

# Oregon State Board of Radiologic Technology (OBRT)

## JULY 12, 2002 MINUTES

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

### ATTENDANCE

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

### Members Absent:

**Also Present:** Jeramy Patton, DAS BAM Analyst; Kay Meeks, OSRT President; Steve Uroshevich, Hologic, Inc.; Barb Smith, PCC & OSRT

**Public Session:** 11:00 AM

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

The OBRT Board meeting was held Friday, July 12, 2002 in room 445, State Office Building, Portland Oregon. Board Chair, Barbara Agrimson called the meeting to order at 9:05 AM to discuss confidential Board discipline and investigations. 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.

### PUBLIC SESSION - CALL TO ORDER -

Board Chair, Barbara Agrimson called Public Session to order at 11:00AM.

Ms. Agrimson welcomed and thanked the public attendees for coming. She stated that the Board reiterated its desire to be in communication with OSRT. She particularly hoped that any area of concerns the society might have could be comfortably brought to the Board for a collective collaboration.

“One thing that has never been resolved is the case with Michael Saker,” remarked Ms. Agrimson. “He wrote a pretty nasty e-mail to the staff in response to a letter from the OSRT.” She went on to say that she did not know how to resolve this issue. Kay Meeks, OSRT President pointed out that she had spoken to him, and she had expressed her concerns with his comments.

Ms. Agrimson added that Mr. Buckingham had spoke with him as well. Ms. Meeks indicated that she was aware of that conversation.

“He does not represent the OSRT, “ stated Ms. Meeks. His e-mails were his personal opinion only. Lianne Thompson, Executive Officer, said, “The problem with the e-mail was that went it was sent it was from the OBRT Board Chair and was addressed to the President of OSRT. His response was to the E-mail sent to the OSRT President.” Kay Meeks explained she has not read the letter.

Ms. Thompson said it was a request for feedback on the legislative concepts. Edna Marr reminded everyone that Diane Dupree, the OSRT President at that time, had sent it out to the OSRT Board. Kay Meeks commented that Mr. Saker is not on the Board. Ms. Agrimson explained that he is a rep from one of the districts. Ms. Thompson assumed that this makes him a Board member.

Ms. Marr stressed, “The OBRT Board took the e-mail as the voice of OSRT.” Ms. Meeks explained to the OBRT Board that they should not have taken his e-mail as the voice of the OSRT. She added that the voice of OSRT should come from the President or the Executive Board, of which he is not a member, never has been, and probably never will be. Ms. Meeks expressed that she thinks he did that on his own using his status as being on the Board as basically being “someone.” She added that she did not know what his letter said actually, but “It should be taken as a grain of salt.”

Ms. Marr questioned Ms. Meeks by asking her if he was a real leader type and had influence over a lot of members? Ms. Meeks answered, “No.” Rees Stuteville pointed out that Mr. Saker basically felt that the Executive Officer and the Board sat around and made up the OARs and ORSs, at whatever whim they had. Ms. Meeks replied that actually she feels that a lot of techs in the community do think that. “Yes,” commented Mr. Stuteville, “and the fact is that the Board struggles with that every meeting. The Board would like to do that a lot of times just to straighten things out, but the fact of the matter is the Board is discharged with enforcing the OARs and ORSs.”

Ms. Meeks indicated that she always tries to tell these individuals the Board’s position when she talks to them. She emphasized that the Board members have worked out there and know that what the techs think. They think the OBRT Board is just arbitrarily making up things, and occasionally people call the OSRT office and this is over years. She went on to comment to Ms. Thompson and the Board that this was not necessarily since they were all part of OBRT, but sometimes people call up and do not get a response that they find practically appropriate and so then that makes them be not happy with the Board. As an example she reminded everyone that there was the whole thing about, “Do x-ray techs need to have the doctor sign the license applications and renewals?” This caused a huge uproar and irritated a lot of people. She added that the she though the signing was for limited permits, but it is on the form for X-ray techs. Ms. Thompson confirmed that there was one form that used to do everything, but that is no longer the case.

Ms. Meeks explained that techs that have not seen the new forms are still left with that feeling and this example was only to show that there is a build up from years past and this has led to misunderstanding on both OSRT and OBRT sides.

Hank Miggins asked, "Where do we go from here?" Ms. Marr asked, "What the Board could do to better work with OSRT?" Ms. Meeks replied that she believes that the Board had been doing just that. She went on to say, "It is very hard once you make a person unhappy to make them happy again, and it just takes forever to do that."

"The Board is doing a good job and is reaching out there, and OSRT hears a lot more from them now," she added. Ms. Meeks pointed out that the Board is doing a good job. Matt Lang stated that knowing Mike on both ends, he can respect Mike and he did not personally feel that the e-mail was insulting or inflammatory as some of the other Board members did. He would suggest and has always suggested that communication between the organizations be numerous. Mr. Lang said, "I guess that when the Board is doing ORSs and stuff like that I would again encourage communication in notifying the OSRT and the public. Ms. Thompson confirmed that, "Public notice always happens." Mr. Lang stated, "Maybe the Board should look at a way to do it better, because it didn't seem like they were."

Ms. Marr reminded Mr. Lang that the Board has an informative web site and it is a tool being used on a regular basis to update licensees, organizations and the public. She also told him that the content was not something the Board needed to discuss at that time. She reminded him that sending out mailings for every notice or update is expensive and not cost effective. The web site is an opportunity for the Board to share information while controlling budgetary constraints.

Ms. Marr expressed that, "Anytime we are communicating, for all of us, the responsibility is to be respectful." Ms. Agrimson added, "It is called professionalism." Ms. Marr reiterated that the Board members are there to represent the technologists and the one thing they can do is be respectful. "The board is responsible for enforcing the law," Ms. Marr told Ms. Meeks, "I appreciate the fact that you acknowledge that." Board Chair, Ms. Agrimson thanked Ms. Meeks for the clarification on the Michael Saker concern.

Ms. Meeks advised the OBRT that in the future, when they receive a letter from the OSRT Board it would say something to the effect, that "the Board feels that. . ." and the Board President or one of the Executive Officers would send it. Ms. Thompson expressed that she would like to ask something of the OSRT Board. She realizes that, "It was not about Lianne Thompson personally but the Board, but it still stings. The part that was so disheartening was that it was not just negative, or personal, but it was done in such a way to have an on going negative impact. It was poisonous and directed to the Governor, to the State Senator, and to the State Representative."

Ms. Thompson expressed that to make this whole she would think the professional society, who really manifests professionalism, would follow-up with the Governor, State Senator and State Representative and copy the Board to express that this does not represent the position of the OSRT Board. Ms. Meeks agreed and stated they should do that. Ms. Meeks asked for a copy of the original letter so she would know what actually was said. Ms. Thompson remarked "Absolutely". She stressed that she supports Ms. Meeks and OSRT and would ask for their support in return.

Ms. Agrimson, made a motion to approve the minutes from the April 12, 2002 Board meeting, and moved that new issued licenses and limited permits be approved. Corrections were made to the minutes as follows: Page five, 01-11-02, 4<sup>th</sup> line delete

the word **had** before can; page five, 01-12-01, 7<sup>th</sup> line delete **miss representation** and replace it with misrepresentation; page 5, 01-12-01, 12<sup>th</sup> line, strike the sentence beginning with **AGG Parks**. Rees Stuteville seconded and the Board unanimously approved. Ms. Thompson briefed the Board that according to the Sturgis Rules of Order it is not necessary to have a second. Dr. Christopher Griffin asked why the Board used Sturgis instead of Roberts? Ms. Thompson explained that it was in effect prior to her coming. Mr. Lang questioned where is the SOP that says the Board had adopted Sturgis? Ms. Thompson gestured to the copies in the middle of the table of the Sturgis Rules of Order. Mr. Miggins, Ms. Marr, and Mr. Stuteville agreed.

## **INVESTIGATIONS –As Of July 12, 2002**

AAG Parks advised the Board that they only need to read the cases that a motion was made on. Rees Stuteville read the investigative case numbers to the Board for them to vote as follows:

### **01-01-06**

The Board made the following motion 7/12/2002:

- 1) **“Knowingly hiring unlicensed operator” violates ORS 688.415(1)(c); OAR 337-010-0060(3)(f) states \$1,000 fine for DO, of facility and consent order for employer with the provision that she will assure that her employees are licensed before they are allowed to practice radiologic technology.**
- 2) **“Practicing radiologic technology if the person is not licensed in accordance with the provisions of ORS 688.405 to 688.605 or is not the holder of a permit issued under ORS 688.515” violates ORS 688.415(1)(a)**
  - a) **Operating outside the scope for which the limited permit issued by the OBRT, OAR 337-010-0060(3)(h) states \$500 fine for five limited permit holders.**
  - b) **Practicing radiologic technology without a current Oregon license or permit, not due to nonpayment of a fee--\$1,000; OAR 337-010-0060(3)(b) for unlicensed employee of facility.**

Mr. Stuteville asked for a vote, the Board unanimously approved.

### **01-06-06B**

The Board made the following motion:

**7/12/2002: OBRT accepts voluntary surrender of RT license; send confirming letter to the tech at his home address.** Mr. Stuteville asked for a vote, the Board unanimously approved.

### **01-12-01**

The Board made the following motion:

**7/12/2002: Board votes to deny license based on violation of ORS 688.525(1)(g), has obtained or attempted to obtain a license or limited permit under ORS 688.405 to 688.605 by fraud or material misrepresentation. Send denial letter to the applicant at his home address.** Mr. Stuteville asked for a vote, the Board unanimously approved.

### **02-03-04**

**7/12/2002: Board votes (at the direction of Counsel) to send a letter to the licensee’s designated representative, requesting that licensee sign a request for**

inactive status form and return it to OBRT, 800 NE Oregon Street, Portland, OR 97232. Staff will FAX a request form to AAG Parks.

Mr. Stuteville asked for a vote, the Board unanimously approved

**02-04-03**

The Board made the following motion:

**7/12/2002: Board votes to close the case.** Mr. Stuteville asked for a vote, the Board unanimously approved.

**02-04-04**

The Board made the following motion:

**7/12/2002: Board votes to close the case.** Mr. Stuteville asked for a vote, the Board unanimously approved.

**02-05-02**

**7/12/2002: AAG Parks is drafting a letter which states the Board's policy of evaluating each applicant's individual circumstances, based on the facts presented in the application at the time of application. Letter to be sent to potential applicant.** Mr. Stuteville asked for a vote, the Board unanimously approved.

**02-05-04**

The Board made the following motion:

**7/12/2002: Board votes to issue consent order, incorporating treatment recommendations and requiring 18 random supervised UAs each year during a probationary period of two years.** Mr. Stuteville asked for a vote, the Board unanimously approved.

**02-05-05**

The Board made the following motion:

**7/12/2002: Board approved: ORS 688.525(1)(b) Unprofessional conduct in the practice of radiologic technology;" OAR 337-010-0060(3)(c) unprofessional conduct by a licensee or permittee--\$1,000 fine for Licensee taking X-Rays. OAR 337-010-0006(2) Notice sent, consent order signed and returned, and fine paid.**

Mr. Stuteville asked for a vote, the Board unanimously approved.

**02-05-06A**

The Board made the following motion

**7/12/2002: Board decision: Violation of statute because she had no limited permit in head while she positioned the patient for a head x-ray. "Practicing radiologic technology if the person is not licensed in accordance with the provisions of ORS 688.405 to 688.605 or is not the holder of a permit issued under ORS 688.515" violates ORS 688.415(1)(a). Operating outside the scope for which the limited permit issued by the OBRT, OAR 337-010-0060(3)(h) states \$500 fine for licensee.**

Mr. Stuteville asked for a vote, the Board unanimously approved.

**02-05-06B**

The Board made the following motion. **7/12/2002: Letter to licensee regarding his lack of competence: based on its report, the Board is concerned about his lack of competence in taking X-rays. Do not issue another limited permit to him, based on**

his lack of competence. Send letter to licensee's home address. Mr. Stuteville asked for a vote, the Board unanimously approved.

**NOTE WELL: refer to RPS if licensee gets another job in the field. After Licensee develops a track record at a new employer, RPS can evaluate his films and judge his competence to take X-rays.**

**02-06-01**

The Board made the following motion

**7/12/2002: Issue emergency suspension of license.** Mr. Stuteville asked for a vote, the Board unanimously approved.

**Note well: already done and received by licensee. She reports to EO that licensee has retained legal counsel.**

**02-06-04**

**7/08/2002: Received explanation letters and court documents on her convictions. The applicant had stated, "It was a mistake, but you have to pay for your mistakes." "Remedy: be more alert; focus on what I'm doing." 7/12/2002: Board votes to issue license.** Mr. Stuteville asked for a vote, the Board unanimously approved.

**02-07-01**

**7/12/2002: Board votes 5-2 to issue license.** Mr. Stuteville asked for a vote, the Board approved on a split vote, Mr. Lang and Mr. Stuteville opposing.

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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 and accepted for each case. The Board made the following motion:

**7/12/2002: Board votes to close cases.**

02-05-01      02-06-02

02-05-03      02-06-03

Mr. Stuteville asked for a vote, the Board unanimously approved.

**EXECUTIVE OFFICER'S REPORT**

Ms. Thompson explained to the Board how she had revised the first part of her report because she is trying to articulate what the Board members have told her about what the OBRT assumes. The way she looks at, the mission statement is the foundation of the Board's activity and these assumptions are like the supporting pillars or columns that create a space within which the Boards programs and staff operate.

She is also looking to express this in terms that will be useful for a variety of purposes. One of the purposes would be that it begins the narrative of the budget document because that is the first thing that the Board's DAS/BAM Analyst, who represents the Governor, looks at. It is the first thing that the LFO Analyst, who represents the Legislature, looks at. When OBRT is sitting in budget hearings and in other legislative arenas this is the first thing they see. Ms. Thompson also feels that it should go up on

the web site under publications. She welcomed the Board members' feedback or changes because what OBRT is trying to do is really get clear in order to communicate effectively about what the Board is about and why they exist.

"The Oregon Board of Radiologic Technology's mission is to protect the public by advancing the professionalism of its licensees." Ms. Thompson reviewed that the Board started talking about this 9-12 months ago. She went on to say that the Board has been going forward with that mission in mind. This mission is based on the following assumptions explained Ms. Thompson:

1. Every patient is inherently vulnerable.
2. Patients trust the professionalism of their health care providers to act in the patients' interest.
3. Ionizing radiation is invisible, and the short- and long-term effects of its misuse may be invisible to the patient.
4. At some time, you, I, or someone we love will be a patient, relying on health care professionals to give us effective and compassionate care.
5. The way health care professionals perform their licensing accountability shows the way they perform their patient care.
6. Few of us naturally enjoy being held accountable, but we accept it more easily if it's done with respect, efficiency and compassion.
7. Government activities provide and/or regulate essential physical and social infrastructures, including not only roads and bridges but also health care and education.
8. You get what you pay for, in terms of "goods and services."

Terry Lindsey, RPS Manager asked Ms. Thompson what was purpose of number eight? Ms. Thompson answered by stating that OBRT often is asked to cut their budget. She has to submit for the Board the same thing Mr. Lindsey has to do, which is a 10% budget cut. She added now that 10% is of 2 ½ people, "Remember that we have Judy right now full time until the end of this biennium. We have to justify that the Board needs her full time."

Ms. Thompson explained to the Board that not only is Judy needed full time but OBRT needs another staff member as well. "People are constantly being told that they must do more with less," reiterated Ms. Thompson. She emphasized that the Board staff is a the point of diminishing returns. Mr. Lindsey commented that he felt that number eight did not communicate that. "OK, great," responded Ms. Thompson, "How would you state it?"

Hank Miggins told the Board that he had heard a very interesting statement relative to this type of thing, not dealing with OBRT but with government as a whole. It was from one of the most conservative talk show host, who said, " That government must exist and we have to pay for it." He added that the next part of that statement was work we provide; he was encouraging a tax increase.

Kay Meeks asked if number eight was meant to be of the mission statement? Ms. Thompson commented by saying it was an assumption of the mission statement. Ms. Meeks expressed that she did not even think about money or increasing dues until she got to number eight. She feels this is a moot issue and should not be in there.

Barbara Agrimson, Board Chair asked Ms. Thompson if she was going to provide goals with all of the eight assumptions she had talked about? Mr. Lindsey commented that in order to provide the services OBRT is charged to do, funding needs to be adequate, so OBRT could do at least the minimum. If you introduce that with, "You get what you pay for," then you are talking about, "You can't do the full job that OBRT is charged with unless the funding is there." Ms. Thompson asked Mr. Lindsey if he would call those essential services. He answered, "Yes."

Mr. Miggins pointed out that in number one he would change it to say every patient must be protected from harm. Ms. Marr and Ms. Agrimson agreed with Mr. Miggins. Dr. Griffin stressed to the Board that not every patient could be protected from harm, so "as much as possible" would be better. Mr. Miggins stated that it should read, "to the extent possible every patient must be protected from harm." Dr. Griffin commented, "It also sets the public's expectations." "That's what I meant," responded Mr. Miggins. "The revised statement will read, 'to the extent possible every patient must be protected from harm?'" asked Ms. Thompson. The Board agreed in unison.

Ms. Marr asked, "Does this also take care of number seven?" Ms. Thompson explained that she was trying to give the Board a logical thought process where each one unfolds, because OBRT is headed into is a legislative session where people are expecting to cut every government program. "It does not matter that OBRT is other-funded and paying for itself," she added. "This is why the semi-independent Boards have a distinct advantage, because they do not go through the legislative process to set their budgets."

Ms. Thompson asked the Board members to remember that she just went to the E Board, where a Legislator was upset because OBRT's numbers indicated that OBRT needed more staff. "OBRT has the money to pay for it and still OBRT is wrong to get it" she pointed out. "The OBRT revenue is outside the general fund but the legislators do not always make that distinction," expressed Ms. Thompson. She added that, "Even if it does not make sense, it is the political process." Mr. Miggins explained, "This is the same thing with the Oregon State Bar, which is one of my dues, which does not come from the General Fund at all, but you still hear the same argument."

Board Chair, Barbara Agrimson asked if OBRT needed to include number eight at all? It was her opinion that it almost sounds self-serving. Terry Lindsey said it read out of context when he read it. Ms. Thompson asked the Board, "How would you say, then, that we need money to pay for this?" Dr. Griffin asked, "Where is the statement going?" "Everywhere," replied Ms. Thompson. Mr. Lindsey explained that it was part of a budget request form that you introduce a narrative into it. Barb Agrimson asked if it would be going up on the web site, to which Ms. Thompson replied that she would put it up on the web site, but what she was looking for was something that expressed to those surfing through what OBRT was about.

“In order to provide essential services that would lead into it,” pointed out Mr. Lindsey. Ms. Thompson agreed: “In order to provide essential services, it costs money, and people get what they pay for.” Dr. Griffin works at the Veterans’ Administration, and he expressed that the phrase, “You get what you pay for,” sounded like you were shrugging your shoulders and was negative. He suggested that number eight say given above the Board is heavily influenced by the resources it has. “OK, then, considering all this, the Board’s ability to protect you depends on the resources it has available,” suggested Ms. Thompson. Dr. Griffin suggested that it should start out with, “The Board’s ability to carry on its mission. . .” The board then discussed possibilities out loud and decided on, “The Board’s ability to carry on its mission is heavily on its available resources.”

The Board and attendees questioned number five; Ms. Thompson explained why it was needed and what it meant three times. Mr. Miggins asked Ms. Thompson if he could try to explain it. Mr. Miggins stated that, “The level of care you give depends on the accountability a person performs. In other words, if a person does not have any accountability requirements, their care may not be up to standards. It is going to be a lot less or could be.”

Steve Uroshevich remarked that he personally knew individuals who could barely get their forms in, but are excellent techs and have absolute ability and absolute compassion. Ms. Thompson expressed that the Board had heard this opinion expressed before. Terry Lindsey expanded, “The Board is looking at a bigger picture than just the accountability of filling out a form; they are looking at the overall accountability for the technologists who are providing the patient care throughout the state. If there are errant ones who aren’t doing the things they are suppose to be doing, either by professional behavior or anything else, the Board’s mission is to hold them accountable for their behavior, hold them accountable for getting continuing education, and being a professional.”

Mr. Lindsey went on to say, “The aspect being talked about in number five is about licensing accountability, and that is really part of the picture. A very small part of the picture is whether you fill a form out right,” he added. He pointed out, “The more important part of the statement important to the legislators was that the Board provides accountability through the licensing process and through the Board’s actions.” He said that it had something to do with forms but that it was a technical issue and suggested that maybe the form was not as friendly as it could be.

Ms. Thompson asked him, “Why do you need accountability?” His answer was, “To provide the patient safety; it is a standard of patient care.” Dr. Griffin agreed that Mr. Lindsey had a very valid statement and he suggested, “The way health care professionals perform their patient care correlates with their ability to fulfill the requirements of a licensure.” Ms. Agrimson recommended saying, “The way health care professionals maintain their licensing and accountability correlates with the way the perform patient care.” Ms. Thompson expressed that she liked that Dr. Griffin put patient care first, as that is the main concern.

She repeated the revised statement for number five as follows, “The way health care professionals perform their patient care correlates with their ability to fulfill the licensing requirements.” Mr. Lindsey and AAG Parks commented on the fact is that Ms. Thompson has presented this as an opening statement for the budget in order to show

the best aspects of the Board. Ms. Marr asked, "Is this was different than you have done before?"

Ms. Thompson replied by summarizing that she is trying to collaborate with the Board and express what they say to her. "It is more work to ask the Board to collaborate than just to do it," added Ms. Thompson. "She is not required to do so [collaborate]," advised AAG Parks.

Ms. Thompson assured the Board that most board executives do not talk to their Board about what is going to be said in their budget document. Her main reason for working with the Board is because, as OBRT goes into this process, she would like them to go together and of one mind. Ms. Marr said, "The Board likes this idea, it was not a problem and we appreciate it; but we are wondering where it fits in just because we do not do this all the time." Mr. Miggins explained that number one's rate was not a mission statement.

Mr. Lang thanked Ms. Thompson for her effort but questioned the purpose, as he did not have the full grasp of where it was going. "I think that it could be an OBRT identifying statement of objective or goals and not just a budget concern," he said. Ms. Marr pointed out to Mr. Lang that where it stated what the purpose was in the activity report from Ms. Thompson.

Dr. Griffin asked the Board Chair, Ms. Agrimson, if he could make a few more comments because he thought the assumptions were great. Ms. Thompson thanked him. In number four, instead of "at some time, you" how about "nearly everyone sometime relies on a health care professional to give effective and compassionate care," expressed Dr. Griffin. The Board agreed. Ms. Thompson reminded the Board, "This is like doing a strategic planning process in a short Board meeting."

Ms. Marr replied that she felt a little uncomfortable about the phrasing in number six because she did not feel it was a true statement. "A few of us naturally enjoy being held accountable." Dr. Griffin questioned the point of the statement. Ms. Marr personally knows some who do like to be held accountable as it reflects on whom they are and is professional and to be expected. She added that she does not think it matters whether or not it is enjoyed.

Ms. Thompson pointed out to the Board that there is more and more accountability expected all the time. She used the Progress Board as an example. Ms. Thompson added that part of the budget she will submit for the Board will include the Progress Board's logical model. It is a very challenging model because it does not fit Licensing Boards. Ms. Thompson advised the Board that next biennium they will be required to get customer satisfaction surveys. Mr. Lindsey recommended that two or three Board members get together by e-mail with Ms. Thompson and complete this process. Ms. Thompson asked the Board if they understood what was expected and what their role was in the process. She also reminded them that they would be called upon to speak to their peers, maybe State senator, and State representative because the up-coming legislative session will be very challenging.

Ms. Marr stated, "I wish my peers even knew anything about all of this, looked at anything, or asked questions; they do not care." She added that she wished she were around an environment that really did care.

Dr. Griffin suggested that the Board finish the assumptions instead of using e-mail because there were only two items left. Ms. Agrimson confirmed that the Board could do it. "Enforcing Oregon law the Board strives to do it with respect, efficiently and compassion," was a new suggestion made by Dr. Griffin. Ms. Marr revised it to say, "The Board strives to enforce Oregon law with respect, efficiently, and compassion." The Board agreed.

Dr. Griffin announced that he had only one comment on number seven. Ms. Agrimson told Dr. Griffin that his comments were welcome. He went on to say, "Drop the part about the roads and bridges, just say 'Government activities provide and or regulate essential physical and social infrastructures, including health care and education.'"

The Board agreed and liked the ideas Ms. Thompson had put together; it was just a matter of wording. Ms. Thompson assured the Board, "It is much richer and more robust to work on it together. To go forward with a mission and assumptions in common represents something compelling," she expressed. Ms. Marr asked if the Board could get a copy once the revision was complete. Ms. Thompson confirmed she would get it to them.

Ms. Thompson asked if the Board liked the chair's suggested choices to which the following line up was agreed upon:

- a) **Board Development:** Hank Miggins, Ernest Wick, and Brian Buckingham (emeritus).
- b) **Continuing Education:** Barbara Agrimson, Edna Marr, and Betty Palmer (emeritus).
- c) **Investigations:** Edna Marr, Matt Lang, and Rees Stuteville.
- d) **Legal:** Barb Agrimson, Hank Miggins, and Chris Griffin.
- e) **Limited Permit:** Ernest Wick, Erica Hovet (emeritus), and Steve Uroshevich.
- f) **Outreach:** Rees Stuteville, Matt Lang, and Hank Miggins.

Ms. Thompson asked the Board if they had any questions concerning the activities being done, hearing none she gave the Board and outline of why and costs involved to move the OBRT office; to a new office space being built specifically for Boards, on Liberty in Salem. Ms. Thompson read the letter of interest that would be sent, saying "This would not bind the Board to this specific space at this time; it would merely keep the Board's option open." "So moved," replied Mr. Miggins. Mr. Stuteville seconded.

Ms. Agrimson opened the move up to discussion. Mr. Lang suggested that, "If OBRT was to move to Salem, they might possibly lose their current staff because of the hardship involved in the responsibility of commuting to Salem." He expressed that he personally felt that the increase was too great for OBRT to function. with what they have already and not a good idea.

Mr. Miggins indicated that he would like to add a comment. Mr. Stuteville's statement about finding space in the Portland State Office Building (PSOB), at some point the owner of this building will have to recover budgetary lost costs and it is done by what is charged for rent. He added that by

sending the letter of interest the Board is not committing to anything at this time except to say don't forget OBRT is out there. Ms. Thompson assured that Board that she would not have suggested this without talking to staff first. This was not her first choice and she would rather stay at the PSOB. What the office has presently is about half the space needed to and staff is hurt because of it. Ms. Thompson is the OBRT Risk Manager and she told the Board that current space is not a workable system that staff has now. Mr. Stuteville agreed with her statement. Ms. Marr reiterated that it was not a commitment but a letter of interest. Ms. Agrimson asked for a vote; all approved except Mr. Lang, who voted no. Ms. Thompson thanked the Board.

Mr. Lindsey asked if Roman numeral IV of Ms. Thompson's activity report was about OBRT's budget policy packages. She confirmed that it was and would be more money. The policy packages are not completely developed, because the values needed have not been released. Ms. Thompson indicated that she does not have data on what it will cost for Health Division Business Services and data on rent costs, and she cannot complete the policy packages until she knows what the essential packages will be. Ms. Agrimson asked the Board to move the discussion forward.

Ms. Thompson explained to the Board that the Health Division Business Services does the Board's cashing and accounting, currently as far as staff knows it costs OBRT \$3.00 for every refund issued. Ms. Thompson has been told that it actually cost approximately \$25.00 to process. Mr. Lindsey indicated that he had heard it was going to cost between \$25.00 and \$40.00. "This does not include staff cost to process," added Ms. Thompson. Discussion was made on the law regarding overpayment and issuing of refunds. Mr. Stuteville announced that a new rule would need to be made to clarify the amount of minimum sum that will not be refunded, unless specific requirements were met. Ms. Marr reviewed by stating then all the Board has to do is decide if they want this and how much will not be refunded. The new administrative rule would be under Division 21, Fees.

Ms. Marr expressed that everyone was comfortable with making clarification the Board needs to set an amount, AAG Parks suggested \$20.00; Staff suggested \$25.00 or less. Mr. Stuteville made a for a proposed rules change that clarifies the amount to be refunded due to overpayment as \$20.00 or less. Mr. Miggins said he would seconded it but first he would like to amend the amount to \$25.00, seconded by Mr. Stuteville. Ms. Agrimson called for a vote, the Board unanimously approved \$25.00 as the minimum sum that would be not refunded due to an overpayment.

## **OLD BUSINESS**

Ms. Agrimson asked if there was any old business, hearing none she moved on to new business.

## **NEW BUSINESS**

Mr. Stuteville brought the discussion of the Licensee Lookup Screen to the table. He advised the Board that OBRT had received two complaints from licensees that had issue with the inclusion of the year of birth might facilitate identity theft, age discrimination of vote. One of the licensees was concerned with name and city, might endanger because

the spouse was a law enforcement officer. His concern was about the continued posting of disciplinary action possibly being prejudicial on a very public type site. AAG Parks was asked her opinion on these concerns. Mr. Stuteville read her advice to the Board, which stated that the birth date should be taken off, while the name and city is OK as it refers to the city of employer.

AAG Parks advised the Board that Consent Orders and other completed Orders are public documents. The “disciplinary comment” field on the Licensee Lookup Screen is a policy decision that she did not see a problem with. While a disciplinary case is under investigative process, it is not public information. Ms. Meeks expressed that OSRT had received complaints about the licensees privacy not being protected when their name and city posted on the website. She also commented that with respect to disciplinary action there should be a statute of limitations.

Ms. Marr indicated that she likes the site as it is, there has to be identifying information to verify that the posted name is who is being looked up. Ms. Agrimson expressed that this is a new service on the web site and it should be evaluation for sometime. The birth year has been removed from the lookup screen all other information remains intact.

Mr. Lang brought of his concern about the up and coming legislative process. He has tried to encourage the Board to create outreach with OSRT and its stakeholders. He expressed that it was very important for the Board to emphasize outreach to the legislators. “At the last legislative session there was a real trial of discipline on everyone’s part to behave. OBRT needs to embrace their legislators and it looks like the Board needs to get them on their side,” he said. Mr. Lang still feels that, “There is ‘their side and our’ side situation going on,” and said that, “Peace be made with the significant legislators OBRT has been involved with.”

He asked the Board to take on the task immediately by having the Chair send a letter developed i.e. by the Board or Executive Officer indicating OBRT’s desire to maintain good relations going into the next legislative session. Mr. Miggins gave the Board his insight to how Mr. Lang’s proposed letter might be received. It was suggested that the Board work together to improve on his idea.

Ms. Agrimson opened the table to suggestion on what should be said. Mr. Miggins expressed that he would make it as grand, far-reaching, and as wide as he could make it. Ms. Marr explained to the Board that they had been advised to lay low. “By doing something like this, the Board is drawing attention to themselves.” She did not know if it was right or wrong that is why she was asking. Mr. Miggins expressed that his message to the legislative would be, “This Board feels it s responsibility to protect the public.”

Mr. Lang is not in favor of laying low. His idea last year “i.e. was to cater to the legislatives and say ‘what is past is past, lets start over.’” He agreed that this might look like coaching or request for being on the Board’s side because OBRT would be asking for more money. He added that the closer OBRT gets to the next legislative session the more it would look that way. Ms. Marr suggested that the outreach committee get together and make a decision to whether to do it or not. The Board agreed.

Board Chair, Barbara Agrimson announced to the Board that she would not be able to make the next Board meeting on October 12, 2002. She asked, "Would anyone like to be the Chair in her absence?" Dr. Griffin asked what it would entail. Ms. Thompson explained the duties to Dr. Griffin and the Board. Ms. Marr asked Dr. Griffin to volunteer. The Board unanimously agreed Dr. Griffin should Chair the meeting. Ms. Agrimson thanked Dr. Griffin.

Ms Thompson informed the Board that the limited permit committee had one more concern to discuss: Bob Olson's proposal. Ms. Thompson pointed out to the Board the e-mail Bob Olsen sent concerning what the future testing of the limited permit examination would cost if the Willamette ESD did it. "If you do not objects to this, I will continue to proceed on the Board's behalf." No objection was heard.

Ms. Thompson did not have time to write up the minutes from the last Limited Permit Committee meeting, but the Board meeting packet included that meeting's agenda. It was emphasized to the limited courses of instruction that OBRT was committed to getting the limited permit exam(s) on line.

The Board was going to look at having more congruence between limited permit schools graduating students and saying that these people are qualified. Then those individuals need to be able to pass the OBRT exam(s). OBRT have had too many individuals who cannot pass the Board exam(s) for successfully completing limited permit courses of instruction.

Ms. Thompson asked AAG Parks if OBRT needed language in an administrative rule that says, "By June 30, 2003, any limited permit student wishing to sit for the for the limited permit examination must have successfully completed a course of instruction approved by the OBRT and accredited by the State Department of Education Private Career Schools." AAG Parks answered, "Yes." Ms. Thompson asked the Board's approval to submit a rule with that language. Ms. Agrimson said you could make that motion. So moved said Mr. Miggins. Ms. Agrimson asked for a vote, the Board unanimously approved.

Ms. Thompson then explained that an amendment to 337-10-0060, Imposition of Civil Penalties. Section three, Civil penalties shall be imposed according to the following schedule, add per violation, in the absence of a finding of aggravating or mitigating circumstances. Since this will be a proposed amendment it will go through the public hearing process and it will allow public comment. Ms. Thompson further clarified the amendment would address those licensees who have committed multiple violations, and allow the Board to impose the appropriate Civil Penalty.

Mr. Miggins brought up the addition for a new rule that address the employer who hires someone to practice outside the scope of their licensure, what violation and Civil Penalty should be associated with that practice. AAG Parks advised the Board that they could authorize her office to draft that for them. Ms. Agrimson asked for a vote, the Board unanimously approved.

Mr. Miggins made the motion to approve the amendment to add per violation to the schedule for Civil Penalties imposed under 337-10-0060 (3) and to write a new rule that

addresses the employer violation of hiring someone to practice outside the scope of their license. Ms. Agrimson asked for a vote, the Board unanimously approved.

Ms. Thompson's last concern for the Board was a limited permit examination applicant who failed to get his application postmarked by the deadline of July 01, as required in administrative rule. The FAX machine postmarked it "July 02, 2002." He requested a hardship consideration to take the August 16, 2002 limited permit examination. The request was taken to the limited permit committee prior to the Board meeting they did not find the request compelling.

The applicant had accused a staffer of saying that the examination application should not be sent in early because it would be lost. The request is based on the applicant missing the OAR deadline and blaming OBRT staff for it. The limited permit committee recommended to the Board that they deny the hardship consideration request summarized Ms. Thompson. Ms. Thompson reminded the Board, that Ms. Lee particularly and Ms. Russell also take an incredible amount of abuse. It comes from those people who feel if they are abusive to someone who is setting limits for them, they have the right to do it. The abuse would be effective, the abused can do nothing; this wears on staff Ms. Thompson stated for the record.

Mr. Miggins reminded the Board that there was a motion on the floor. Ms. Agrimson asked for a vote and the Board unanimously denied the hardship consideration request.

Ms. Thompson asked if there was any editorial comment? Mr. Miggins said he did have an editorial comment. He wanted to convey to the staff that at least the committee did not appreciate their staff having to be beat up on under those circumstances. The Board agreed with Mr. Miggins.

Ms. Lee asked the Board if they had discussed adding the anatomical areas to the permit. Mr. Miggins answered that they had not. Mr. Stuteville explained that the Board was going to add a fee for each anatomical area; right now it is one fee. Mr. Stuteville thanked Ms. Lee for reminding the Board about this issue. Ms. Marr expressed that the members had talked about this enough and feel it is a good idea.

Ms. Thompson explained that currently for one \$24.00 fee an applicant could have six or seven licensing processes for the same \$24.00 fee. AAG Parks advised the Board that it would be considered an increase in fees. It would require Ms. Thompson to report this to the next legislative in a separate policy package, just as she has to do with expedited licenses. Ms. Thompson explained that it is a complicated form; how much was collected needs to be reported, what amount would have been collected if it had not been increased. She added that it is justifiable however it meant another increase in workload for staff.

Ms. Thompson reminded the Board that Staff is right now hand calculating a \$1.00 dollar per month credit or refund. Ms. Agrimson pointed out that the Board had discussed requiring applicants to take and successfully pass all the exams prior to licensure. Ms. Lee asked the Board if they could require the limited permit students to complete all of the anatomical areas they wish to take prior to receiving applying for their temporary limited permit (TLP).

Ms. Lee pointed out what is currently happening is students apply for their TLP after they have completed radiation use and safety and at least one anatomical area, then next week they send in another course certificate to add a category and the process continues week after week until they have completed all the courses for the anatomical areas they wish to be licensed in. Ms. Thompson said, "If you price it right, it will take care of the time and labor costs by being able to pay for additional staff to do the workload."

The Board Chair called on Barb Smith, PCC & OSRT. Ms. Smith emphasized that anytime a student wants to add a new area it is a whole different application. She suggested that OBRT revise its application and have a separate application for each anatomical area. "It would not be a fee increase doing that way," agreed Ms. Marr. AAG Parks was requested by the Board to do legal research into setting Board policy that would allow the Board to revise the TLP combined anatomical areas application to separate applications for each anatomical area.

Ms. Smith explained to the Board that she was present when the limited permit schools met with the Department of Education (DOE); some comments made by the Board and DOE made her uncomfortable. They were equating getting the limited permit with going to beauty school; where you can do the cosmetology, nail, or hair stuff all at once or one at a time. Then they can go out and get a job and it is an entry level into that profession. She further summarized it was said an applicant could get one area like chest, and go out to work and have it be entry level. Ms. Smith reported it is not entry level even if they have all the limited permits it is still not entry leveling to our profession.

She then asked Mr. Stuteville to confirm her statement by saying, "Right, Rees?" She did not want that image to go out, because it is not appropriate, the limited permit was put together for people that were already working as a certified medical assistant or some other job in the office to have an additional thing that they could do. Ms. Marr asked if that was the original purpose and pointed out that it does not mean it will stay that way.

Barb Agrimson pointed out that these individuals have other medical background. Mr. Stuteville's example was an RN that works for a Cardiologist and she take five or six chest x-rays per day. Ms. Marr reiterated that Ms. Smith was concerned with the image not the idea of what they do. Ms. Smith stressed the concern of putting forward the wrong image, because they'd be working under a misapprehension if it were thought to be entry level. Mr. Stuteville reviewed that it was not a profession and not entry level it is just learning skill. Ms. Agrimson called on Mr. Uroshevich.

He stated, "I agree with Rees and Barb 100%." He felt that the meeting to determine that seriously should not have been made by a group of X-ray techs; he felt labor experts should have been used. Mr. Uroshevich explained that when he represented, X-ray Education Services, he went to the medical facility and taught medical assistants, physician assistants and nurses how to do limited x-ray. He would never ever teach someone off the street limited X-ray and strongly felt that, as a prerequisite the applicant be an MA, PA or RN. Once again he stressed it was absolutely not entry level.

Ms. Thompson compassionately expressed that she understand their professionalism and she supports that. There are three task forces to deal with shortages of skilled workers; the Governor, legislature and the hospital association.

The national Department of Labor does not distinguish between limited permit holders and any radiographer. Ms. Thompson reiterated to them that the federal Department of Labor position is that, "Any radiographer is a radiographer period, end of story." She then pointed out that it was an uphill struggle until that distinction is made at the federal level; because people are looking for workers, the JCAHO barrier saying radiographers working in hospitals have to be national registered is no longer in effect. "You can speak for professionalism, but the others are looking at the labor cost." Ms. Thompson gave an example stating the cost for State employees is going to go up 40% for benefits in the next biennium, and it is due to pharmaceutical costs.

Mr. Lindsey asked to introduce one subject. He had received e-mails from ASRT regarding PET CT studies. There is new equipment out, GE is one of them that uses instead of a gadolinium 153 source for transmission, continuation, and correction they use CT. It is to set the patient up, position; so it is accurate do a quick scan and follow with a study. The question was concerning the training for the certified need med techs like at OIT go through a four-year program but they are not RTs any more. They used to come through the RT program and then became nuclear medicine techs. They do not have the training or certification to do CT. It is going to be issues that RPS and OBRT will both have to deal with in the near future. He suggested that we discuss this at the next Board meeting if possible.

Ms. Thompson asked the Board if she could include the rule change for non-refundable application fee; so AAG Parks could give her advice, at the same time as the other 5-6 draft OARs. "So moved," stated Mr. Miggins. Mr. Stuteville seconded. Ms. Agrimson called for a vote and the Board unanimously approved.

Mr. Miggins emphasized to the Board that he had a concern that they were backing up on lot of things they are trying to do. He felt the Board needed to figure out how these things are to get done; he would be the last one to suggest that there be another meeting. Mr. Stuteville expressed that the Board may have to go to a two-day meeting.

Ms. Agrimson called on Mr. Lang. He stated to the Board that, for the record, he wanted a last word on this issue because it is one of his pet peeves. He explained that they had e-mailed each other about getting themselves mixed up limited permit and limited radiologic technologist, how they could become similar in the future due to the employment crunch and shortage of RTs out there. He was clear that he did not want the idea of a person going into a limited permit course as an entry level course into an RT. He stated further that he as a Board member encouraged the opposite viewpoint; "Just eliminate that thought from your mind." Mr. Lang said, "I do not care how many MAs, medical examiners, or powers that be in the hospital association; they do not need limited x-ray because the public is in danger. "

Ms. Marr advised Mr. Lang that this cannot be done by the Board; the professional society could do it. "The Board's responsibility is to uphold the law, nothing else," stated Ms. Marr. Mr. Stuteville advised Mr. Lang that he was a Board member and must be careful of what he propels, when he is off the Board then he could say what ever he

wants. Mr. Stuteville added, "When you speak, people believe you are speaking for the Board and State."

Mr. Miggins asked if he was being told that the Board could not take a position on radiologic technology? "No," was the answer Ms. Thompson gave. She went on to say the Board had taken a position by the rules that it had set, and the way it administers the demands on the limited permit course of instruction; that is, the position being taken by regulating it. Ms. Agrimson asked the Board to table the discussion until a later date.

#### **PUBLIC COMMENT**

Board Chair, Barbara Agrimson asked if there was any public comment. Hearing none, she thanked everyone for coming and adjourned the meeting at 3:27PM.