

Oregon State Board of Radiologic Technology (OBRT)

APRIL 12, 2002 MINUTES

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

ATTENDANCE

Members and Staff: Barbara Agrimson, LRTT, Board Chair; Brian Buckingham, LRT; Christopher Griffin, MD; Edna Marr, LRT; Hank Miggins, CIA, Public Member; Rees Stuteville, LRT; Terry Lindsey, Manager RPS, Advisory Member; Carol Parks, AAG; Lianne Thompson, Executive Officer; Linda Russell, Staff; Judy Lee, Staff.

Members Absent: Matt Lang, LRT

Also Present: Ernest Wick, LRT, Jeramy Patton, DAS BAM Analyst;

Public Session: 11:00 AM

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

The OBRT Board meeting was held Friday, April 12, 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 11:00AM.

INVESTIGATIONS –As Of April 12, 2002

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 was 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-Board unanimously approved. No updated news as of 4/10/2002. **4/12/2002: Board approved closing case and monitor with DHS Health Services/ Department of Revenue.**

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 un-collectable. Referred by staff to Dept. of Revenue for collections. No updated news as of 4/10/2002. **4/12/2002: Board approved closing case and monitor with DHS Health Services/ Department of Revenue.**

00-04-01

Final Order is complete and will be issued. Carol Parks, AAG explained the lowering of the Civil Penalty by AAG Mussell, at the Hearing was done in error. 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-Board unanimously approved. No updated news as of 4/10/2002. **4/12/2002: Board approved closing case and monitor with DHS Health Services/ Department of Revenue.**

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. Need Board approval needed to issue Default Order. 1/11/2002: Barbara Agrimson motioned to issue Default Order-Board unanimously approved. No updated news as of 4/10/2002. **4/12/2002: Board approved closing case and monitor with DHS Health Services/ Department of Revenue.**

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. Board needs to discuss "Scope of Authority". 1/11/2002: Barbara Agrimson moved to send to Department of Revenue for collections. Board unanimously approved. 4/8/2002: Received E-mail from Dana Street, DHS Health Services (Collections) stating \$1777.00 was paid to OBRT and \$223.00 was the DHS cost of collection Account has been paid in full. **4/12/2002: Board approved closing case and monitor with DHS Health Services/ Department of Revenue.**

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-Board unanimously approved. No updated news as of 4/10/2002. **4/12/2002: Board approved closing case and monitor with DHS Health Services/ Department of Revenue after 60 days; from the date the Default Order was issued.**

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. See copy of letter sent by RPS on 1-15-2002. **4/12/2002: Terry Lindsey said he would have a report for the July meeting.**

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. Frank Mussell, AAG reviewed OBRT 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. **4/12/2002: Board approved closing case.**

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. 4/10/02: OBRT has had no response to date. Needs Board approval to close case due to no response. **4/12/2002: Board recommending sending a letter stating that OBRT can not process an incomplete application and approved closing case.**

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. **February 01, 2002 received signed Consent Order with "Letter of Intent", Employer Verification Document.** **4/12/2002: Board Approved Consent Order and recommended monitoring probation.**

01-04-06

4/23/01: Under Investigation-Received complaint against Hospital Radiation Oncology, alleging that they hired approximately one month ago a massage 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 to the RN and massage therapist, issue a Civil Penalty and suspend the fine. 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. Cacak 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 can chose to or not, to inform the Board of Nursing. 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. See letter from Keith Bauer, Attorney at Law counsel for Beverly Smith, RN and Denise Howlan. **4/12/2002: A hearing has been requested and is set for September 23 and September 24, 2002; the case is being handled by AAG Parks.**

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. 2/25/2002: Final Order sent to last known address. 3/11/2002: Received Final Order back from USPS "Attempted Not Known". **4/12/2002: Board recommended notifying ARRT and referring to the Department of Revenue for collection and approved closing case.**

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 a 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 reported that he is participating satisfactorily in counseling. 10/12/01: Currently in compliance. Need Board advise on how to proceed? 1/11/2002: Ms. Thompson reported that the caseworker wants to make sure her client has signed a release to talk to OBRT. Board advised to continue to monitor. 3/5/2002: Received signed Consent Order stipulating three year probation with two random urinalysis per month through RSS Testing and Employer Verification document. **4/12/2002: Board approved Consent Order and recommended monitoring probation.**

01-06-06

On probation and monitoring until **January 03, 2004** with RSS Testing – **TESTED POSITIVE for CARBOXY-THC (Marijuana) on 3/6/2002.** 3/11/2002 confirmed with AAG Parks, advised to discuss at the April 12, 2002 Board Meeting. **4/12/2002: Board recommended new Consent Order stipulating consequences for his violations and to increase random RSS testing to twice weekly. He is to report before the Board on July 12, 2002.**

01-08-04

Diagnostic RT license expired October 1, 2001. 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. **4/12/2002: AAG Parks reported that charges have been filed but no trial date set.**

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. **4/12/2002: Board approved closing case.**

01-11-02

Working with out 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 can 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. 4/09/2002: Faxed file to AAG Parks for advice. **4/12/2002: Board recommended issuing Final Order.**

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 miss representation 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.

4/12/2002: Board recommended that he 1) provide the Board with a complete copy of his Criminal Justice Report from California 2) Ms. Thompson to contact the California Licensing Board on his license status etc. This must be done by July 01, 2002.

02-01-03

Licensee signed a "Return to Work " Agreement with his employer-"Peace Health on November 07, 2001. On 1/4/02 he took a drug test and on 1/7/02 the results indicated positive for alcohol: urine alc=0.053; blood alc=0.035 (by calculation)
1/28/2002: Investigative Committee recommended Consent Order stipulating three years probation, abstain from use of all mood altering drugs and controlled substances. Submit to two random, supervised urinalyses each week conducted at the expense of the licensee. The tests will be done through RSS Testing. Licensee shall attend AA twice weekly and written confirmation is to be provided by sponsor. Licensee shall provide a copy of Consent Order with each employer. He shall provide quarterly reports to the Board regarding compliance, treatment progress and self-evaluation of his work performance. Licensee is to request that his employer send a quarterly report on his compliance with the Consent Order and his work performance. Signed Consent Order in March 2002. **4/12/2002: Board approved Consent Order monitoring probation for three years.**

02-02-02

2/28/2002: Applicant self-disclosed on application a felony conviction. He indicated that this was expunged from his record and provided court documents. A LEDS check and court documents were sent to Carol Parks. Advised OK to license, license was issued 3/1/2002. **4/12/2002 approved closing case.**

02-03-01

On her application the applicant self-disclosed she had a felony conviction. Incident happened 12-18-89 in Houston Texas. Applicant was charged with possession of trace amounts of a controlled substance during a routine traffic stop. Penalty was delayed until 1995 where she was sentenced for 4 years, She received 18 months of in house counseling, 30 months of supervised out patient treatment ending successfully, with all requirements successfully fulfilled in 1999. She holds a current valid registration with ARRT and is current until August 2002 and in CE compliance. LEDS check was run 3/6/2002 no record was indicated. 3/12/2002: Consent Order was faxed and mailed certified to home address in Houston TX. Received applicant signed Consent Order and license was issued 3/19/2002. **Need Board approval 4/12/2002 to close case.**

02-03-04

3/26/2002: Reported to OBRT that licensee robbed the Good Samaritan Employees Credit Union on his way to work, wearing his name tag from work. Case was sent to Don McCarthy to investigate and also sent to AAG Parks for advice. **4/12/2002: Under investigation, AAG Parks' paralegal will get police reports.**

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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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- 02-01-01 02-03-02
- 02-01-04 02-03-03

02-02-01

4/12/2002: Board approved closing cases.

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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 – ***Resists the Board’s Authority- Currently 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***

00-12-04

On Probation and monitoring until **February 23, 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***

01-10-01

On probation and monitoring until **October 25, 2003** with RSS Testing - ***In compliance***

01-11-03

On probation and monitoring until **December 27, 2004** with RSS Testing–***In compliance***

01-12-02

On probation and monitoring until **January 04, 2004** with RSS Testing - ***In compliance***

02-01-02

On probation and monitoring until **February 01, 2003** – ***In compliance***

Board Chair, Barbara Agrimson closed Executive Session at 10:50 AM; after a ten-minute break the meeting was called to order in Public Session at 11:00 AM.

Ms. Agrimson, made a motion to approve the minutes from the January 11, 2002 Board meeting, and moved that new issued licenses and limited permits be approved. Brian Buckingham seconded and the Board unanimously approved.

Barbara Agrimson announced that on behalf of the Board and staff they would like to bestow Brian Buckingham with a “Certificate of Appreciation” for his dedication and service to the Board. She stressed that he had been instrumental over the last few years. Ms. Agrimson pointed out once again how dedicated he had been and his shared comments were always very worthwhile. He had given the Board a new perspective that she and the Board continuously appreciated. Ms. Agrimson wished him the best of luck and expressed that everyone wished he did not have to leave. Mr. Buckingham thanked the Board and referred to the letter he had written to

the Governor's office, explaining that right now he had a lot going on and needed a little time away. He emphasized that he will always be available to the Board. He assured the Board that maybe in two to four years, he might be able to return. Mr. Buckingham will continue to keep the dialogue open during that time. He summarized that the Board was in great hands; there is a lot of diversity among the members and tons of knowledge. He feels it is positioned just right for the future. Mr. Buckingham suggested the Board should look to the future and realize that it is not strictly a licensing Board that maybe there is service and things the Board can offer to the licensees. He stated that technology, E-commerce growth must continue along with the integrity of the Board through standards that have been set. He pointed out that the limited permit exam revision is excellent work that is being done by the limited permit committee. He said it had been exciting to watch how much the Board has accomplished over the last three or four years. He expressed that it will be very hard to give all this up right now. Mr. Buckingham thanked everyone and in turn the Board and staff expressed their gratitude. Lianne Thompson, Executive Officer presented Mr. Buckingham with a plaque inscribed "Brian Buckingham, LRT, with thanks for your service and visionary leadership in our field, Oregon Board of Radiologic Technology March 1998 - May 2002." Edna Marr told Mr. Buckingham that she had appreciated his perspective coming from a rural area, as it helps keep the Board on track realizing they do not only serve Portland but rather the whole state. Mr. Buckingham explained to the Board his passion to bring the rural communities the same health care benefits as those who live in the valley. The rancher in John Day is the same human being as the person working at his profession in the valley or I-5 corridor; both deserve the same quality of care. He advised the Board to look out five years into the future. Ms. Thompson expressed that she had been his Executive Officer while he was Board Chair and she holds great respect and affection for him. Ms. Thompson stated that it was very clear in her mind what a visionary community leader he was, and capable of elected public office, he had been an appointed public official. What ever shape his community leadership takes, his vision, dedication, and heart makes him an amazing person. Ms. Thompson concluded by saying, it had been her privilege to be his Executive Officer and she had every gratitude for that. Mr. Buckingham thanked her and the Board.

EXECUTIVE OFFICER'S REPORT

Legislative Concepts: Proposals and Language

Lianne Thompson briefed the Board on the letter before them. Chair, Barbara Agrimson had sent the letter to the President of the professional society, OSRT requesting their input on six legislative concepts. She reiterated that it was a letter to Diane Dupree via facsimile, on the back of the sheet were the legislative concepts. Ms. Thompson asked the Board if they had a copy of the E-mail from Michael Saker that Mr. Buckingham had responded to. Copies were provided as needed. Mr. Buckingham explained that this was a not a voice speaking about legislative concepts but rather talking about his relationship with Ms. Thompson. Barbara Agrimson explained that the letter was sent to Diane Dupree, and Barb Smith responded to the letter. Ms. Thompson informed the Board that Michael Saker had, as did Bart Pierce and Randy Harp. She explained that the Board is trying to engage the stakeholders in collaboration and the profession society is one of the most significant stakeholders. The discussion with Barb Smith was a series of e-mails going back and forth that really spoke to the issues at hand, while the e-mail

from Michael Saker, Ms. Thompson characterized as personal and negative about her. She questioned the Board by asking what impact did it have? One of the things that happens in the legislature process is that it does become about personalities rather than issues. Hank Miggins had been a Legislative Assistant to Representative Fahey and has a staffer's experience in the legislature. Ms. Thompson has had experience as the Board staffers during several legislative sessions; prior she was a citizen activist with the legislature in Oregon, Alaska and Michigan. Ms. Thompson shared with the Board that she had been in discussion with other agency executives about what they were going to do during the upcoming legislative session. What folks have told her is they plan to lay low. She called the Legislative Fiscal Office Analyst to ask about approaching legislators for advise concerning the Emergency Board. Ms. Thompson informed the Board that she would be presenting the Board's request Thursday, April 18, 2002. She had talked to Rick Olsen who is very experienced, and he declined to make a recommendation. It was her opinion that this indicated folks are extremely cautious. Ms. Thompson introduced Jeramy Patton, DAS BAM Analyst and asked if he had heard from agency folk about their plans for taking forward legislative concepts in this session. Mr. Patton summarized for the Board that agencies were lying low, no body wanted to bring in new issues at this time especially those that cost money. Ms. Thompson expressed her awareness of the Board's wishes to take forward legislative concepts, which would allow the Board to better protect the citizens of Oregon. She explained that the Board is empowered to protect patients while they operate in a political environment. Ms. Thompson reminded the Board that any legislative concept taken forward had to be filed by Monday April 15, 2002. Each legislative concept requires a fiscal analysis, policy analysis and list of known supporters and opponents. They also want to know who the expert is and whether or not the concepts affect other agencies. It is a requirement of the Board to have done their homework before introducing any legislative concept. Copies of Mr. Saker's e-mail were distributed for the Board to read. Ms. Thompson remarked to the Board, when she saw this e-mail it almost stopped her in her tracks. She did realize that negative comments were part of being the Board's representative or agent. Ms. Thompson gave the following explanation of a Board's agent. She said it meant that she; Linda and Judy were buffeted everyday by people who resent authority or just don't want to be told what to do. Ms. Thompson stressed that the conflict gets personalized no matter what the staff does or how respectfully or graciously they try to resolve it, there are times when someone is offended. Mr. Buckingham responded that he needed to address the e-mail because it was about someone who was angry and a member of OSRT. The e-mail had been sent to various legislators, OSRT members and Mr. Buckingham who stated, that Michael Saker was a District 3 representative for OSRT and had been a loud voice in his ear for the last year. He had told Mr. Saker that he did not have a grasp on the true reality of the situation and what he saw through his eyes was not necessarily accurate. Mr. Buckingham expressed to Mr. Saker that he needed to be aware that there were other options besides those involved with OSRT. Mr. Buckingham did receive another e-mail from OSRT Board member, Randy Harp who acknowledged that Mr. Buckingham had a good point and it should be looked at. Mr. Buckingham reminded the Board that Mr. Saker's e-mail was speaking for his own opinion and not necessarily for all the members of OSRT. Ms. Thompson expressed it was that kind of thing that happens when you take a leadership role and aim higher as the Board has done. After the last Board retreat the Board really collected it self and aimed its vision higher. Mr. Buckingham suggested to the Board to reach high and stay the course, there is no point in stepping back. Edna Marr indicated the Board should find out from him what he would like to accomplish and where he hopes to go and then focus

him in a positive direction. Rees Stuteville suggested that the Board invite him to a Board meeting. Mr. Buckingham confirmed that he had come before the Board in the past. Mr. Stuteville in reviewing his e-mail remarked that he does not have a clear understanding of the process. He would be happy to explain the process to Mr. Saker. AAG, Carol Parks advised Board members that the Board directs the Executive Officer it is not the Executive Officer directing the Board. Ms. Marr expressed that Mr. Saker needs to know that he has been heard. She suggested that the Board Chair send a letter inviting him to the July meeting. She said everyone defines professional behavior differently. Hank Miggins informed the Board that it was time to take Ms. Thompson off the hot seat. She thanked him and explained how she is under the umbrella of the Board, and does things based on the circle of authority they give her. Ms. Thompson humbly reminded the Board that she is human and sometimes she will make mistakes. AAG Parks advised the board how lucky they are to have Ms. Thompson. She understands that her scope of authority comes from the Board informed AAG Parks. Mr. Buckingham said that in Mr. Saker's e-mails you can take Ms. Thompson's name out and put in OBRT, because that is really who it was. Ms. Thompson summarized the conversation by saying it is not a matter of not being heard in his case. She has e-mailed Board Chair, Barbara Agrimson on every response written. Mr. Stuteville made a motion that the Board invites Mr. Saker and the OSRT Board to attend the July Board meeting. He feels this will give him an opportunity to see how the OBRT Board works and express any concerns he may have. AAG Parks reminded the Board that a person can change their own behavior but you cannot change someone else. It could be that you could do every thing in the world and this person is not going to be happy. Terry Lindsey commented the Board could say it is not acceptable behavior rather than coming from Ms. Thompson. Mr. Miggins agreed with Mr. Lindsey, as did Ms. Marr. Mr. Stuteville suggested that if after an opportunity to be heard is given and this behavior continues the Board could pursue reporting him to ARRT for unethical behavior. Ms. Marr recommended setting aside a body of time, approximately 40 minutes to address the issue and cut it off after that time frame. Mr. Stuteville expressed his belief that the invitation should be sent to the OSRT Board so they could respond with Mr. Saker's to his three page e-mail. Mr. Buckingham agreed that OBRT would like to know if Mr. Saker is speaking for the OSRT Board or as an individual. He reminded the Board how AAG Parks cautions them to be sure that they remember they are speaking for the entire Board. Ms. Marr said he is responding to the OSRT Board members in his exchange of e-mails to them. She believes he is speaking as an OSRT Board member. Mr. Miggins explained that he feels Mr. Saker is speaking as a Board member but for himself rather than the entire Board. The Board agreed that they would like to clear up his concerns and any others so that both Boards can move collectively forward to improve conditions for licensees and protect the citizens of the State of Oregon. Ms. Thompson sincerely expressed that it was a privilege to work for the Board and have them wrestle with difficult issues so gracefully. She then reviewed the motion that was made by Mr. Stuteville, stating that the Board chair would write a letter to OSRT President and invites the OSRT Board to meet with the OBRT Board to discuss the concerns raised by Michael Saker. Mr. Buckingham seconded and the Board unanimously approved the motion.

Ms. Thompson informed the Board that she and AAG Parks had discussed a couple of other legislative concepts. She asked the Board to take a look at 688.515(3)(e) which talks about the Board's issuing limited permits. It states that the Board will issue a license to those who have successfully completed a Course of Instruction. Back in the

definition it says Course of Study, would it make sense to say Course of Study instead of Course of Instruction, Ms. Thompson asked? The Board members were given draft copies of the legislative concepts to review. Ms. Thompson must submit revisions in a timely manner on Monday April 15, 2002. Mr. Hank Miggins brought up semi independence for the Board. Ms. Marr asked what would it take to become independent. Mr. Buckingham said that he feels that with semi independence would come freedom. Mr. Miggins expressed that the Board is about three years out. He said from a strategy point of view, it takes the Board off the tax roll and who can argue with that. Terry Lindsey, Manager of RPS gave examples of line item charges that they cannot do anything about; it was over \$80,000. Mr. Lindsey advised the Board to go forward with semi independent status.

Board Chair, Barbara Agrimson called the meeting back into Executive Session per ORS 192.660 (1) (f) at noon and back into Public Session at 12:20 PM

Ms. Agrimson made a motion to approve the new licenses and permits from November 2001 to March 2002. Mr. Buckingham seconded and the Board unanimously approved.

Ms. Thompson announced that she and Ms. Marr were going to Canyonville to present continuing education. She called the Board's attention to an investigative report summarizing the cases, created by Linda Russell. "If you look at the discipline cases this is another instance where the great Mr. Buckingham helped set up an Excel spreadsheet that we use today to input and gather data from," remarked Ms. Thompson. This report showed the Board proof of their efficacy through the work done by their staff.

She began to inform the Board on budget, policy option packages she will be presenting for their review at the July Board meeting. A policy option package is a supplement to the current service level budget (CSL budget). Ms. Thompson will propose them to the Board and they will review and support or revise the packages. She takes into account what the Board desires and goals are before the proposal is made. After the Board the Governor looks at them, in this case Jeramy Patton, DAS BAM Analyst represents him. The number one package is to get Judy Lee's position changed from part time to full time on a permanent basis. She is going to the Emergency Board on their behalf April 18, 2002 to get a limited duration position approved for Ms. Lee. Ms. Thompson had asked for letters of support from the hospitals, Association of Hospitals and Health Systems. She had talked to Randy Harp about it but she hadn't been able to talk directly with Diane Dupree, as OBRT would like the professional society's support too. Ms. Agrimson asked when Ms. Thompson would know the results of the Emergency Board? She replied that possibly later that night or the next day. The number one package will be for three full time positions, as the Board has needed this for twelve years. The second policy option package will be electronic commerce and related information technology. It is crucial for the Board to automate procedures as soon as possible. Package number three will be to revise the Board's administrative rules. It is a huge project that is necessary and would be a great benefit to the Board and with everyone OBRT deals with. The fourth package will address the increase in expenditures for Board members who live in rural areas. It is an asset for OBRT to have a variety of districts represented on the Board. The issue is whether or not the OBRT budget can absorb the increase within current service levels. In terms of administrative rule language the Board talked about some changes, looking at the budget instructions if the Board has increased fees or added new fees Ms. Thompson must highlight and present it as a separate item. It

would be something like a budget package she added. The Board has one already which is the expedited license fee which is strictly voluntary and optional but still must be noted in the budget. Mr. Stuteville reminded the Board that as it stands in the administrative rule 337-010-003, if a student fails to appear to take the scheduled limited permit examination currently the Board will refund the fee if the applicant requests it in writing within 30 days. The Board agreed that it should be non-refundable because the administrative work has already been done and should not be refunded. Ms. Thompson asked AAG Parks if a language change in the administrative rules could be done to make applications non-refundable under the licensing process. AGG Parks concurred. She then advised the Board that some of the other Boards she represents are asking to change the statute that requires subpoenas to be signed by the Chairperson of the Board instead of the Executive Officer. What that means currently is the Chairperson has to come into the office and you can run into problems if you have a Chair who does not live in the same area. If you take 688.600(3) and change the language from the Chair to the Executive Officer then not only does the person not need to come in to sign but when AAG Parks is working for the Department of Justice on a case she can issue a subpoena. Board Chair, Barbara Agrimson made a motion to approve the language change to reflect the Board may issue a subpoena in the name of the State of Oregon. Mr. Buckingham seconded and the Board unanimously approved.

Barbara Agrimson invited Ernest Wick to join the Board in the discussion concerning a possibility of becoming a new Board member. She also apologized for the length of time he had to wait and reminded him that it was a great opportunity to observe the Board in action. Ms. Thompson shared with the Board that once she received a copy of Brian's letter to resign, she was instructed by Ms. Agrimson to post the opening on the web site. She received two letters of interest, one from Mr. Wick and the other from Shannon Spoon. Last evening Ms. Spoon faxed her resume, which had been previously given to the Board. Mr. Wick drove from Pendleton at his own time and expense to have an opportunity to discuss his interest with the Board. Ms. Thompson reminded the Board that this was a chance for a structured discussion but ultimately it is up to the Governor to appoint the new member. OBRT has a wonderful relationship with the Governor's office and they listen to the Board's recommendation. Mr. Buckingham asked Mr. Wick, "After seeing the workings of the OBRT Board are you still interested?" Yes, was his zealous reply Ms. Agrimson asked, "Could you make a commitment and time to serve on the board?" Mr. Wick explained that prior to advising Ms. Thompson of his interest to serve on the OBRT Board, he had a conversation with his CEO, who is very supportive and gave him his blessing. Mr. Wick said that he was appointed by the Governor to be on the Oregon Trauma Board so he is familiar with the process. Mr. Wick explained how coming to the meeting was two-fold, One was an opportunity for the Board to meet him and to know how he looks at the opportunity of serving as a caregiver and two was to see the board in action. He told the Board how much he was impressed with the commitment he saw and was satisfied that he would like the opportunity to serve on the Board. "I regard serving on the Board as serving the Oregon population and from my perspective that is very exciting," remarked Mr. Wick. When he sponsored a CE seminar in eastern Oregon for OSRT, at which Ms. Thompson gave a CE presentation on the functions of OBRT, he noticed how many techs and limiteds knew nothing about what the OBRT is doing. Then when you talk to the public, they do not even know that the Board exists or what they are doing on their behalf. He saw an opportunity being from Pendleton to talk with people in LaGrande, Baker, and Enterprise to help educate everyone involved. Mr. Buckingham pointed out the Board needs to be represented east

of the mountain. Mr. Miggins asked, "What regulatory or non-profit Boards have you served on?" Mr. Wick answered by stating that his most recent experience was with the Trauma Board for three years. He was involved with the Oregon Hospital Association as an officer, in a smaller capacity. Mr. Stuteville informed Mr. Wick that as a Board member he could no longer speak for himself; but he would be speaking as the Board. He answered by saying that it would not be problem. Mr. Buckingham explained that at times your employees may speak harshly about the Board, but you must remember that you are the voice the Governor for the State of Oregon; and what he does and what the legislature does the Board members must support. Mr. Buckingham asked Mr. Wick if he had any great ideas for delivering continuing education (CE)? He replied that the web is an excellent way to communicate or offer CE to all areas of the State. There are sources on the web that cost and there are others that are provided by independent companies at no cost. Mr. Wick shared with the Board that as Director of Imaging for continuing education purposes his department pays for ARRT registration which was about \$100 month, with the monthly publication his techs can get one credit per month if they take the test and turn it in. He believes that his department is one of the only to offer that benefit to their employees. They are very appreciative he added. When Mr. Wick sponsored the OSRT seminar in Pendleton his hospital provided the space and their cafeteria made the lunches at their cost. You can entice attendees by offering prizes or giveaways. Companies will often help pay or donate. He commented that if everyone does a little bit to make a CE presentation successful then everyone benefits. Ms. Agrimson asked if Mr. Wick had any questions for the Board? He had one question concerning the legal responsibilities for being a public member of a licensing Board and function as a law enforcement official. Ms. Thompson explained that technically the Board members are civil law administrators and it is about law. OBRT is a regulatory Board, who issues civil penalties based on violations of the statutes and administrative rules. Mr. Wick said that while he was on the Trauma Board he experienced some of the regulatory issues that the OBRT Board experiences. Mr. Stuteville explained to Mr. Wick that he did not get to see how much time the Board spends dealing with the licensee who do not follow the law. Disciplinary discussion takes place in Executive Session, it becomes one of the more problematic duties that the Board has. The Board always looks at a reasonable approach to these individuals but it is bound to follow the law and sometimes it is a real tough. Mr. Miggins brought up the fact that as a regulatory Board they must often issue subpoenas. Mr. Wick told that Board as a tech you hear stories out there that are exaggerated and from his perspective he is assured that there is a Board the cares and is doing something about it. Mr. Stuteville mentioned that the Board had been wrestling with developing better communication and cooperation with the professional society. He asked him if Mr. Wick had any ideas how the Board could embrace them and work more in a tandem fashion? He replied that it was hard to recommend something without knowing the history however from what he heard at the meeting he felt the Board was on track with inviting OSRT to the next Board meeting for an open discussion. He feels that both Boards do need to work together for everyone's benefit. Ms. Agrimson questioned to Mr. Wick if he had techs that worked for him that did not belong to the professional society. He had some that were either not familiar with the organization or the did not see a benefit to belonging. Mr. Buckingham asked Mr. Wick of the techs who did not belong to a society how did they identify themselves as professionals and who advocates for them? He replied that it was a good question; they felt at a state level and national level that nobody was. Ms. Marr asked if the techs views changed after Ms Thompson's presentation at his OSRT sponsored seminar? "One goal of the Board that they accepted was self-governance and there were people

who were their advocates, and someone to go to and their eyes were opened,” replied Mr. Wick. Ms. Thompson stressed that it was a wonderful experience and opportunity for her. Mr. Miggins asked, “How the Board could improve?” Mr. Wick said that he feels the Board is already doing that. He expressed that with Ms. Thompson the Board had a great spokes person. He said that for years there had been the perception by techs that the Board was this big giant with a stick and was here to punish not encourage. This perception is what has to be overcome suggested Mr. Wick. He indicated that techs are beginning to get the idea that the Board is working with them to improve their professional image and for the public privately. He also feels that every geographical area of the state has a different perception level based on their exposure to education. Mr. Stuteville told Mr. Wick that he was remembering back to his interview before the Board and was asked what the techs in his area thought about the Board. His reply was, “They don’t think about the Board until they write a check to the Board.” Mr. Buckingham asked if he had any limited permit holders working for him? He answered that he had one person who was currently going through a program in Portland. Mr. Wick informed the Board that he had sat down with his techs and talked with them letting them know that the limited permit holder would only be able to take films they were qualified for. He had a positive response from his techs. Limited permit holders who are trained and qualified have a place in hospitals, they can free up techs to do the technical and advanced procedures. Mr. Miggins asked if Mr. Wick were appointed to the OBRT Board what would his top priorities be? He expressed that it was a hard question to answer not knowing the specific issues; he would go to the Board Chair and get some input from her. His gut feeling after being at the meeting all day, he would like to be an advocate for the Board and eastern Oregon with the professionals and public. Ms. Marr asked him what his experience as a tech has been besides management and what were his strengths and weaknesses. Mr. Wick informed the Board that he has been an RT since 1976 and he has been in management for the last 8-9 years. During that time frame he always took calls and worked. He specialized in CT and also is trained in MR he hadn’t done any clinical MR but had stayed with CT. He works too much and sometimes he cares too much about people. Sometimes he gets caught up in wanting to help everyone, he needs to remember that he is only one person who has limitations. Barbara Agrimson thanked Mr. Wick for coming on behalf of the Board. Mr. Wick thanked the Board for letting him speak up, as he wasn’t sure if he should or could. Ms. Thompson reminded the Board that in the past when there had been a Board vacancy it had meant the lack of a quorum. When this happens it is very disheartening and a waste of money, she added. Terry Lindsey asked if the Board could grant him a voting member in an emergency to meet the quorum requirement. Ms. Thompson thanked him for his gracious offer but he could not vote. Ms. Agrimson expressed that he has a management perspective and she likes that. Ms. Marr stressed that she feels he had the bigger picture in sight. She also likes the idea of bringing a perspective from the eastern side to the Board. Dr. Griffin commented that Mr. Wick had his head on straight for outreach. Ms. Marr confirmed that he did have the right idea about what the OBRT Board is about. Dr. Griffin stated that he had credibility in his position in Pendleton. Terry Lindsey informed the Board that Bob Rapcinski had many positive dealings with Mr. Wick. Mr. Stuteville expressed that he ran a good department; OIT has used Pendleton Hospital for many years for an externship site and have always had good results. Ms. Marr indicated that she feels the Board should recommend him for appointment. Dr. Griffin asked if there was any requirement the Board had to meet? No, several members spoke up and pointed out that the Governor appoints and the Board only recommends. Mr. Miggins made a motion that the Board should go ahead

with Mr. Wick as their recommendation. Mr. Buckingham seconded and the Board unanimously approved.

PUBLIC COMMENT

Board Chair Barbara Agrimson asked if there was any public comment. With hearing none she adjourned the meeting at 2:55 PM.