



Tennessee Board of Radiologic Imaging and Radiation Therapy

Tuesday, October 2, 2018

MINUTES

The meeting of the **Tennessee Board of Radiologic Imaging and Radiation Therapy** was called to order at 9:57 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243.

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

Board member(s) absent: Matthew Fakes, RT(R)
Spencer Maddell, MD

Staff present: Rene Saunders, M.D., Medical Consultant
Candyce Waszmer, Administrative Director
Tammy Davis, Administrator
Peyton Smith, Office of General Counsel

The meeting was called to order at 9:02 am.

Approval of Minutes

Minutes from April 17, 2018 and July 24, 2018 were presented for approval.

Ms. Fleming made a motion to approve the April 17, 2018 minutes with the addition of each Board member's proper credentials. Ms. Ward seconded the motion. The motion passed. Each Board member will provide Ms. Davis with their proper credentials so that they can be added to the minutes.

Ms. Fleming made a motion to approve the July 24, 2018. Mr. Ramsey seconded the motion. The motion passed and the minutes were approved.

Scheduling of Additional Board Meeting

Ms. Waszmer asked the Board if they would like to convene again in 2018 to expedite the rulemaking process. The Board has met four times thus far and a quorum has not always been

present. In order to approve the rules and get as much representation from the Board as possible an additional meeting would be helpful. She provided a list of possible dates for the meeting to the Board members. After discussion, the Board decided to meet on November 27, 2018. Each Board member expressed availability to attend. Dr. Podgorski stated that he will request off at the hospital in order to attend.

Discussion of the Rules:

Dr. Fleming and Ms. Munyon stated that the revisions to the rules discussed in previous meetings are reflected in the draft rules made available for this meeting.

0880-X-.10 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS AND CONDITIONED OR RESTRICTED LICENSURE

The Board began a discussion regarding Application Review, Approval, Denial, Interviews and Conditioned or Restricted Licensure. Dr. Saunders stated that the language in this rule is standard language across the Board of Medical Examiners. There was no further discussion of this section.

0880-X-.11 MAINTAINING LICENSE, RENEWAL, RETIREMENT AND REINSTATEMENT and 0880-5-.12 CONTINUING EDUCATION

The Board began a discussion regarding Maintaining License, Renewal, Retirement and Reinstatement. Dr. Saunders pointed out that this language is standard language in this section across the Board of Medical Examiners. There was discussion regarding renewal requirements for limited scope operators. Dr. Fleming asked if the section regarding paper renewals should be removed. It was pointed out that there are still licensees who do not have internet access. It was thought to be statutorily required that paper applications are available. Mr. Smith will research this matter prior to our next meeting. The Board stated that, if paper renewal is not statutorily required, they would like to see the paper renewals removed as a renewal option. After discussion among the Board members and administrative staff, it was decided that paper renewals would continue to be made available regardless of whether statutorily required or not.

The discussion continued regarding license reactivation/reinstatement. The discussion focused on the number of continuing education hours required and what proof is required that those hours have been done. Dr. Fleming stated that, for full scope licensees, they cannot retire national certification and reinstate it without additional education. This being said, proof of continuous national certification and submission of continuing education certificates will serve as proof of continuing education credits.

Dr. Fleming asked whether or not continuing education for all years that a license was **expired** is required prior to reactivation. Dr. Saunders said that the BME has a policy to cap the number of hours required when reinstating and that this Board may wish to implement a similar rule/policy. It was decided that this Board will create a rule that mimics the BME policy with a cap of 24 hours. The current requirement for two Tennessee specific requirements was eliminated.

There was discussion regarding different national certification organizations and their CE requirements.

After discussion, it was decided that Mr. Smith will split the requirements for full and limited licenses for both reactivation/reinstatement. Once these sections are separated, they will be reviewed at the next Board meeting for clarity and content.

Dr. Saunders asked for clarification on the requirements that trigger remediation. Currently, the BME policy is that if an applicant who has not practiced in two or more years must perform remedial hours in each of the modalities for which they are applying/reapplying for licensure. Ms. Fleming introduced the idea of giving those applicants some type of “temporary (90 day) license” in order to allow them to more easily obtain remedial hours. Discussion continued regarding whether two years is an appropriate time period before requiring remediation. Ms. Munyon said that, as a radiation therapist, she would not want it to be any longer than two years. Ms. Fleming stated that it shouldn’t be difficult to get the appropriate number of hours in a short time frame. It was decided that the trigger for remediation would be out of practice two years or more. A policy will be developed modeling the current BME policy to maintain consistency when remediation is required. A “temporary” license category will be created to allow applicants to perform remediation.

There was no further discussion and the Board continued to Section .12.

0880-5-.12 CONTINUING EDUCATION

The discussion shifted to how to add additional national organizations in the future without having to go through a rule change. Ms. Waszmer stated that there has historically been a list of approved organizations on the website that can be updated as necessary. The precedent set by the BME is to add a list of acceptable continuing education providers on the website. After much discussion, the Board decided that there will be a list of approved organizations in the rule. The Board will do some homework and report organizations that should be listed in the rule at the next meeting.

Ms. Fleming asked for clarification of 0880-5-.12 CONTINUING EDUCATION (3) (d)(2). She was concerned that the number of CE hours awarded for college courses is low. The Board discussed how many continuing education hours a college course should provide. Ms. Fleming will do some research and report back at the next meeting so that the Board can make a decision regarding college courses and continuing education.

Ms. Fleming suggested that language be added to this section to say that “professionally relevant” courses will be accepted. Mr. Smith will edit the rule to reflect this language.

Ms. Ward expressed concern that application training is not listed in the acceptable continuing education. Dr. Saunders explained that courses not listed can be reviewed for approval prior to the course by submitting the information listed in (3)(b). It was ultimately decided that any course accepted by a national credentialing organization for continuing education credit will be added. Mr. Smith will add this to the rules.

The discussion moved to (4) Violations. Ms. Waszmer reminded the Board that in earlier discussion, the Board discussed the CE audit process and the BME currently has a policy for medical x-ray operators regarding non-compliance with the CE requirement. She suggested that the Board adopt a similar policy. Ms. Fleming asked, if someone falsely attests to obtaining the required CE hours, whether this violation is reported to their credentialing organization due to the fact that this is an ethics violation. Dr. Saunders said that it is not currently reported. She stated that currently, if someone falsely attests, they are issued an Agreed Citation, must

complete the required hours, and complete ten additional hours as a penalty. Ultimately, it was decided that this section will remain as is.

Dr. Podgorski stated that (2) "...No credits will be counted for courses failed" is negative and requested that it be changed. After discussion, the board agreed that this sentence will be changed to read "Credit will only be counted for courses successfully passed."

There was no further discussion and the Board continued to Section .13.

0880-X-13 BONE DENSITOMETRY

The discussion began focusing on those who are exempted from the requirements in 0880-X-.04. Ms. Munyon was concerned with (5) "operators of ionizing radiation equipment who are practicing within the scope of practice of a certification or license granted by another authorized Board or Committee of this state under this title." Mr. Smith and Dr. Saunders clarified that in order to perform bone densitometry you must be certified by a national organization. Also, the scope of practice is the key to making sure that only authorized persons perform this procedure. Ms. Fleming asked why Bone Densitometry is listed as a separate category while other modalities such as CT, MRI, etc. are not listed separately. Mr. Smith stated that in the existing rules, Bone Densitometry is listed separately. Dr. Saunders added that, in other state rules she's looked at, Bone Densitometry is listed separately as well. The Board agreed that this section should be left as is.

The discussion focused on (4)(b) through (d). The Board agreed that these sections are unnecessary and confusing. After discussion, it was decided to delete sections (3)(c) and (d). Section (4)(b) will be updated to state that a state approved basic bone densitometry course must be completed. Section (4) title will be updated to read "Basic Bone Densitometry Course". Mr. Smith will review and update this section for clarity. The revised rules will be reviewed after the updates are made at a future meeting.

There was no further discussion on Section .13.

A discussion began regarding how to administratively display the modalities on a license. After much discussion, it was decided that there will be two categories of licenses: full and limited. A modifier will be added to reflect the appropriate modality on each licensee's certificates.

The Board agreed that Section 13(4)(g)(h), and (i) were all appropriate as written.

The discussion ended and the Board moved to Section .14.

0880-X-14 SUPERVISION

Ms. Munyon stated that there is a typographical error in the first sentence. "...radiologic **imagining**" should read "radiologic **imaging**". Mr. Smith will correct this error. Other than that, the Board agreed that this language is standard. They moved on to (2).

Section (2) regards the employing physician. Ms. Munyon asked for clarification regarding facilities or entities that does not have one "employing" physician. Mr. Ramsey stated that, often, physicians are independent contractors. The discussion ensued regarding how to determine the supervising physician. Dr. Saunders explained that, most likely, this section was geared towards the previous rules where each medical x-ray operator worked in a physician

practice. It was suggested that requiring that a supervising physician must be designated for each licensee be included in this rule. The Board agreed.

Ms. Munyon stated that in reviewing this rule, at least for radiation therapy, it should be designated that the supervising practitioner hold a Tennessee license, and their primary practice be within the boundaries of Tennessee and be capable of being physically present at the site where the services are being provided within a reasonable period of time. She stated that, in her practice, radiation therapists will not perform a procedure without a physician present, but that may not be the case with all radiation therapy practices. It was ultimately decided that there will be two separate sections: one for radiation therapy and one for imaging.

After lengthy discussion, it was decided that Mr. Smith will revise this section as discussed and the Board will revisit it and get additional Board Members input at the next meeting on November 27, 2018.

0880-X-15 LICENSURE DISCIPLINE and CIVIL PENALTIES

The Board read over this section. This is standard language across all the Boards. Ms. Munyon asked for clarification regarding the period of time mentioned in (2)(c). Mr. Smith stated that the period of time is worked out between counsel and the respondent for the Board's ratification.

There was no further discussion and the discussion moved to Section .16.

0880-X-16 OFFICERS, RECORDS, MEETING REQUESTS, REPLACEMENT LICENSES, CONSULTANTS, ADVISORY RULINGS, DECLARATORY ORDERS AND SCREENING PANELS

Ms. Munyon inquired regarding the difference between the Board members' appointments and officers' terms. The rule states that officers' terms are two years. However, her appointment is for one year. Dr. Saunders explained that the Statute states "Upon the expiration of the terms of the initial board members, members shall be appointed by the appointing authority making the initial appointment for terms of three (3) years."

Ms. Munyon asked how we verify a licensee's identity upon requesting a duplicate license (3)(a). Ms. Waszmer responded that we require a written request and confirm the address upon receipt of the request. If they want to change their address, that requires a written request as well. Dr. Saunders stated that license numbers are public information.

Ms. Munyon asked for input from Dr. Saunders on (4) Consultants. Dr. Saunders responded that the language in this section seems to be standard across all the Boards. At this time, this Board's consultant has not been named. Mr. Smith stated that to determine this Board's consultant, a quorum needs to be present and a vote taken on whom the consultant will be.

The discussion ended.

Ms. Munyon motioned to adjourn. Pam Ward seconded the motion. The motion passed and the meeting was adjourned at 2:41 pm.