

# Tennessee Board of Radiologic Imaging and Radiation Therapy

Tuesday, January 18, 2022

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## MINUTES

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The meeting of the **Tennessee Board of Radiologic Imaging and Radiation Therapy** was called to order at 9:08 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  
   Chester Ramsey, PhD, DABR  
   Jennifer Thompson, RT (R)(QM)  
   Gary Podgorski, MD

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

Staff present:                      Angela Lawrence, Executive Director  
   Stacy Tarr, Administrative Director  
   Francine Baca-Chavez, Office of General Counsel  
   Rene Saunders, M.D., Medical Consultant

Ms. Lawrence initiated a roll call for the Board members. Ms. Munyon called the meeting into order at 9:08 am.

### **Election of Officers**

Currently, the Board Chair is Ms. Karen Munyon, and Vice Chair is Ms. Kae Fleming. Dr. Podgorski made a motion to re-elect the current officers. Mr. Brazan seconded the motion. The motion was passed by roll call.

### **Approval of Minutes**

Minutes from the October 12, 2021, were presented for approval. Ms. Fleming made a motion to approve the minutes. Ms. Thompson seconded the motion. The motion passed by roll call.

### **Office of Investigations' Report**

Ms. Jamie Byerly introduced herself to the Board.

Ms. Byerly stated that there are currently no new complaints. In the year of 2021, the Office of Investigation opened twenty-one (21) complaints, and nineteen (19) of those complaints were closed. Three (3) of the complaints were closed for insufficient evidence. There were nine (9) complaints sent to the Office of General Counsel, and there were six (6) complaints that were closed with no violation. One (1) of the complaints were closed with a letter of warning. Ms. Byerly stated that letter of concerns or warnings are not reportable to the National Practitioner Data Bank.

Ms. Byerly stated that one (1) of the complaints was filed due to an allegation of substance abuse, six (6) complaints were opened for lapsed license practice, and two (2) complaints were opened for unprofessional conduct. Ms. Byerly stated that eight (8) complaints were opened for lapsed license practice, two (2) complaints were opened for criminal convictions, one (1) complaint was opened for mental and/or physical impairment, and one complaint (1) opened for drug diversion.

### **Disciplinary Coordinator Report**

Ms. Baca- Chavez introduced herself to the Board.

Ms. Baca- Chavez stated that there were nineteen (19) x-ray technicians currently being monitored. Ms. Baca- Chavez stated that of the nineteen (19) x-ray technician being monitored, there are fifteen (15) that are on reprimand with terms and four (4) of them are revoked with terms.

### **Office of General Counsel Report**

Ms. Baca- Chavez stated that the Board's Rules are currently being reviewed by the Government's Operation Committee. Ms. Baca- Chavez stated the Committee could approve the rules or stay the rules. Ms. Baca- Chavez explained that staying the rules would pause the process. Ms. Baca- Chavez stated the Board is close to ninety (90) days away from the rules becoming effective. Ms. Munyon asked if the funds would be transferred to the new Board.

Ms. Baca- Chavez stated that this Board would start with a deficit. Ms. Baca- Chavez explained that the Board being in a deficit could be explained to the Government's Operation Committee.

Ms. Munyon asked about the process of renewing a license for licensees that would need to renew during the ninety (90) days of the rules being finalized. Ms. Lawrence stated the licensee would be able to renew their information would transfer over to the new profession code. Ms. Munyon asked about the process to transfer over current licensees to the new Board. Ms. Tarr explained that the current and active licensees will be transferred to the new profession code. Ms. Tarr stated that the license numbers will be able to transfer over to the new Board as well. Ms. Tarr also explained that the current licensees under the profession code sixteen (16) will be under profession code fifty-two (52), when the new Board is active. Ms. Tarr also explained that once the rules were on the Secretary of State's website the licensing system would be in a shutoff period for a period during the ninety (90) days, for the IT department to transfer and add appropriate licensee information into the new profession.

## **Discussion about Changing Wording of the Rules**

Dr. Podgorski asked about the ability to change words or phrases within the rules.

Ms. Baca- Chavez explained that the rules were being reviewed in the Attorney General's Office. Once the rules are accepted, the wording could be changed at a later time with same process. However, since the rules were currently being reviewed changing words or phrases is not available at the moment. Dr. Saunders stated that some of the word choices in the rules were based on statute. Dr. Saunders explained that rule making process can be initiated again if there are components of the rules that need to be changed. Ms. Baca- Chavez explained the Board review process, which would require each Board to submit their rules to the legislature. This process would have to be done by December 2023. Ms. Baca- Chavez explained that it should be simpler for the Board because the rules are newer.

Ms. Thompson asked about a grace period for May 2022 graduates that have 75 days to apply for licensure after completing their exams. Ms. Tarr explained that the administrative staff should be able to input applicant's information into the licensing system. Ms. Tarr stated that she does not foresee an issue for the May 2022 graduates. Ms. Lawrence explained that administrative staff should be able to enter the information into the licensing system during the ninety (90) days, then later be able to approve the applications.

## **Financial Report**

Ms. Tarr explained that Board currently does not have a financial report. However, at the next meeting there will be a financial report.

## **Reviewing Policy Statements**

### **Criminal Background Check Policy-**

Ms. Munyon asked what the course of action would be if an applicant's fingerprints were rejected twice. Ms. Lawrence explained that if an individual's prints were rejected twice that vital records would be used. This would include date of birth and their social security number. Ms. Fleming made a motion to accept the Criminal Background Check Policy. Mr. Ramsey seconded the motion. The motion was passed by roll call.

### **Lapsed Licensed Policy-**

Ms. Baca- Chavez explained that the Board would need to choose the dollar amount for each month of lapsed license policy. Ms. Baca- Chavez stated that this policy is standard. Dr. Saunders mentioned the Board may want to change the wording for "X-Ray Operators" to a phrase that would encompass all of the new licensees.

Ms. Fleming asked that "X-Ray Operator" be removed from the Criminal Background Check policy.

Ms. Munyon asked for clarity that the Board went back to review the complete background check policy.

Ms. Baca- Chavez suggested that the Board remove “X-Ray Operator” from heading for the criminal background check policy.

Ms. Fleming made a motion to remove “X-Ray Operator” from the heading of the criminal background policy. Mr. Ramsey seconded the motion. The motion was passed by roll call.

Dr. Podgorski suggested that the wording in the lapsed license policy to explicitly state the individual should not be working as a radiologic imaging or radiation therapy professional.

Ms. Munyon stated the policy should read, “However applicable law prohibits an individual from working as a radiologic imaging or radiation therapy professional, unless he/she has an active license.”

Dr. Saunders asked the Board if they were comfortable with the sixty (60) day grace period in paragraph three (3). Dr. Saunders mentioned that sixty (60) days is not uniform for all boards’. Dr. Saunders also asked if the Board wanted to keep one hundred (100) dollars as the fee for the Agreed Citation.

Ms. Baca- Chavez explained that currently x-ray operators are fined one hundred (100) dollars per month for lapsed license practice. Ms. Baca- Chavez asked the Board what amount would be sufficient.

Ms. Munyon asked Dr. Saunders how often the administrative staff has to send out Agreed Citations. Dr. Saunders stated that it happens regularly, but the majority of the Agreed Citations are for less than or six (6) months of lapsed license practice. Ms. Munyon explained that she asked the question because she wanted to know if the amount seems to a sufficient deterrent for lapsed license practice. Ms. Tarr explained that one hundred (100) dollars is typically the standard fee for most Boards except the Medical Doctors.

Ms. Thompson inquired about how lapsed license practice is identified administratively. Dr. Saunders explained that the lapsed license fee will only be presented when an individual provides employment history that indicates they worked in a physician’s office or the equivalent. Ms. Fleming asked what happens for the individual after the sixty (60) calendar days. Dr. Saunders explained that the individual’s application will be sent over to the Office of Investigations for a complaint to be opened. The Office of Investigations will investigate the claim. If the individual is found to have been working on a lapsed license for greater than six (6) months, then the individual is served a Consent Order with the terms listed for their license. Ms. Baca- Chavez reiterated that an Agreed Citation is sent to an individual if their unlicensed practice is less than six (6) months. If unlicensed practice is greater than six (6) months, the information will be sent to the Office of Investigations and then the Office of General Counsel.

Ms. Munyon asked for clarification the in paragraph four (4)(a) will the administrative staff report to the National Practitioner Databank and to the ARRT. Dr. Saunders explained that currently the administrative staff does not report lapsed license practice to the ARRT.

Ms. Baca- Chavez explained that currently it is mandated to report lapsed license practice to the National Practitioner Databank, but it is not currently mandated for the current Board to send this information to the ARRT. Ms. Baca- Chavez explained that the Board can amend each policy.

Ms. Thompson stated that failure to report unlicensed practice to ARRT would be an ethical violation as an individual. Ms. Thompson explained that she believes the Board should report unlicensed practice to the ARRT. Mr. Brazan stated that reporting unlicensed practice to the ARRT should be added to the policy. Ms. Fleming explained that reporting this information would not cause for an individual to have their certification revoked.

Mr. Brazan made a motion for paragraph 4(a) of the policy to be modified and add the phrase “the licensees’ national credentialing body” be added to the lapsed license policy.

Ms. Fleming asked if the modification needed to be added now or the policy be amended as whole later in the meeting. Ms. Baca- Chavez stated that the option is for the Board to decide. Ms. Munyon stated that motion made earlier by Mr. Brazan was not seconded. Ms. Baca- Chavez reiterated that the motion(s) to modify the policy could be voted on individually or collectively.

Mr. Brazan amended his original motion to address the phrase of “the licensees’ national credentialing body” being added to paragraph four (4)(a) and paragraph five (5)(e). Ms. Fleming seconded the motion. The motion passed by roll call.

Ms. Fleming made a motion to modify the introductory paragraph line three (3) to add the statement, “Working as a radiologic imaging or radiation therapy, unless he/she has an active license,” and add the statement to paragraph four (4)(b),” this remedy is only available to those radiologic imaging or radiation therapy professionals who have practiced on an expired license for less than six (6) months.” Ms. Thompson seconded the motion. The motion passed by roll call.

Dr. Podgorski made a motion to set the fine amount at one hundred (100) dollars per month as the fine in paragraph four (4). Ms. Fleming seconded the motion. The motion was passed by roll call. Dr. Podgorski amended his previous motion to set the fine amount at one hundred (100) dollars per month as the fine in paragraph four (4) and paragraph five (5). Mr. Brazan seconded the amended motion. The amended motion was passed by roll call.

Ms. Tarr reiterated that the expired or retired licensees from the profession code sixteen (16) will not transfer to the new profession code fifty-two (52).

### **Reviewing Applications and Forms**

Ms. Munyon recommended removing the phrase “x-ray operator” from page one (1) of the instruction sheet. Ms. Tarr explained that she can make changes to the application during the meeting for the Board to review.

Ms. Thompson explained that page two (2) of the application should replace the modality listed as “Radiologic Technologist (RT),” because technically each category of the practitioners is considered radiologic technologists. Ms. Munyon explained that “Radiographer (R)” should be added to the list. Ms. Fleming provided additional distinctions between a radiographer and a radiologic technologist. Dr. Saunders and Ms. Munyon agree that the modality “Radiologic Technologist (RT)” be replaced by “Radiographer (R).”

Ms. Munyon asked about the requirement of the Declaration of Citizenship form being notarized. Dr. Saunders explained that the form was created by the Department of Homeland Security and the form is required to be notarized. Dr. Saunders mentioned that there are online notaries who make it possible for those who may have trouble finding a notary nearby.

Mr. Ramsey made a motion to amend the changes made to the full application as stated. Dr. Podgorski seconded the motion. The motion was passed by roll call.

The Board members stated that Radiographer (R) needed to be added to full the upgrade form. Mr. Ramsey made a motion to amend the form to add Radiographer (R). Dr. Podgorski seconded the motion. The motion was carried by roll call.

The Board members reviewed the limited application to make page corrections. Ms. Tarr explained each page’s purpose. Ms. Munyon listed the corrections needed to be made to the limited application: page one (1) of two (2) needed to remove “or Radiation Therapy Professional” at the top of the page instructions page, page one (1) of two (2) needed to add “state licensing Boards” to number two (2) on the instruction page, and page one (1) of six (6) of the application needed to remove “Radiation Therapy Professional, and the affidavit be added to the limited application.” Ms. Fleming made a motion to amend the changes made to the limited application. Dr. Podgorski seconded the motion. The motion was passed by roll call.

The Board members listed the corrections that needed to be made to the limited upgrade form. Adding “TOTAL UPGRADE LIMITED LICENSE FEE of \$25.00” to page one (1) page and including “requires” before the attachments needed for each upgraded on page one (1). Mr. Ramsey made a motion to amend the changed made not the limited upgrade form. Dr. Podgorski seconded the motion. The motion passed by roll call.

With no further business to discuss, the meeting was adjourned at 11:58 am.