

Oregon State Board of Radiologic Technology (OBRT)

July 11, 2003 MINUTES

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

ATTENDANCE

Members and Staff: Rees Stuteville, LRT, Vice Chair; Edna Marr, LRT; Matt Lang, LRT; Ernest Wick, LRT; Terry Lindsey, Manager RPS, Advisory Member; Carol Parks, AAG; Lianne Thompson, Executive Officer; Judy Lee, Staff; Linda Russell, Staff

Excused Members Absent: Barbara Agrimson, LRTT, Board Chair; Hank Miggins, CIA, Public Member

Also Present: Christine Chute, AAG; Jeramy Patton, DAS-Bam Analyst; Thomas King, OSRT; John Bonahoom

Public Session: 10.35AM

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

The OBRT Board meeting was held Friday, July 11, 2003 in Room 445, State Office Building, Portland Oregon. Board Vice Chair, Rees Stuteville called the meeting to order at 8:42 AM to discuss confidential Board discipline and investigations. Vice Chair, Rees Stuteville summarized the open investigative cases in accordance with ORS 192.660 (1) (f).

PUBLIC SESSION - CALL TO ORDER -

Board Vice Chair, Rees Stuteville called Public Session to order at 10.35 AM. Mr. Stuteville welcomed guests.

APPROVAL OF MINUTES

Mr. Stuteville asked for motion to accept the Board minutes from April 18, 2003. and June 10, 2003 as corrected. Matt Lang seconded and the Board unanimously approved the minutes as amended.

COMMITTEE REPORTS

Limited Permit Committee:

The Limited Permit Committee reported on the revision to the LP examination to deliver a successful credible standard to the examination. Bob Olsen, Willamette ESD sent an estimate to successfully initiate test revision by March 2004. Stage 1 costs total \$13,400. The taskforce will need to look at what it will cost to actually get the examination online and revised. Stage 2 is getting them up and delivered online. An applicant would go to a centralized testing location where the test would be proctored. One sitting: \$90 one test, \$110 for two and \$130 for three. OBRT will receive \$20 per applicant per test

directly from Willamette ESD. It will take one year to implement once funds have been approved by the E-Board.

Ernest Wick reminded the Board that the limited permit schools need to be inspected and the facilities overall be evaluation and measured by a check off list etc. Lianne Thompson and Mr. Wick will start on site inspections in September 2003.

Lianne Thompson reviewed a letter sent to Board Chair, Barbara Agrimson from Susan Castenette. The letter asked for clarification on who can give the lectures of positioning? The lab clinicals must be an instructor who is a certified Radiologic Technologist. The question was raised due to the curriculum outline for a newly approved course of instruction being offered by the Institute of Health Professionals (IHP). IHP followed the curriculum outline referred to in the "Overview of Guidelines for Instructors of Courses in Preparation for the Oregon State Limited Permit Examination in Diagnostic Radiologic Technology", as it has been used as written policy for the last 10 years. Ms. Castenette's letter was sent to AAG Parks for legal review.

Legal Committee:

In the absence of Hank Miggins, Ms. Thompson reviewed the draft proposal he sent, in response to RPS' request for OBRT comment. The following issues were raised for discussion on RPS OAR 333-106-045 & -055 for OBRT Limited Permit holders:

1. Operating X-Ray equipment: There is no accountability included.
2. Direct responsibility to insure competent authority attesting to qualifications.
3. Didactic course of instruction completed prior to independent work
4. Complete internship (or clinical experience) under the direct monitoring of an RT, radiologist or other experienced LP.
5. The monitor/supervisor must provide documentation of the LP's satisfactory work.
6. LP radiographers must be certified as competent to work independently by OBRT.
7. LP radiographers would not be permitted to work in acute care, trauma or mobile or portable X-ray.
8. Successfully completed the required board-approved didactic course of instruction, and the required clinical internship under the direct supervision or monitoring of an RT, radiologist or other qualified LP who has already successfully completed (no sustained complaints of unethical or incompetent patient care in acute or mobile work settings) with competent certification in these areas.

Mr. Lang advised the board members that the practical element needs to have further clarification as the clinical competency. Mr. Wick suggested that the Board be involved in the OAR revision of Radiation Protection Services flouro rules.

INVESTIGATIONS – As of JANUARY 10, 2003

Rees Stuteville, Vice Chair read the investigative case roster to the Board and the Board voted as follows:

01-01-06

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved referring case to DHS Revenue for collection. Ms. Thompson will follow up.

01-08-04

5/23/2003: Received notification from ARRT, Rules of Ethics that his registration has been revoked. AAG Parks is in preparation to go to the Hearings Panel for the Judge to make a decision.

02-11-02

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to issue final default order. Sending it 1st class and certified mail.

03-01-01

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved AAG Parks to issue notice of denial.

03-01-02

7-11-2003: No Action taken by the Board. AAG Parks is working on the case - will pick up in October.

03-05-01

The motion was made 7/11/2003. Seconded by Ernest Wick and the Board unanimously approved to deny reinstatement of LRT.

03-05-03

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to close case.

03-05-05

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to refer to RPS for investigation of X-ray logs. Ms. Thompson to send e-mail to Terry Lindsey for RPS to investigate. Possible violations: Purporting to be licensed \$1000 and lying to the Board \$500.

03-06-03

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to close case.

03-06-04

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to close case.

03-06-05

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to issue notice, impose \$100 Civil Penalty and suspend due to self disclosure provided no further violation occurs and to close case.

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The following cases involved operating without licensure. A signed Consent Order and Civil Penalty were paid or suspended for each case.
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03-04-04 03-05-02 03-06-01
03-04-07 03-05-04 03-06-02

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved close 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 - *In compliance*.
7-11-2003: Board took no action.

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.)
7-11-2003: Board took no action.

01-04-03

On probation and monitoring until **March 25, 2005** with RSS Testing – *In Compliance*.
7-11-2003: Board took no action.

01-05-05

On probation and monitoring until **March 05, 2005** with RSS Testing -*In Compliance*.
7-11-2003: Board took no action.

01-10-01

On probation and monitoring until **October 25, 2003** with RSS Testing-
12/06/2002: Lianne Thompson discussed with Investigative Committee what course of action could be taken against licensee. The licensee is not responding to request for progress letter etc. and tried to get a job without showing/sharing the Consent Order as stipulated. 01/10/2003. Board approved issuing a letter requesting the licensees appearance at the Board’s next meeting on April 18, 2003. Licensee promises to comply again but does not follow through. 4/18/2003: The Board took no action. 7-11-2003: The Board requested that a staff provide a copy of the Consent Order for discussion at the October meeting.

01-11-03

On probation and monitoring until **December 27, 2004** with employer testing–*In compliance*. 7-11-2003: Board took no action.

01-12-02

On probation and monitoring until **January 04, 2004** with RSS Testing–*In compliance*.
7-11-2003: Board took no action.

02-01-03

On probation and monitoring until **February 04, 2005** with RSS Testing–*In compliance*.
7-11-2003: Board took no action.

02-02-01

On probation and monitoring until **January 04, 2004** with RSS Testing–*In compliance*.
7-11-2003: Board took no action.

02-03-01

On probation and monitoring until **March 15, 2005** with RSS Testing.
7-11-2003: Board took no action.

02-05-04

On probation and monitoring until **October 04, 2004** with RSS Testing.
7-11-2003: Board took no action.

02-05-05

On probation and monitoring until **October 24, 2004**. 7-11-2003: Board took no action.

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CIVIL PENALTIES – Need Continuous Monitoring
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01-01-06D

4/24/2003: Permittee signed revised Consent Order and paid first \$100 monthly payment of the \$500 Civil Penalty. July payment was paid 7-01-2003. Balance owed \$200.00. The next payment will be due August 01, 2003. 7-11-2003: Board took no action.

01-01-06E

OBRT received signed Revised Consent Order with \$1500.00 Civil Penalty dated May 05, 2003. Civil Penalty is to be paid in \$100 monthly payments. 5/30/2003: Received June payment of \$100 and July payment of \$100, balance owed is \$1300. Next payment is due August 01, 2003. 7-11-2003: Board took no action.

01-01-06G

01-10-2003: Board approved AAG Parks to issue Final Notice of Proposed Civil Penalty \$1000. 3/24/2003: Received signed Consent Order, Civil Penalty will be paid in payments **of \$100 per month, beginning April 15, 2003**. 4/18/2003: Board previously approved Consent Order; staff will monitor Civil Penalty payments. To date no payment has been paid. The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to refer DHS Revenue for collections. Ms. Thompson will follow up.

03-01-01

The motion was made 7/11/2003. Seconded by Matt Lang and the Board unanimously approved to close case.

RETURN TO EXECUTIVE SESSION

Mr. Stuteville took board out of public session to executive session at 10:52 AM pursuant OAR 192.660 (1) (k) to discuss a complaint. Ms. Thompson was asked to contact the facility involved and obtain the names of the licensees involved. Mr. Stuteville took the Board out of executive Session and into public Session at 11:05 AM.

Jeremy Patton, DAS-Bam Analyst was recognized by Mr. Stuteville. Mr. Patton made the following recommendations to the Board:

1. Prepare for the taskforce by tracking licensure i.e. license and renewal applications coming in and going out. (The staff is doing that now).
2. Back off from mentioning the \$4.00-Mo figure. Instead, concentrate on discussing the fees for initial licensed and not fees for other services.
3. Raise the base fee to show that everyone pays the same fee and all licensees would have better services.
4. Refrain from discussing the crisis or need for employees. It does not get the attention you want. There is a better chance for receiving adequate staffing by raising the base fee to cover all services.

Ms. Thompson spoke for the Board and asked Mr. Patton that OBRT would hope to have consistency by having Kelly Freels represent DAS/Bam on the taskforce. Mr. Stuteville motioned to go with the Governor's Budget for 2003-2005 until OBRT can approach the E- Board and the taskforce is completed. Ernest Wick seconded and the Board unanimously approved.

RATIFICATION OF LICENSES

Board Vice Chair; Rees Stuteville moved to approve the list of licenses/permits issued from April 18, 2003 to June 30, 2003. Ernest Wick seconded the motion and it was unanimously approved by the Board.

EXECUTIVE OFFICER'S REPORT

Lianne Thompson introduced Kristina Marin's letter to Governor and her State Representatives requesting that a limited permit holder be allowed to be an OBRT Board member.

Ms. Thompson thanked the Board for the opportunity to attend the ASRT convention in Las Vegas. She informed the Board of the benefits of sending their Executive Officer to the national ASRT convention yearly.

The Board discussed simplifying the meeting minutes by using an outline format rather than verbatim language. Ms. Thompson suggested that a summary of significant points with substance be included subject to public law and the results of all votes. Draft minutes would be sent to Board members for review and revision.

PUBLIC COMMENT

Board Vice-Chair Rees Stuteville asked if there was any other business or public comment. Hearing none, he thanked everyone for coming and adjourned the meeting at 3:05 PM.

The next meeting is scheduled for October 10, 2003 at 8:30 AM in Room 445 of the Portland State Office Building. The Board committees will meet on Thursday, October 09, 2003, specific schedules to be announced.