

# Oregon State Board of Radiologic Technology (OBRT)

## October 12, 2001 MINUTES

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

### ATTENDANCE

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

**Members Absent:**

**Also Present:** Jeramy Patton, DAS-BAM Analyst

**Public Session:** 11:00 AM

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

The OBRT Board meeting was held Friday, October 13, 2001 in room 445, State Office Building, Portland Oregon. Board Chair, Barbara Agrimson called the meeting to order at 9:12 AM.

### INVESTIGATIONS –As Of October 08, 2001

The Investigative Committee asked Lianne Thompson, Executive Officer to explain the investigative cases to the Board. Ms. Thompson explained ORS 192.660 (1) (f) and summarized the open investigative cases.

Public Session was called to order at approximately 11:00 AM where the Board voted on the following cases:

#### **99-12-02**

Lianne Thompson wrote to licensee, giving him a time to appear before the Board during its October 12, 2001 meeting, in Executive Session. This was noted on the agenda. The licensee did not appear. Ms Thompson stated that this was the most complicated case brought to the Board since she came to the agency.

Mr. Mussell met with us on September 19, 2001. At that time, he posed two questions about this case:

1. Does the Board agree with the legal analysis contained in his proposed order and does it wish to make these principals part of their policies?
2. What does it wish to do with Licensee?

The Board's task was to decide upon a course of action, given the range of disciplinary sanctions available. The Board could select none or one or more of:

- 1) Civil penalty, most probably \$1,000 for OAR 337-010-0060(3)(l), Conviction of a crime where such crime bears a demonstrable relationship to the practice of radiologic technology.
- 2) Suspension of license under ORS 388.525(1)(c) Has been convicted of any crime where the crime bears a demonstrable relationship to the practice of radiologic technology.
- 3) Revocation of license, as in #2.
- 4) Probation with conditions, such as no violent conduct of any kind in any part of his life, evaluation by a board-approved mental health evaluator and compliance with any treatment recommendations.
- 5) Reprimand from the board.

**The Board agreed on number four; probation for five years. Staff will develop a checklist of conditions. A \$1000 Civil Penalty was imposed and suspended provided the licensee adheres to the terms of the probation. Licensee is to share the Final Order with employers and make quarterly reports to the Board. Motion moved by Chair, Barbara Agrimson, seconded by Hank Miggins. Board unanimously approved.**

**00-01-04**

Her limited permit expired 05/31/1999. Legislature is very concerned with collections, and it needs to be done even if the case is determined "uncollectable." **Referred by staff to Dept. of Revenue for collections.**

**00-04-01**

**Final Order is complete and will be issued.** Carol Parks, AAG explained the lowering of the Civil Penalty by AAG Mussell, at the Hearing was done in error. The Board accepted the Civil Penalty of \$1000.

**00-09-02**

**"Case is pending" –OBRT's Investigator served her with the disciplinary papers on October 5, 2001. A Default Order will be issued if there is no response within 21 days and turned to collections if necessary.**

**00-09-02B, 01-01-03B, 01-01-04B, 01-02-07**

Staff, at the direction of AAG Parks, has asked for and received from the employers a summary of their practices to ensure that they hire and retain only licensed staff. **OBRT will continue to work with employers to maintain compliance. Board unanimously closed cases.**

**00-10-02**

**09-13-2001 signed Consent Order and paid \$1600 Civil Penalty. On probation from 09-13-2001 through 09-13-2003 (two years.) Must complete nine hours of continued education in anatomical area(s) licensed in prior to 08/01/2000 or RU&S.**

**00-11-05**

Licensed RN, Nursing Board sent a warning letter. Received signed Consent Order 03-21-01 but no payment of the \$2000 Civil Penalty has been made. Board needs to discuss "Scope of Authority". **Send to Department of Revenue for collections.**

**00-11-06**

Investigative Committee and OBRT approved a \$1600 Civil Penalty/\$250 month payments. A Consent Order admitting the infractions signed by her and shared with any employer in the next two years. No signed Consent Order or payment for Civil Penalty

received. **Barbara Agrimson made a motion to approve Final Order, Brian Buckingham seconded and Board unanimously approved Final Order.**

**00-12-03**

Carol Parks, AAG advised to dismiss case and adopt Oregon Administrative Rules that clarify “unethical conduct.” **Barbara Agrimson moved to close case, Brian Buckingham seconded and the Board unanimously voted close case with warning letter and notice to limited permit school.**

**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. *See also case 01-06-03.* **Carol Parks advised OBRT to work with RPS to obtain an interagency agreement stipulating which agency pays for what etc. The focus is working together to protect the public.**

**01-02-02**

A mobile service company was going to ask RPS for a waiver to allow LP holders to perform fluoroscopy after watching an instructional video as directed by employer. Frank Mussell, AAG reviewed OBRT and RPS Oregon Administrative Rules for jurisdiction. He advised that RPS has greater jurisdiction. Radiation Protections Services’ OARs specifically address Fluoroscopy [in OAR 333-106-045(6)]. OBRT’s statutes [ORS 688.480 & 688.515(2)] speak about computed tomography, studies that include the use of contrast media and head studies but do not specifically address fluoroscopy. Edna Marr suggested that OBRT’s languages addressing fluoroscopy needs to be changed in statute and rule. **This case will be given to the investigator.**

**01-02-09**

Letter of warning was prepared and sent out by Lianne Thompson. **Barbara Agrimson moved to close case, seconded by Brian Buckingham. Board unanimously approved.**

**01-03-01**

Applicant provided relevant information per Ms. Thompson’s request. He expressed a desire to be licensed again. Proceed with licensure. **Barbara Agrimson made a motion to issue licensure with a Consent Order, six random supervised urinalysis and one-year probation. Brian Buckinham seconded and the Board unanimously approved.**

**01-04-04**

**Referred to Investigator.** No report yet received as of October 12, 2001.

**01-04-05**

**Board agreed that OBRT staff checks with NRC for compliance and close case if compliant.**

**01-04-06**

4/23/01: Under Investigation-Received complaint against Hospital Radiation Oncology, alleging that they hired approximately one month ago a message therapist who is assisting in the treatment room. Investigator’s report received. Investigations Committee to review and recommend course of action to Board. **After discussion from the Board, Carol Parks, AAG advised that OBRT be consistent and equal to the RN and massage therapist, issue a Civil Penalty and suspend the fine. Use this as an educational tool. Barbara Agrimson moved and Brian Buckingham seconded. Board unanimously approved.**

**01-05-02**

**Barbara Agrimson made a motion to issue a Consent Order per OAR 337-10-60 (3) (j), \$1000 Civil Penalty and send a letter to ARRT when discipline is complete. Brian Buckingham seconded. Board unanimously approved.**

**01-05-04**

**Motion to Approve and close case was made by Barbara Agrimson and seconded by Brian Buckingham. Board unanimously approved.**

**01-05-05**

The licensee has entered an outpatient chemical dependency treatment program in Eugene for the treatment of alcoholism. His therapist and case manager is a LCSW and the program will take approximately 30 weeks. His psychologist will be treating him initially weekly for 3 to 6 months. His supervising psychologist reports that he is participating satisfactorily in counseling. **Currently in compliance.**

**01-06-01**

6/13/2001: TLP applicant self disclosed that in Springfield, IL while he was in high school he was convicted of retail theft misdemeanor based on a dare. In 1992 he was convicted of a cannabis class 2 felony for delivery and manufacturing. He was sentenced with 2 years of probation. He was convicted of a misdemeanor for cannabis possession and received a fine and 2 days. 6/13/2001: Lianne spoke with him and he explained that he made bad choices in his youth and has changed his behavior. He said that he would be happy to submit to a urinalysis, as he is drug free. 6/13/2001: a LEDS check was done and it did not show any record. **TLP granted without conditions on vote of a majority of Investigations Committee. Board unanimously approved to close case.**

**01-06-03**

6/14/01: Ms. Thompson sent a letter to the permit holder advising her that this was a follow-up to the conversation with Mr. Van Fleet on 04/10/01. The point of issue at that time was the NSF check she had written on 01/16/01. This was payment for a temporary limited permit in lower extremities. Permittee told Mr. Van Fleet that a replacement check had been sent. To date a replacement check has not arrived. After some investigation it was learned that the permittee had not been employed at Oregon City Family Practice since 04/13/01. The TLP had been practicing without a license as the NSF check made the TLP void. 6/20/01: Oregon City Family Practice sent over x-ray logs and a disciplinary document on taking films she was not qualified to do. Licensee failed to appear at the arranged time. Still in process. **Edna Marr suggested that OBRT staff set a specific date for the meeting. Staff to follow-up.**

**01-06-05**

Performed computed tomography from 11/11/2000 to 05/25/2001 without ARRT certification. (Information from Jeffrey Drop, CEO, St. Anthony Hospital, Pendleton. **Edna Marr made a motion to send a warning letter to St Anthony letting them know it is not OK to operate without licensure in hand. Brian Buckingham seconded. Board unanimously approved.**

**01-06-06**

04/2000: Charged with violating hospital's substance-abuse policy. 05/22/2000: Employment terminated for zero-tolerance violation. Now amphetamine-free for six months. Seeks probationary period permitting him to accept new employment. Needs recommendation from the Investigative Committee and OBRT Board. **Pending: will send Investigator to Madras and then will prepare and send Consent Order for his signature.**

**01-07-06**

08/21/2001: Lianne Thompson/Executive Officer received a evaluation report from Nicholas W. Telew, MD stating that there was no conclusive evidence applicant has an alcohol problem. Based on this report and her self-disclosed statement the Investigative Committee approved her licensure. **Barbara Agrimson moved to approve and close case. Seconded by Brian Buckingham. Board unanimously approved.**

**01-08-02**

Applicant reported arrest on two counts of criminal mistreatment; confirmed by LEDS check. Despite repeated requests for more information, nothing received from applicant. October 10, 2001 set as deadline for declining application if adequate explanation is not sent to Office. **Barbara Agrimson moved to deny application, Brian Buckingham seconded. Board unanimously approved.**

**01-08-04**

Diagnostic RT license expired October 1, 2001. The LRT was managing the angiography department at Salem Hospital. He has resigned. A warrant was issued and his computer hard drive was turned over to the State Police who are attempting to obtain more information. The police are still conducting an investigation to determine the nature of the charges that will be coming. His ARRT registration is also valid until 10/31/2001. **Pending - OBRT agreed to renew licensure and wait until criminal charges are complete before taking action.**

**01-09-01**

Alleged complaint of excessive force during mammogram. Need OBRT Board advise on how to proceed? Barbara Agrimson moved that Lianne Thompson send a closure letter with no action taken. Seconded by Brian Buckingham. Board unanimously approved.

**01-10-01**

Applicant has held his limit of temporary licensure in the past. His last licensure expired 2/8/1998. He obtained certification through ARRT in August 2001. Need advice from Board on how to proceed. Self-disclosed multiple incidents of alcohol abuse. **Barbara Agrimson moved to issue a Consent Order requiring monthly-supervised urinalysis during a two-year probation period. Brian Buckingham seconded. Board unanimously approved.**

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The following cases involved operating without licensure for less than a six month period. A signed Consent Order and \$100 Civil Penalty was paid for each case. **Board Chair, Barbara Agrimson moved to approved and close each case. Brian Buckingham seconded. Board unanimously approved**  
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<b>01-06-07</b>	<b>01-07-02</b>	<b>01-08-01</b>
<b>01-06-08</b>	<b>01-07-03</b>	<b>01-08-03</b>
<b>01-06-09</b>	<b>01-07-04</b>	<b>01-08-05</b>
<b>01-06-10</b>	<b>01-07-05</b>	<b>01-09-02</b>
<b>01-07-01</b>	<b>01-07-07</b>	<b>01-09-03</b>

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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***

**99-04-04**

On probation and monitoring until December 15, 2002 with RSS Testing - ***In compliance***

**01-01-03**

On Probation and monitoring until February 12, 2003 – ***In compliance***

**01-01-04**

On Probation and monitoring until February 22, 2003 - ***In compliance***

**01-01-07**

On Probation and monitoring until March 28, 2003 with RSS Testing –***In compliance***

**00-12-03**

On Probation and monitoring until March 28, 2003 with RSS Testing – ***In compliance***

Matt Lang informed the Board that he had talked with Bill Dunham concerning two techs who needed to get licensed to work. He asked “for the record” how long the turn around time is? Lianne Thompson asked Mr. Lang why he was addressing a question that should come to her or OBRT staff. “For the record” licensure takes 14-21 days if complete, for initial or renewal. Barbara Agrimson stated that she did not know the time frame. Further discussion revealed that these two techs had been working on expired licenses and required disciplinary action. Cases involving disciplinary action do not fall into the “normal” licensing time frame of 14-21 days. OBRT staff worked with Epic to help expedite the process and get these two licensees back to work ASAP. Board Chair Agrimson and AAG Parks both clarified the proper procedure for a Board member to follow when approached by anyone about an Investigations matter. The procedure is to refer all persons to staff about the matter and to terminate the conversation.

**EXECUTIVE OFFICERS EVALUATION**

Board Chair, Barbara Agrimson reported that she had met with OBRT staff without Lianne being present to get a true assessment of her performance as Executive Officer. Ms. Agrimson announced that in the next few weeks she would be compiling Lianne’s assessment evaluations and meet with her to discuss her review. Hank Miggins asked if he could give his input. Ms. Agrimson invited any Board member who wished to have their input considered to send it to her.

**EXECUTIVE OFFICER’S REPORT**

Lianne Thompson thanked the Board for their support. She has been going to Salem on a regular basis for E-Government and E- Commerce. The Digital Academy will be starting in November and our database will be the first lookup screen developed as part of the pilot program remarked Ms. Thompson. She explained that licensee lookup screens are needed for example by the Department of Revenue for Child Services, verification of licensure by present or potential employers or other States verifying licensure for reciprocity purposes. She expressed excitedly that she has been working with news media, the public sector, radiologists and limited permit holders to improve licensing and regulatory concerns so they are running smoothly. Ms Thompson announced to the Board that licensing and investigations are unbelievably up over last year. [See attached report for detail.] She then thanked staff for their dedication and hard work.

## **CHAIR'S REPORT: CONFIRM OBJECTIVES AND ACTION STEPS**

Barbara Agrimson, Board Chair made a motion that the Board approve the minutes from the July 13, 2001 OBRT Board meeting. Brian Buckingham seconded. Board unanimously approved.

Ms. Agrimson shared with the Board and staff the following personal objectives:

- 1) Staff development
- 2) Continue education for staff
- 3) OBRT web page- up and running-focusing on automation
  - a) Payment/fee service for licensing and renewals
  - b) CE approval
  - c) LP testing – long term
- 4) Active participation in the “Limited Permit Exam Revision “

Her expectations for the whole OBRT Board are:

- 1) High standards maintained
- 2) Improve relationships with stakeholders
  - a) Direct link with outreach
- 3) Use outreach and website to explain who OBRT is and the Board’s mission.
- 4) Ensure professionalism

Ms. Agrimson made a motion to approve all new licensees staff had previously issued. Brian Buckingham seconded. Board unanimously approved.

Barbara Agrimson asked Lianne Thompson when the new pilot licensee lookup screen will be operating, who responded that it should be sometime in February 2002.

Ms. Thompson announced to the Board that the “Limited Permit Exam Revision” progress has moved slower than she had hoped it would. Rees Stuteville suggested that the limited permit schools should be given to the Department of Education. They could administer the evaluation process of the curriculum being offered.

## **OUTREACH COMMITTEE REPORT – PROPOSED LIMITED PERMIT IN FLOUROSCOPY DISCUSSION**

Rees Stuteville, prepared a report on behalf of the “Outreach” committee, copies were given to Board members and staff. Mr. Stuteville revealed that the Outreach committee had met on 09/20/01 with ABCT Management Services Inc. represented by Mr. Vandermark. ABCT is a mobile company that wishes to utilize limited permit holders in fluoroscopy.

The committee spent over two hours in conversation with Mr. Vandermark concerning patient safety. OBRT statutes do not allow limited permit holders to use contrast. Mr. Stuteville said he does not believe that limited permit holders were ever allowed to do fluoroscopy. Board Chair, Barbara Agrimson met with Mr. Vandermark at the “Limited Permit Exam Revision” meeting. Hank Miggins explained that he felt he did not have the authority to completely speak for OBRT on this issue. Mr. Stuteville explained that ABCT would like to see a 6-10 hour course added in fluoroscopy to the limited permit schools curriculum. Lianne Thompson stated that she’d write a letter to ABCT and advise them that

OBRT sympathizes with their needs at this time; limited permit holders cannot be used for fluoroscopy. Matt Lang asked if OBRT is consistent with the statutes of Radiation Protection Service (RPS). Ms. Thompson said that OBRT cannot speak of RPS statutes. Brian Buckingham shared with the Board that when RPS comes into his hospital they are very forthright on OAR Chapter 333 and training. He feels they are wanting to offer a waiver on fluoroscopy. Hank Miggins suggested that Lianne Thompson draft letters to RPS stating OBRT's position on fluoroscopy and one to ABCT. Mr. Lang asked the Board, "Why waste time on hear say?" Mr. Miggins replied, "This is not hear say." He asked for Ms. Thompson to clarify the requested explanation letters. Ms. Thompson reiterated one letter to ABCT denying request at this time with a copy to RPS. Second letter to RPS, explaining OBRT's position with a voiced explanation from stakeholders. Edna Marr made a motion to have Lianne Thompson write letters as Mr. Miggins had suggested. Hank Miggins seconded. Board unanimously approved.

## **PUBLIC COMMENT**

Board Chair, Barbara Agrimson asked if there was any public comment. No reply.

She then handed Brian Buckingham, Past Board Chair his gavel and thanked him on behalf of Board and staff for all his continued efforts. Mr. Buckingham acknowledged the Board has come a very long way. He then thanked Hank Miggins and Rees Stuteville for joining the Board

Hank Miggins suggested to the Board that the various committees need to meet and get a work plan for what needs to get done and setup a manageable schedule. Brian Buckingham commented that Board Development had gotten off to a good start, but that everyone is very busy in his or her everyday jobs etc. Edna Marr said "she is overwhelmed with commitments right now.

Rees Stuteville asked if there will be any committee meetings in the month of December? Mr. Buckingham said he would like to see a meeting closer to him. Matt Lang has time during the week and he and Hank Miggins could drive down to met with Mr. Stuteville. Mr. Miggins explained that organization committee meetings need face to face contact of some type between Board meetings. He suggested that schedules be set up.

The various committee schedules are as follows:

- Investigative Committee – January 17, 2002 - 1:30 PM
- CE Committee – will organize
- Board Development Committee – December 07, 2001 – 3:30 PM
- Limited Permit Exam Revision Committee – will organize
- Outreach Committee – December 07, 2001 – 9:00 AM
- Legal Committee – December 07, 2001 – 1:00 PM (if possible)

The meeting was adjourned at 1:50 PM.