of waiting 14-21 days for regular processing time. Rees Stuteville asked Ms. Thompson to explain why the Board cannot accept a personal check. She explained the steps of licensure as far as cashiering was concerned.

Randy Harp, Allied Medical Institute, asked if it would be helpful to advise his limited permit students, who have a one-year time frame, to get everything completed for permanent licensure to complete in 11 months. The Board agreed that it would be appreciated and helpful to avoid the problems associated with waiting until the last minute. Ms. Thompson reminded Mr. Harp that the temporary limited permit holders do not leave themselves an option to recover from any error if they wait until the last possible moment to take the Limited Permit Examination. She is committed to coming out to the limited permit courses to re-emphasized that and deliver the OBRT presentation to help educate the students.

Steve Uroshevich, X-ray Education Services & Hologic addressed the Board on the issue of expiration. He commented that the licensee's skill set does not change the day their license expires, but yet OBRT is saying very strictly is that they cannot work without a license. Mr. Uroshevich recommended OBRT adopt a grace period. Edna Marr warned that those individuals would wait until the end of the grace period. Mr. Stuteville agreed. Licensees have the responsibility to know their date of expiration, plan ahead, they are professional people not uneducated individuals expressed Ms. Marr. OBRT gives licensees six weeks prior notice and they need to be responsible for their own action, she concluded by stating that she was not speaking as a Board member but as a person. Ms. Thompson emphasized OBRT sets the limits and the individuals put the limits on themselves.

Ms. Agrimson thanked everyone for his or her input.

The meeting was adjourned at 2:35 PM.