

Tennessee Board of Radiologic Imaging and Radiation Therapy

Tuesday, January 17, 2023

MINUTES

The meeting of the **Tennessee Board of Radiologic Imaging and Radiation Therapy** was called to order at 9:20 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Karen Munyon, Board Chair.

Board members present: Kae Fleming, RT(R)
 Karen Munyon, BSRT(T) (CT)
 Patrick Brazan, CNMT
 Jennifer Thompson, RT (R)(QM)
 Gary Podgorski, MD
 Chester Ramsey, PhD, DABR

Board member(s) absent: Pamela Ward, RT(R) (M) (CT) (BD)

Staff present: Stacy Tarr, Executive Director
 Michael Varnell, Office of General Counsel
 Rene Saunders, M.D., Medical Consultant
 Rowland Mann, Board Administrator

Ms. Munyon a conducted a roll call of the Board members present. Ms. Munyon called the meeting into order at 9:20 am.

Approval of Minutes

Minutes from the October 11, 2022 meeting, were presented for approval. Ms. Fleming made a motion to approve the minutes and Ms. Thompson seconded the motion. The motion passed.

Minutes from the November 29, 2022 taskforce meeting, were presented for approval. Ms. Munyon noted Dr. Podgorski was listed as being present at the meeting and asked the minutes be amended to reflect Dr. Podgorski was not present. Ms. Fleming made a motion to approve the minutes with correction and Mr. Brazan seconded the motion. The motion passed.

Office of Investigations' Report

Mr. Roger Knowlton, the Intake Coordinator for the Office of Investigations gave the report for 2022. Mr. Knowlton reported eight new complaints have been opened and eleven have been closed. Of the closed complaints, three was closed for insufficient evidence, three were referred to the office of general counsel, two were closed with no action, and three were closed with a warning letter. Of the eight new complaints, two were for unprofessional conduct, four were for a lapsed license and two were for drug diversion. Upon hearing no questions, Mr. Knowlton concluded his report.

Administrative Office Report

Ms. Tarr gave the administrative office report. Ms. Tarr stated since the time of the previous meeting, seventy-five applications for Medical X-ray Operator had been received and seventeen licenses were reinstated. The current number of full licensees is 3149 and 1025 limited scope licenses. Upon hearing no questions, Ms. Tarr concluded her report.

Office of General Counsel Report

Mr. Michael Varnell gave the report. Mr. Varnell gave the statistics for disciplinary action as follows: the total number of Xray Operators being monitored for discipline is twelve; the total number on reprimand is five; the total number on probation is one; the total number on suspension is one; the total number that have had their license revoked or surrendered is five; the total number of DO x-ray operators currently monitored for discipline is zero. Upon hearing no questions, Mr. Varnell concluded his report.

New Business:

Receive update from taskforce members regarding November 29, 2022 Meeting

Ms. Munyon explained select members of the Board met on November 29, 2022 met as part of a taskforce to review the proposed rules and make recommendations based on the THA redline version of the rules. A member of THA as well as a member of the public from a private clinic were present and involved in the November 29, 2022 meeting. Ms. Munyon asked if there was and discussion on the taskforce recommendations. Ms. Thompson asked if there was any clarification on the topic of allowing a grandfather clause from the Office of General Counsel. Mr. Varnell stated if the Board Adopts the rules at this meeting, they will move forward with a Rule Making Hearing and then the Rules would be reviewed by the Office of General Counsel before being submitted to the Attorney General's Office for approval. Mr. Varnell stated seeking feedback from the AG's Office before completing the other necessary steps would slow down the process. Ms. Fleming asked Mr. Varnell to go through the steps needed, Mr. Varnell stated if the Board approved the rules at this meeting, a 52 day wait period would be required before a rule making hearing, followed by a review by the Office of General Counsel, and then reviewed by the AG's office.

Dr. Podgorski asked the reasoning for the length of 75 days for an exemption from licensure for those who have recently passed the certifying exam. After brief discussion regarding the length of time and the necessity for this exemption, Dr. Saunders pointed out the exemption and length was taken directly from Public Chapter 1029 and could not be changed by the Board.

Ms. Fleming brought up the rule section which states “Licenses shall be in a location visible to all patients receiving radiologic imaging or radiation therapy.” The Board discussed the issues with hospitals having a large number of employees whose licenses would need to be displayed and possible solutions to this problem. Mr. Varnell pointed out that had been taken from the Public Chapter and cannot be changed by the Board.

Dr. Ramsey expressed concern regarding the full certification not including bone densitometry. Ms. Fleming stated the exclusion of bone densitometry was taken from the Public Chapter and could not be changed. Dr. Ramsey asked if bone densitometry would or could be included in the temporary exemption in the taskforce recommendations to allow licensees currently working in certain modalities to be exempt from obtaining additional accreditation and to have this modality specifically added to the exemption. The Board discussed adding bone densitometry to the definition of specialty areas and removing it from the definition of full certification. Dr. Ramsey made a motion to accept these changes, Dr. Podgorski seconded, and the motion passed.

Dr. Ramsey stated the requirement for exemption regarding verification from a supervising physician that an applicant has been employed in a certain function during the last 12 months could be problematic because the physician in a hospital would likely not be the applicant’s direct supervisor or employer and could not make that verification. Dr. Saunders stated the issue seemed to be the wording, but not the intent of the requirement and the Board could change the wording of the section. Mr. Ramsey made a motion to change the “has been employed” to “has performed procedures” in the requested specialty areas. Dr. Podgorski seconded and the motion passed. Ms. Munyon stated the same language was used in the section related to limited scope licensure. Ms. Fleming motioned the same change be made to the section. Dr. Ramsey seconded and the motion passed.

Ms. Fleming asked if the application documents and forms would be prepared at a later date. Ms. Tarr explained new documents would be prepared and the Board could discuss those at a later date while the Proposed Rules were being reviewed.

Ms. Munyon pointed out several items from the THA redline version were removed by the taskforce and asked for any further discussion. Mr. Varnell asked to review the edits made by the Board to the taskforce recommendations. Ms. Munyon re-read the edits and Mr. Varnell confirmed everything matched his own notes. With no further discussion, Ms. Fleming motioned to accept the taskforce recommendations from November 29, 2022 with the edits made by this meeting of the full Board. Ms. Thompson seconded and the motion passed.

Remediation of X-ray Operators and Limited X-Ray Operators

Ms. Tarr stated this topic came to the Board from the Administrative staff. She explained this would eventually come to the Board when applicants began interviewing before the Radiologic Board instead of the Board of Medical Examiners. Remediation is required by most Professional Boards for applicants who have been out of practice for a certain amount of time. Ms. Tarr said the intent at this meeting was not to create a policy, but to discuss the topic in preparation of future policy discussions. The Board discussed possible options for remediation and at what length an applicant should be considered out-of-practice. Dr. Saunders recommended the Board give the topic some thought as it pertains to their current practices as well as their purpose of protecting the public health of Tennessee and when the Board next meets, a concrete policy could be prepared.

Public Comment

Cindy Lockett-Gilbert introduced herself as a member of the Society of Nuclear Medicine, a molecular imaging technologist advocacy group. Ms. Gilbert asked Mr. Varnell when the changes to the proposed rules would be made available to the public. Mr. Varnell stated the new proposed rules would be made public when the Rule Making Hearing was scheduled, which would be at least 52 days after a notice is filed with the Secretary of State. She then asked if during the Rule Making Hearing, the Board would take public comments, which Mr. Varnell confirmed. Ms. Lockett-Gilbert then asked the Board to consider the definition of “performed procedures” required to qualify for an exemption and to look at the number of procedures with more context, such as the procedures performed over a specific amount of time or as a percentage of total procedures performed.

Paul Searfoss stated his concern over the posting of licenses in hospitals. He stated in some locations, hospitals do not post employees last names for safety reasons, and a requirement to post the license would cause issue with this. Mr. Searfoss stated he had taken a Continuing Qualifications Requirement exam, which is required by the ARRT every 10 years. He also said most employers have training for employees and keep those records to meet their own requirements and inspections. Mr. Searfoss asked the Board consider both of these when they discuss remediation for applicants.

With no further business to discuss, Ms. Munyon asked for a motion to adjourn. Ms. Fleming made the motion and Dr. Ramsey seconded. The motion passed and the meeting adjourned at 11:50 am. The next scheduled Board meeting is April 19, 2023.