

# Oregon State Board of Radiologic Technology (OBRT)

## APRIL 13, 2001 MINUTES

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

### ATTENDANCE

**Members and Staff:** Brian Buckingham, LRT, Board Chair; Edna Marr, LRT; Barbara Agrimson, LRRT; Darrell Hocken, RT, Advisory Member; Frank Mussell, AAG; Lianne Thompson, Executive Officer; Linda Russell, Staff

**Members Absent:** Erica Hovet, LCSW, Public Member; Matt Lang, LRT; Christopher Griffin, MD

**Also Present:** Anne Warden, OSRT; Barb Smith, PCC/OSRT

**Public Sessions:** 8:45 PM – 12:40 PM and 2:10 PM – 2:50 PM

**Executive Session:** 12:40 PM – 2:10 PM

The OBRT Board meeting was held Friday, April 13, 2001 in room 445, State Office Building, Portland, Oregon. *A quorum was not present so Board approval could not take place.* Board Chair Brian Buckingham called the meeting to order at 8:45 AM.

Ms. Thompson asked whether anyone had questions concerning the packets that they were sent. She reported that she has been working with the web master to get current OAR Language up on the website.

What we are seeing on the website now is an attempt to bring legal standards to OBRT's administrative-rules language. To minimize costs, we have modeled language after the Board of Dentistry. Ms. Thompson pointed out that because the license- and limited-permit holders are responsible for renewing their licenses and permits, agency language needs to be very clear on that matter.

Letters to the ARRT & ASRT have been drafted to send out as an effort to link these organizations with the Board's outreach program. Mr. Buckingham explained that the OBRT must have three bodies to unite for outreach. Ms. Marr brought up the point that the OSRT should be included, too. Ms. Agrimson said that the OSHU would be having their radiation-therapy meeting and that she would work on bringing them into the outreach effort.

Ms. Thompson pointed out that Mr. Hocken had mentioned that technologists do not want to participate in efforts after work. Ms. Marr replied that technologists belong to those organizations that benefit them most. The ARRT now offers more continuing-education credits and certification, *etc.*, for less money; so technologist membership is higher there than with others such as the OSRT & ASRT.

Ms. Thompson mentioned that she has been in contact with many state agencies, stakeholders and she representing the Board; has been advised to keep a low profile. SB 925 could cause the OBRT to be absorbed by a health-licensing office or Super Board. In the past, the Board has resisted

belonging to a Super Board because of the loss of control over budget and staff, resulting in only an advisory board with no real power of its own.

The Oregon Health Forum is an informative organization whose newsletter article explained that pharmaceutical companies spend more on direct consumer advertising than on research and development. The *Oregonian* article the Board was given is a very good example of what needs to be done concerning outreach. “We need to get united and smart and get cooking on outreach,” said Ms. Thompson.

Mr. Buckingham explained that x-ray is a hard sell because of long term exposure. Mr. Hocken revealed that he gets lots of calls from consumers who are concerned about radiation exposure and the link to cancer. Ms. Thompson advised that “we need to brainstorm on what type of outreach is needed.” The OBRT needs to go to the technologists and ask them what they want the public to know about them.

Mr. Hocken feels that the OBRT website should include a section on Where Does Our Money Go? The Board collaborated on the following:

- Investigations: Legal Costs, Kinds of Cases, Number of Cases
- Increased Administrative Costs
- Continued Education
- Strategic Planning
- Oregon Administrative Rules
- Web Page
- Limited-Permit Exam Revision
- Joint Outreach with ARRT, ASRT
- Survey of Licensees
- \$1.00 per month Credit or Refund
- Board Development
- Cut Services to Licensees – Credit Card Payments
- New Data Base
- HOP costs
- New Costs:
  - Database Programming
  - Network Administration
  - Web Link with KP’s
    - The following sources of Quality Assurance
    - All Schools

Ms. Thompson reported on the latest expense and revenue forms

Mr. Buckingham summarized by saying “Let’s celebrate Investigations; we’re doing a better job all the time.” The Board has set standards and consistent procedures, strategic planning, OARs, letters to ARRT & ASRT, website update, continuing education for licensees & limited-permit holders, limited-permit exam revision, a dollar per month credit or refund. Ms. Thompson mentioned the postcard mailing to go out in one-two weeks. It will advise licensees/permit holders, educators and temp agencies on the new website address, new applications to download, OAR language, CE requirements and Statutes and Rules. The board discussed links with other health-care providers on their quality-assurance program.

Ms. Thompson has volunteered to be on the organization task force for E Commerce, State of Oregon. This is an effort to give better customer service through the E Government Project. This will be an inaugural electronic effort that will bring the Board in line for fiscal impact. "The Board needs to endorse Ms. Thompson's participation in this program, as it will benefit the Board in the future," declared Mr. Buckingham.

#### **CHAIRPERSON'S REPORT – Brian Buckingham**

Mr. Buckingham reminded members that he had sent an email "Carver Model of Policy Governance" to them all. Mr. Hocken said that he didn't have it. The Board was advised to get it and read it.

At the January meeting as a homework assignment, Mr. Buckingham had asked members to read Ray Lindley's packet on the Department-of-Education requirements for private career schools, so it could be discussed. Members were asked again to read it, especially as it applies to limited permit courses of instruction to be approved by the Board. The Board must develop a position on a policy to exempt (or not) limited-permit courses. Mr. Hocken said that he agreed with Ms. Thompson that language needs to be developed and implemented into statutory language so that the institutional memory does not get lost through staff and Board turnover. **Mr. Buckingham encouraged all Board members to read the material so that the Board can make a prepared decision.** Mr. Buckingham would like the Limited-Permit Committee to carry on with the Limited-Permit Exam Revision and take the following into consideration: Skills, behaviors, who can instruct, what other conditions should exist for limited-permit courses. Mr. Buckingham requested that the Limited-Permit Committee continue to review the material so that they could make policy and OAR recommendations to the OBRT for consideration.

The annual OSRT meeting was last weekend in Newport. The OSRT needs to be applauded, as it was an excellent program. Those members who assisted did a wonderful job. Mr. Buckingham, Mr. Hocken and Mr. Lang were present to represent the Board. Extensive discussions on limited-permit holders and licensees took place.

Devon Campbell, ASRT, gave an excellent presentation on the federal care act. She is very supportive of the OSRT and praised the OBRT as being "far ahead" of most of them. Mr. Hocken and Ms. Marr confirmed OBRT's leadership and excellence as being way ahead of the rest of the states in radiation protection. The question was asked "Can the health of the profession: be judged by the strength of the professional organizations?" Mr. Hocken reported that the turnout for the OSRT annual meeting, specifically for RTs; limited permittees could go, but their CE credits had come with the March 2001 meeting, was one of the largest represented. There were 156 registered members present while only 80 had been registered for the March meeting. Mr. Buckingham commented that membership is relatively down in most organizations.

Mr. Buckingham is very proud of Ms. Thompson and the staff and thankful for Ms. Russell's "coming aboard." Ms. Marr agreed that Ms. Thompson and staff are very focused.

#### **MINUTES APPROVAL [Attachment-Board action required]**

Due to the absence of Board members, the February 12, 2001 minutes could not be approved. Ms. Marr clarified from the January minutes that she is not able to write limited-permit exam questions.

## **LICENSES, PERMITS RATIFICATION [Attachment-Board action required]**

Ms. Agrimson questioned #1600: does the report distinguish licensees between temporary limited permit, diagnostic or therapy techs. The classification R or L indicates whether a temporary permit is limited (L-Course of Instruction) or diagnostic (R-College). Only RT licensees have specific diagnostic, therapy or both indicated on their licensure.

Ms. Agrimson had heard that a “therapy tech” untrained was hired to help position a radiation-therapy patient. Ms. Thompson advised her and reminded licensed members that it is their obligation to report violations to staff so that they can be investigated.

Ms. Agrimson asked whether the approved schools get a copy of the test scores? She felt it would be helpful for them to review how well their students are doing. Ms. Thompson replied that she would confirm and report back to the Board.

Mr. Buckingham read a “letter of appreciation” from an out-of-state applicant who praised the OBRT customer service and application process.

## **LIMITED-PERMIT COMMITTEE**

- **Exam Results**

Mr. Buckingham said that the February test results were remarkably higher than in November. Ms. Marr introduced discussion on what the Board can do to help course providers improve their students’ exam results.

- **Exam Revision**

Ms. Marr is delighted to see that the exam revision is progressing.

Mr. Hocken disclosed that in the past the exam-result report had identified those schools that have a high rate of failure. They have been contacted so that improvement could take place. It was pointed out to members by Mr.

Buckingham, upon completion of the OBRT limited permit exam revision; it will be easy for the Board to see the competence of programs being offered by approved schools.

The question was asked to Ms. Agrimson if she was going to help set up a limited permit therapy program. She answered with a very clear no. Ms. Thompson explained to the Board that the revision is now about 80% done. Everyone agreed that the process is exciting, very well done and professional. Ms. Thompson invited everyone to the next meeting. It will be Friday, May 04, 2001 at 8:30 AM in room 918.

Ms. Thompson specified that the OBRT must continue to monitor each item; it’s part of the regular maintenance of a quality exam. “No specific text provides the basis; the test isn’t test-specific” remarked Ms. Agrimson. She said that no text will be a standard and updating will be part of the on going process. The number of items is a key issue to a successful exam. Discussion took place between Board members on how viewing test questions could help an individual improve and feel more comfortable resulting Mr. Hocken asked if a person could come into OBRT office and look at all the limited permit exam questions? This may be a future policy issue.

Ms. Agrimson reported to the Board that Bob Olsen, Consultant said that it is better to ask A, B, C. and forget D. Everyone was asked to sign a disclosure agreement at the last Limited Permit Exam Revision meeting.

#### **EXECUTIVE-OFFICER'S REPORT [Attachment]**

Ms. Thompson read and commented on the "Activity Report to the Board of Radiologic Technology April 2001" that she emailed to Board members.

She quoted a long-term staffer, Doug VanFleet, a very wise person "**Our job is difficult because we are performing the highest level human activity: Cooperation.**"

A significant effort has been made to create the agency culture as one of an empowering organization, one that operates with respectful negotiations to establish and maintain a healthy working environment. We do this among ourselves, internally, and with our stakeholders, externally.

Ms. Thompson thanked Board members, staff and stakeholders for the success and progress the OBRT has made.

Mr. Hocken advised Ms. Thompson to add data base programming and net working as part of the explanation of the OBRT expenditures. The legislative is telling the OBRT that it is our responsibility to do outreach as a collaborative effort with stakeholders.

The OBRT prioritized program/service activities are: 1) Licensing, 2) Investigations, 3) Limited Permit Examination, 4) information Technology, 5) Continued Education and 6) Outreach to Stakeholders and Public Media.

The expenditures for contract investigators have totaled \$16,173.73 as of March 31, 2001. Our biennial estimate for that category had been \$15,000.

Ms. Thompson ended her report by saying "***If accountability is used as a weapon, rather than a tool, it becomes an autoimmune disease.***" The OBRT hopes to use our skills as tools, rather than weapons, to create and maintain the highest-quality public service.

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**Lunch Break**    *(Board members are entitled to meals as they work.)*

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#### **Oregon Administrative Rules - OAR's LANGUAGE**

- **Continued-education Probation**  
Frank Mussell, AAG recommended the we need to specify number of hours
- **Continued-education Requirements**  
Specify the number of CE hours required and time period etc. recommended Mr. Mussell. Barbara Smith was concerned that CE's for computer technology would be perceived as Power Point, Excel or some other program.
- **Mediation; Confidentiality**  
We need to use the combined version from Hardy Myers advised Mr. Mussell.

We are sending out a postcard in two-three weeks to let licensees and stack holders aware of the OAR's language to be changed.

Ms. Thompson will call Mike Niemyer to confirm which version of OARs is the correct one and get the Governors permission.

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## INVESTIGATIONS

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

**Committee Members:** Matt Lang, Chair; Brian Buckingham, Edna Marr.  
**Executive Session, pursuant to ORS 192.660(1)(k). PM.**

**Due to no quorum the investigative cases were not approved by the OBRT.**  
**Recommendations made by the investigative committee on April 12, 2001 were discussed.**

**00-10-03** Investigation complete: Ask AAG to create legal paperwork to revoke the Board's approval of their "LP Course of Instruction." Policy question for Board: what is consistent, enforceable standard? 01/12/01 Mr. Mussell recommended sending letter to all LP Courses of Instruction, reaffirming legal requirements. 04/12/2001: OBRT letter has gone out to all approved schools for course of instruction. **00-10-03 is a policy issue for the Board:** Can skilled qualified personnel other than OBRT-licensed individuals teach limited permit courses? The question was asked, "Is it still possible to introduce legislation?" Ms. Thompson will look in to it and report back to the Board.

Ms. Marr questioned how we can enforce the statute without getting sued" (by Portland School of Radiography (PSR), especially). What is the loss to PSR remarked Mr. Mussell. Mr. Hocken replied that Nancy Korb, RT, was part of the initial approval; when she left, PSR never asked to have the situation re-evaluated. Mr. Mussell stated the principle of law: if you're on the wrong train, the sooner you get off, the shorter the walk to the station. It is important to take our lumps and move forward.

Mr. Mussell referred to ORS 688.515 (3)

- (d) Board approved course of instruction with the number of hours required for radiation use & safety.
- (e) "Course of Instruction" approved by OBRT in laboratory practice specific to each category taught by a RT.
- (f) "Practical Experience Program" approved by OBRT includes operating of energized x-ray machine under the supervision of a RT.

Current legal situation: Anybody can lecture and OBRT has nothing to stay. The following needs to be fixed: 1) Substitute "course of instruction" for "laboratory practice." 2) Content and qualifications of teachers of limited permit course of instruction, "as established by the Board in rule." OBRT needs to send a letter right now – common practice in the field/consensus for new language. Right now: develop an annual report format that asks the proper questions: Lab practice has to meet minimum hours in rule, taught by a licensed RT. ORS 688.515 (3) (d) Have successfully passed a board – approved course of instruction in radiation use and safety consisting of the number of hours of instruction required by rule; (e) Have successfully completed a course of instruction approved by the board and taught by a *board-approved, licensed, registered radiologic technologist* in *laboratory practice* specific to each category for which the applicant seeks a limited permit, with the instructor's certifying to the board that the applicant has completed the course in those categories applied for; (f) Have successfully completed a practical experience program approved by the board, specific to each category for which applicant seeks a limited permit. Such program shall include operation of an

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energized X-ray machine under the supervision of a registered technologist.

Mr. Mussell asked those OBRT members present that as a matter of policy -who can teach the “LP Course of Instruction.” Should it remain with RT’s as written in the law or change the rules to include chiropractors, MD’s etc. Mr. Mussell explained that 688.515 states that you could presume to offer training program by 1) Lectures (by MD or Chiropractor.) 2) Practical Experience by licensed RT. 3) Laboratory Practice must be done by a board-approved, licensed, registered radiologic technologist. Board members were asked these questions: 1) Can qualified non-RTs do the didactic-lecture if a licensed RT does the clinical-hands on positioning? Ms. Agrimson, Mr. Hocken, Ms Marr and Mr. Buckingham agreed that it would be ok. 2) What constitutes “qualified?” Mr. Hocken responded that Chiropractors get 1,000 hours of training. 3) Should the Board follow the current Law? No replied Mr. Hocken. Mr. Mussell asked the Board what does laboratory practice mean? Didactic or clinical or both? He pointed out that if the OBRT wants to change the law and be in control of (e) & (f) **the easiest fix would be to take out “Laboratory Practice.”**

**00-11-05** 02/03/01 Proposed Notice of Civil Penalty & Proposed Consent Order sent. \$2000 Civil Penalty for violation of ORS 688.415 (1) (a) and 688.425 (1) (f). Civil Penalty may be paid in \$250 monthly payments beginning March 2001. OBRT received a signed C.O. but did not receive any payment. **Recommended: Mr. Mussell advised Lianne to called first then if necessary AAG will call.**

**00-11-06**

01-12-01 Investigative Committee and OBRT approved a \$1600 Civil Penalty/\$250 month payments. A proposed Consent Order was sent admitting the infractions signed by her and shared with any employer in the next two years. OBRT has not received proposed C.O. or Civil Penalty.

**Recommendation: Mr. Mussell needs to review the file to see if OBRT can issue a default order.**

**00-12-03**

01/12/01 Case held over for further investigation. Pending- 1) Took film without authorization. 2) X-ray taken on a non-patient who did not need it. 3) Competency issue-ORS 688.525 (1)(d) & OAR 337-010-0006 (2) (i)-failure to provide competent care. Emergency suspension of temporary permit?

**Recommendation: Mr. Mussell advised that the OBRT initiate disciplinary action based on at least the three previous violations on temporary permit.**

**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 for immediate investigation by their staff. **Recommendation: Darrell Hocken will look into this and advise.**

**01-02-02**

02/09/01 reported that LP holders are performing fluoroscopy after watching an instructional video as directed by employer. Larry Averett, LP is the reporter’s supervisor. Marlin Larsen, PhD, is the owner. Frank Mussell, AAG reviewed OBRT and RPS Oregon Administrative Rules for jurisdiction. He advised that RPS have greater jurisdiction. Darrell Hocken agrees to have Radiation Protection Services investigate and report to OBRT. **Recommendation: Employer may present a proposal to OBRT and RPS to let limited permit holders practice lithotripsy flouroscopy.**

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## PUBLIC COMMENT

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Mr. Hocken wanted to bring it to the Boards attention that there is a new breed of professional entering into the workplace. They are called Radiology Physician Assistants (RPA) that violate RFS rules, produced by Weaver State School in Utah. Must have at minimum a Radiologic Technologist certification, then get specialized training; practice under a radiologist, according to

the radiologist's directive. Then you can do anything you want to do. Radiation Protection Service has had to give a variance to this group. They maybe required to revise their statutes to address this issue.

**The meeting was adjourned at: Agenda- 2:50 PM**