

BOARD OF RADIOLOGIC IMAGING AND RADIATION THERAPY

Emergency Board Meeting

May 12, 2022

MINUTES

An emergency WebEx meeting of the **Board of Radiologic Imaging and Radiation Therapy** was called to order at 12:25 p.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Karen Munyon, Board Chairperson.

Members Present: Kae Fleming, RT(R)
 Karen Munyon, BSRT(T) (CT)
 Jennifer Thompson, RT (R)(QM)
 Gary Podgorski, MD
 Chester Ramsey, PhD, DABR

Absent Members: Patrick Brazan, CNMT
 Pamela Ward, RT(R) (M) (CT) (BD)

Staff Present: Angela Lawrence, Health Related Boards
 Director
 Francine Baca-Chavez, Advisory Attorney
 David Silvus, Chief Deputy General Counsel
 Stacy Tarr, Administrative Director
 Daja Green, Board Administrator
 Michael Varnell, Assistant Attorney General

Ms. Tarr made opening remarks to the Board. Ms. Tarr conducted a roll call of the Board members to confirm attendance. Ms. Tarr ensured all the Board members were able to hear the roll call. Then, the Board members stated if there was anyone in their presence. Ms. Tarr explained the purpose of the meeting was to discuss and consider the withdrawal of pending licensure rule 0880-15.

Mr. Ramsey made a motion to proceed with the WebEx meeting. Ms. Thompson seconded the motion. The motion was passed by roll call vote. Ms. Tarr outlined the requirements for a WebEx meeting. Ms. Fleming made a motion to accept the requirements and reasonings for the WebEx meeting. Ms. Munyon seconded the motion. The motion was passed by roll call vote. Ms. Tarr asked the Board members to confirm they had received the appropriate materials for the meeting. The materials being the letters from

the Tennessee Hospital Association and Cameron Sexton, the speaker of the Tennessee House of Representatives. The Board members confirmed they had received each of the letters. Ms. Tarr turned the meeting over to Ms. Munyon.

Ms. Munyon summarizes each of the letters main points highlighting the need of a grandfather clause, consideration of costs for additional educational courses, reviewing the requirements for clinical training to acquire additional specialty areas, and other concerns proposed in each of the letters. Ms. Baca-Chavez stated that the Board is allowed to discuss the letters.

Ms. Fleming made a motion to delay the implementation of licensure rule 0880-15. Mr. Ramsey seconded the motion.

Dr. Podgorski asked for clarification on the proposed motion. Ms. Baca-Chavez explained that she would file a notification with the Secretary of State's office about the withdrawal of the licensure rule 0880-15. Ms. Baca-Chavez explained that the Board would still need to proceed with Board meetings as it is required statutorily. Ms. Baca-Chavez added that the Board would be able to revise the rules and then proceed with the rulemaking and promulgation process at a later date. Ms. Fleming asked for clarification that the rules could be revised and not be discarded completely. Ms. Baca-Chavez reiterated that the rules can be revised, and the Board can proceed with the rulemaking and promulgation process. Ms. Munyon expressed concern about future participation from stakeholders, due to lack of stakeholder's participation in the past. Ms. Munyon stated that it would be concerning to have to complete the rulemaking and promulgation process to potentially have to withdraw the rules again in the future.

Ms. Thompson asked about the scope of practice in licensure rule 1050-03 and how it references the ASRT's definition of scope of practice. Ms. Thompson asked if licensees would need to upgrade their current licenses to reflect the modalities, they are certified and/or practicing. Dr. Podgorski reiterated Ms. Thompson's question. Ms. Baca-Chavez stated that she would review rule 1050-03-.02 (4) and provide an answer after reviewing the information. Dr. Podgorski provided additional commentary and asked about more clarification on the subject matter of modalities and scope of practice.

Ms. Fleming clarified that her motion is to withdraw the licensure rule 0880-15. Ms. Fleming also proposed a question about the refund process for applicants that have applied for licensure. Ms. Baca-Chavez explained that applicants will be refunded their application fee, but they cannot receive a refund for the background check because it is a third-party company. Dr. Podgorski asked why current applicants could not be licensed under the former rules with Board of Medical Examiners'. Ms. Munyon added that she thought the only profession previously excluded in the former rules was radiation therapy.

Ms. Baca-Chavez explained that medical x-ray operators could obtain a license if they are not employed in a physician's office, but it is only necessary for medical x-ray operators working in a physician's office.

Ms. Fleming asked that it be considered that radiographers that have applied be considered for a license under the former rules. Mr. Ramsey stated that many applicants that he spoke with want a refund and to discontinue the licensure application process at this time. Mr. Ramsey suggested providing the applicants an option to receive a refund or continue with the licensure process if possible.

Ms. Munyon stated that radiation therapist that have applied will have to receive a refund because they are not qualified for licensure under the former rules. Ms. Munyon asked if there was any additional commentary. There was no additional commentary. Ms. Munyon reiterated that Ms. Fleming's motion was to withdraw the current rules until further notice.

Ms. Fleming confirmed that was her motion. Mr. Ramsey seconded the motion. The motion passed by roll call vote.

Dr. Podgorski reiterated that the Board has an obligation to have provide applicants with the choice to receive a refund or continue with the licensure process. Dr. Podgorski asked that the applicants receive additional notice from the administrative staff. Mr. Ramsey asked about how a grandfather clause would impact licensees licensed by the Board of Medical Examiners in comparison to those applying for licensure under the Radiologic Imaging and Radiation Therapy board.

Ms. Baca-Chavez explained that medical x-ray operators working in a setting other than a physician's office do not need to be licensed. Ms. Baca-Chavez further explained that only with the new rules would there be the requirement to be licensed in outpatient centers and diagnostic centers. Ms. Baca-Chavez stated that individuals that previously were not required to be licensed could still practice without a license, until the revised rules go into effect.

Ms. Munyon stated that her understanding for creating a grandfather clause was pertaining to licensees being able to be licensed in specialty areas that they are not certified in. Ms. Munyon also stated that her understanding was someone licensed under the previous board would transfer to the new board as well. Dr. Podgorski reiterated that was his understanding as well. Dr. Podgorski stated that he has heard from technologists that their concern is about be not being licensed, but rather not being able to qualify to practice a modality anymore due to not being certified in that area. Dr. Podgorski stated that these were individuals who have already been practicing the modalities for years but not certified in them.

Ms. Fleming made a motion that the meeting be adjourned with no further action items to be discussed. Dr. Podgorski seconded the motion. The motion was passed by roll call vote.

There being no other Board business, the WebEx meeting was adjourned at 1:00 p.m.