

Oregon State Board of Radiologic Technology (OBRT)

October 9, 1998 Minutes

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

ATTENDANCE

Members and Staff: Brian Buckingham, LRT; Mercedes Herrera, LRT; Erica Hovet, Public Member; Betty Palmer, LRT; Glen Plam, LRTT, Chairman; Ken Stevens, MD, Radiologist; Larry Strayer, Investigator; Lianne Thompson, Executive Officer; Doug Van Fleet, Clerk.

Members Absent: Lee Flanders, LRT; Darrell Hocken, RT, Advisory Member.

Also Present: Larry Cartmill, ConCorde Career Institute; Randy Harp, LRT, Oregon Society of Radiologic Technologists (OSRT); Richard Marion, LRT, Kaiser Permanente; Shelia Orwoll, Oregon Health Sciences University; Steve Uroshevich, LRT, Apollo College, and X-ray Education Services.

Committee Meetings held to consider agenda items, 8:30 a.m. –

A quorum was established and the meeting called to order at 9:08 a.m. (executive session) for evaluating Ms. Thompson. At 9:21 a.m., the public session was called to order.

MINUTES APPROVAL [Attachment 1]

July 10, 1998: Ms. Palmer directed attention to page 3, sentence 1: “Ms. Thompson suggested that the board not require continuing education of those physician assistants and nurse practitioners who might wish to renew after more than two years of expired status.” Ms. Palmer suggested the insertion (after “practitioners”), of “who took advantage of the 1993 Legislature’s passing of SB 644 and.” **The minutes were unanimously approved as corrected.**

INVESTIGATIONS

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.

Except as indicated, **all motions and seconds originated with the Investigations Committee; all board decisions were unanimous.**

Case 97-12-03: Knowingly hiring unlicensed operators. The board recommended (04/10/1998) a \$1000 fine, suspended, the case promising difficulty in proving. So instead, to avoid Administrative-Procedures-Act requirements, the committee

recommends reconsidering and instructed **Ms. Thompson to issue a letter of concern.** (The case is otherwise closed.) Ms. Palmer suggested keeping a history of this employer.

Case 97-12-04: The consent order was returned unsigned, the fine has been paid and a final order has been issued. (**Approved.**) Case closed.

Case 98-03-01: **Consent order approved.**

Case 98-03-03: Operating without a license. **Consent order approved.**

Case 98-03-04: Drug convictions prior to certification. **Monitoring approved.**

Cases 98-04-01, 98-04-02 and 98-05-01: Operating without licenses. **Consent orders approved.** (Final order for 98-04-01.)

Case 98-07-01^[Attachment 2]: Two employees lodged complaints (document I-12) alleging many violations of quality-control standards, and multiple exposures—which might be illegal. **Letters shall be sent to the principals:** ORS 688.605(1). (This was the four-page web complaint mentioned by Ms. Thompson during the July 10, 1998 meeting.)

Mr. Plam characterized the quality-assurance program “excellent.” He guessed that the complaint initiator might’ve gotten “tangled up” in the quality-assurance program. The board directed its attention to the companion...

... **Case 98-07-01 (a)** ^[Attachment 3] (document I-11): Reports’ falsification (information developed in the investigation of 98-07-01). **\$1000 fine** to the individual, with some amount suspended. Mr. Plam opined that the employee was “set up” by the employer. Dr. Stevens asked whether the institution could be fined. Mr. Plam: “It’s up to the board.” **Dr. Stevens moved the suspension of \$750, Ms. Hovet seconded and the motion passed, Ms. Hovet opposing.** The board redirected its attention to...

... **Case 98-07-01:** Dr. Stevens: “When did the institution become aware?” Mr. Strayer: “Prior to May.” Mr. Marion: “[The employer] found the falsification and reported to Radiation Protection Services.” (Mr. Marion has changed the procedure.) Mr. Plam: “But we were not notified of the falsification.”

Cases 98-07-02^[Attachment 4] **and 98-07-03**^[Attachment 5]: Operating without valid certificates. **Fine, and suspend the fine.**

Case 98-07-04^[Attachment 6]: Unfounded.

Case 98-07-05: License applicant with two DUIs, of which the American Registry of Radiologic Technologists had been notified. No further action.

Case 98-07-06^[Attachment 7]: Operating without a license. **Final order.**

Case 98-08-01^[Attachment 8]: (From Radiation Protection Services.) Many violations were noted

(document I-8) but they remain unfounded, based on the number of films. **More films (five or ten) shall be requested for sampling. The films shall include the techniques used. If the technique is “not known,” then what’s used for an average patient of that size should be requested.**

Case 98-08-02: Unfounded.

Case 98-08-03^[Attachment 9]: (From Radiation Protection Services.) Unlicensed radiography. The doctor (radiographers’ employer) had been cited by Radiation Protection Services in 1997. The present matter arose from a complainant’s (unlicensed employee’s) claim of practicing radiography under duress. (She was fired one week after Mr. Strayer’s interview.) **The employer knowingly employed (an unlicensed) person for the purpose of practicing radiologic technology. \$1000 fine.**

Case 98-09-02^[Attachment 10] **and 98-09-03**^[Attachment 11]: **Operating without a license. Final order.**

Case 98-09-04^[Attachment 12]: **\$100 penalty.**

Case 98-09-05: Employee dismissed for making inappropriate comments to a patient. Prescription blanks subsequently missing. Under investigation.

Case 98-09-06: **Final order.**

Case 98-09-07: Unfounded.

CHAIR REPORT

Mr. Plam responded by letter ^[Attachment 25] to the article in the American Society of Radiologic Technology’s (ASRT) *Scanner*. He has also talked with Nancy Ellingson, former board member and current ASRT employee. (Ms. Ellingson, by letter of 12/30/1998: “Actually, I did not ever speak to Glen about any of this matter.” Minutes corrected, Board meeting, 01/08/1999.) Ms. Thompson has talked with the ASRT woman who monitors laws within the states and who said that she knew that the original statements were incorrect, that she had informed the *Scanner* editor of the error and that the editor had responded that the society needed to “poll the members’ feelings.”

BOARD OFFICE REPORT

Ms. Thompson presented ^[Attachment 13] the request (to the Department of Administrative Services (DAS)) for limited-duration position #0000623. Activity data substantiating the request show increases in the numbers of (1) limited-permit examinations administered, (2) law-enforcement data system (LEDS) checks conducted and (3) disciplinary cases undertaken.

Activity Report

Budget

Ms. Thompson brought in the budget in connection with the new-position request and cited the lobbying-registration requirements pertaining to state employees.

Oregon Administrative Rules

Ms. Thompson presented document L2 [Attachment 14] (“Further Proposed Revision...”), pointing out that in number 7, “than” should be “that” and “who shall report the results to the Board” should be inserted just before the period. **Mr. Plam moved to adopt L2 (as corrected); Mr. Buckingham seconded; decision unanimous.**

List of New Licenses/Permits

Mr. Van Fleet presented documents C&B8, C&B9 and C&B10—the lists of new licensees, limited permittees and temporary permittees, respectively [Attachments 21-23]. **Mr. Plam recommended the acceptance of the new certificate holders; Ms. Palmer seconded; unanimous.** Ms. Palmer requested that in the temporary-permit table, the heading “R or L” be changed to “Classification.”

LIMITED PERMIT

Results of August Limited Permit Examinations [Attachment 15] – Mr. Van Fleet presented what he characterized as the smallest exam session within memory. (He also reported that the forthcoming November session promises to be one of the largest.) The updated graphs showing school trends [Attachment 16] (requested by Mr. Plam in the July 1997 meeting and developed by Chris Stewart) were again presented by Mr. Van Fleet.

OAR-specified exam-application submittal dates don’t seem to fit well with course-completion dates. Mr. Van Fleet asked [Attachment 26] whether the board could accept removing the dates from the rules and accommodating them within policies. Mr. Plam reasoned that there would be no date that would be universally acceptable; no action was taken.

Re the possibility that some February/August exams are not of the same difficulty as their May/November counterparts, Mr. Van Fleet, mindful of Mr. Plam’s caution (July 1998 minutes) that the American Registry of Radiologic Technologists has found that repeating examinees have lower scores, presented his analysis [Attachment 17] of the most recent seven exam sessions—looking at exams which seem to show quarterly fluctuations. (Those exams were Chest/Ribs, Abdomen and Foot/Ankle.) Although “re-takers” of the latter two exams did as well as “new takers,” the absence of “Spine” fluctuations (the cause of concern in the July 1998 meeting) from the most recent seven exam sessions forced Mr. Van Fleet to retract his analysis.

Limited Permit Committee Deliberations-- Ms. Palmer presented the results of the Limited Permit Committee’s advisory committee meeting of August 7, 1998 [Attachment 18]. The advisory committee decided that changes should occur in seven aspects: school inspections, initial course approval, yearly report, radiation use and safety curriculum, test questions, published references and “head” category. The actual proposal to the board concerned published references, test questions and yearly report.

Ms. Thompson noted the absence of bone-densitometry participation in the advisory

committee's work. Mr. Plam would accept the intent of the proposal. Ms. Palmer was pleased with the advisory committee's work and would like the committee to continue.

Mr. Plam moved to accept the proposal as a guide to regulating limited-permit courses of instruction and exams; Ms. Hovet seconded; unanimous. Mr. Plam instructed the Limited Permit Committee to develop implementing rules. Ms. Palmer asked whether "head" should be retained. Mr. Uroshevich reported that Tim Sellers (Portland School of Radiography) thinks that opposition from otolaryngologists would make it wise to include "head"; "head" will be included.

Concern re exam security prompted Mr. Plam to relate that the Federal Aviation Administration, considering all of its questions and answers public, hypothesizes that if an examinee knows all of the material, they're acceptable for licensing.

LEGISLATION

Ms. Thompson called attention to DAS' "Guidelines for Working with the Legislature" [Attachment 19]. This document states the duties incumbent on all Executive-Branch representatives to the legislature.

Ms. Thompson, concerning her impending legislative testimony, will pass on to Susan Klosterman (statewide legislative coordinator, DAS) the two Attachment-14 statute changes. Ms. Hovet advised: "Tell your own story to the legislature. [It's much more than just licensing.]"

NEW BUSINESS

Mr. Buckingham announced that November has Radiation Therapy Week (11/08/1998-11/14/1998). (Minutes corrected to "National Radiologic Technology Week," 01/08/1999.)

CONTINUING EDUCATION (CE)

Ms. Palmer proposed an advisory committee of sponsors and OSRT people to define requirements and limitations for continuing education. She wants biennial specificity on hours for cardiopulmonary resuscitation and bloodborne pathogens, for example.

Mr. Plam would like sponsors to provide evaluation. (He cited the American Society of Radiologic Technologists as having a working model—available on their web page.)

Ms. Thompson suggested a \$25 CE approval fee. Ms. Hovet reported that the Board of Clinical Social Workers charges \$95. Mr. Van Fleet, citing the "overtime" worked by the CE Committee, asked whether any approval fee might accrue to their benefit. Ms. Thompson replied that such would be illegal.

Mr. Van Fleet reported that 63 continuing-education approval requests were received during the third quarter. All but one were approved [Attachment 20]. Ms. Palmer requested that preceding quarters' data be shown on "Continuing Education" (the request-and-approval report).

OLD BUSINESS

Policy Manual Review: “OBRT Policy Manual” [Attachment 24] was subjected to a final item-wise discussion. (“Policy [#] is to be [whatever].”) 7 converted to an administrative rule (as time permits); 8 converted to an administrative rule (as time permits); 13 converted to an administrative rule (as time permits); 17-23 converted to administrative rules (as time permits); **24: Mr Plam moved to delete; Mr. Buckingham seconded; unanimous;** 25-28 deleted.

The meeting was adjourned at 2:05 p.m.