



Tennessee Board of Radiologic Imaging and Radiation Therapy

Tuesday, January 26, 2021

MINUTES

The meeting of the **Tennessee Board of Radiologic Imaging and Radiation Therapy** was called to order at 9:00 a.m, via WebEx.

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

Board member(s) absent: Spencer Madell, MD

Staff present: Angela Lawrence, Executive Director
 Stacy Tarr, Administrative Director
 Candyce Waszmer, Administrative Director
 Peyton Smith, Office of General Counsel
 Rene Saunders, M.D., Medical Consultant
 Tammy Hulsey, Administrator

Ms. Lawrence made opening remarks to the Board and provided an overview of the requirements for a special meeting by teleconference. All the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters considering the covid-19 pandemic. Ms. Fleming motioned for approval to conduct the meeting electronically for this purpose and Mr. Brazan seconded the motion. A roll call vote was taken, and it passed. By roll call confirmation all members present confirmed they received all meeting materials prior to this meeting. The teleconference was then turned over to the President of the Board, Ms. Karen Munyon.

Approval of Minutes

Minutes from July 21, 2020 were presented for approval. Ms. Fleming made a motion to approve the minutes. Mr. Podgorski seconded the motion. The motion passed.

Financial Report

Ms. Alicia Grice introduced herself to the Board and reviewed the fiscal year ending 2020 financial report. The Board has total direct expenditures of \$40,854.10, allocated expenditures totaling \$11,848.10, total expenditures of \$52,703.01 and Board fee revenue of \$2,426.51 She stated the Board is currently \$293,558.78 in the Red.

Ms. Alicia Grice explained how staff allocates their time in regard to how much time is spent working on that profession. She stated she anticipates this number to increase as the Board starts to complete its daily operations.

Ms. Grice stated she's unsure how long it would take the Board to regain a positive cumulative carryover; however, she's happy to run the current number proposal and reach back out to the members at their next meeting.

Ms. Fleming requested the heading of the Financial report display as the Radiologic Imaging and Radiation Therapy Board rather than X-Ray Technicians.

Investigations Report

Ms. Leonard introduced herself to the Board. Ms. Leonard stated there are currently thirteen (13) x-ray operators monitored under reprimand, one (1) under probation and three (3) revocations.

Ms. Leonard stated these are the current x-ray operators that are licensed under the existing Board of Medical Examiners.

Ms. Leonard reviewed the investigative report with the Board. In the year 2020, fifteen (15) new complaints were opened, out of those fifteen (15), two (2) were for unlicensed practice, two (2) were for unprofessional conduct, one (1) for violation of a board order, seven (7) were for working on a lapsed license, one (1) for practice beyond the scope, and two (2) for continuing education violation. The Office of Investigations closed eighteen (18) complaints.

Ms. Leonard discussed the difference between a letter of warning vs. a letter of concern.

Dr. Saunders stated the Board of Radiologic Imaging and Radiation Therapy should not be charged with any investigative fees incurred until they are up and functional.

Dr. Saunders discussed the current Board of Medical Examiners' policy statements for X-Ray Operators in regard to working on a lapsed license and continuing education violation.

Mr. Smith concurred with Dr. Saunders' statements regarding the current Board policies and stated this is something the Board will have to take up once the rules are approved, and they are operational.

Sunset Hearing Update

Ms. Munyon stated she attended the Sub Committee of the Joint Operation Committee for the Board of Radiologic Imaging and Radiation Therapy. She stated there were several questions regarding if this Board needed to exist since they're currently residing under the Board of Medical Examiners. Ms. Munyon stated the committee questioned the certification of these individuals and asked about the harm these types of licensees can ensue on the public. Ms. Munyon stated upon discussion of the Joint Operations Committee, they voted to recommend the extension of the Board of Radiologic Imaging and Radiation Therapy until 2025.

Alexa Witcher, Assistant Commissioner of Legislative Affairs for the Department of Health, addressed the Board stating procedurally the next steps will be two (2) bills will be drafted and filed, one by the Chairman of the Senate and one (1) by the House. There will be one more hearing in the Joint Operations Committee, both house bills will have to be approved in order for this Board to be extended. Ms. Witcher stated the Legislative team will be sure to keep the Board updated and inform them of the House Bill numbers when they have them.

Mr. Smith stated procedurally, once we approve the current rules that were sent for your review for this meeting, they will go through internal review process and then to the Governor's Office for approval. Once the Governor's Office approves, the Board will conduct a Rulemaking Hearing. The Rules will then go back to the Governor's Office and then onto the Attorney General's Office for legality purposes. The Rules will then be filed with the Secretary of State's Office with a ninety (90) day waiting period, at the end of this time period the Board will appear before the Joint Operations Committee for final approval.

Promulgate Rules and Regulations in Accordance with Public Chapter 1029

A discussion ensued regarding questions that have arisen regarding the rules while in the internal review process. Mr. Smith stated he added a definition to clarify specialty areas, credentials, endorsements and what each of those mean and who issues them.

The Board discussed the need to add a definition regarding nuclear medicine; however, the Board felt if they defined one specialty, they would need to define each single specialty. The Board determined and requested fluoroscopy be removed and add radiation therapy since it is a broader category.

Mr. Smith discussed the major changes he made to the current draft rules. These changes included using the term licensed physician rather than licensed practitioner; Mr. Smith stated this clarifies the statute. The Board also discussed reactivation of a retired license vs an expired license. The Board agreed with the changes Mr. Smith proposed in the draft language.

Mr. Smith discussed per diem with the Board and stated each member is entitled to travel expenses and per diem per statute. Other Board statutes are specific to the amount each member received; however, this statute is not specific. The Board determined a \$100.00 per diem fee would be adequate with the option to decline. Ms. Lawrence stated, this would not be retroactive, this would take place once the rules are established and effective for this Board. Upon further discussion, Ms.

Fleming made a motion to set the per diem at \$100.00. Ms. Ward seconded the motion. A roll call vote was conducted, all were in favor.

Mr. Smith's interpretation would be that this would take place as the Board moves forward and would not need rules in place for this implementation; however, it would not be retroactive. Ms. Lawrence stated she would speak to Ms. Grice to be sure this is adequate.

Public Comment

The opportunity for public comment was offered. Ms. Ashley Thompson stated she was just an attendee and had no questions at this time. Mr. Bradley Kelley stated he appreciates this Board's progress and looks forward to the implementation of this Board.

With no further business to discuss, the meeting was adjourned at 11:03am.

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