



Tennessee Board of Radiologic Imaging and Radiation Therapy

Tuesday, April 16, 2019

MINUTES

The meeting of the **Tennessee Board of Radiologic Imaging and Radiation Therapy** was called to order at 9:12 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)
Patrick Brazan, CNMT
Matthew Fakes, RT(R)

Board member(s) absent: Spencer Madell, MD

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

Approval of Minutes

Minutes from November 27, 2018 were presented for approval.

Ms. Kae Fleming made a motion to approve the November 27, 2018 minutes. Dr. Chester Ramsey seconded the motion. The motion passed.

Discussion of the Rulemaking Process:

The Rulemaking process is a very lengthy process. This Board will see more rulemaking processes as time goes on. Rules are a result of mandated or permissive legislation. The legislature granted the Board statutory authority for this Board to be created and to license certain individuals and to promulgate rules. The legislature may create additional statutes that will require rulemaking for something else.

The attorney drafted the rules and discusses them with the Board and revises them as input from the Board is received. Once the Board is comfortable with the rules, you will vote to send these rules to a rulemaking hearing. The rules then go through an internal review process in the following order:

1. Francine Baca-Chavez, Deputy General Counsel
2. Angela Lawrence, Board Director
3. Assistant Commissioner
4. Chief Deputy General Counsel
5. General Counsel
6. Legislative Officer
7. Commissioner of Health
8. Governor

Once the internal review process is completed, the Office of General Counsel (OGC) will file a Notice of Rulemaking hearing with the Secretary of State's office. They have seven (7) days to post the notice on their administrative register website. Board staff will inform all the interested parties (associations, organizations, etc.) that might have an interest and want to comment on these rules. The hearing cannot take place for a minimum of forty-five (45) days after posting on the website, including the seven (7) days that the Secretary of State has to post the notice, for a total of fifty-two (52) days. The Rulemaking hearing will then be held, Mr. Smith will preside over the rule making hearing. All interested persons will have a chance to speak publicly before the Board regarding the rules. Comments can be submitted both writing or orally. The Board will consider and respond to each comment received both writing and orally. The Board can limit the amount of discussion of oral comments. There may be something that the Board didn't consider while making the rules that a member of the public brings to your attention and you decide at that time whether to take any action. Sometimes, you may disagree with the public's comment, but you've considered it and can explain the reasoning of your decision. These comments and responses become part of the rulemaking hearing. Changes made to the rules must be within the scope of the rulemaking notice. Once the rulemaking is held, the packet will be sent to the Attorney General's office for review regarding legality, constitutionality, and form. They will be in contact with OGC of any concerns. Once they are approved, they will be filed with the Secretary of State's office. They will publish them online within five business days. The rules will then become effective ninety (90) days after they are filed. During those

ninety (90) days, the Government Operations Committee will schedule a meeting to discuss the rules. A Board member will be asked to accompany OGC to that meeting in case the committee has any questions about the way the rules were put together or need an explanation/justification. The Government Operations committee can approve the rules and they will be effective for one (1) year. They can also recommend that the rules do not expire and pass an Omnibus bill giving the rules permanent effect. They can also request that the agency repeal, amend, or withdraw the rule before the expiration of the one year period.

Discussion of the Rules:

Dusty York, Clinical Coordinator for Nuclear Medicine Program at Chattanooga State Community College was in attendance at the meeting. Ms. Munyon invited her to the podium to speak to the Board. She asked that Scope of Practice No. 5 be updated to include "Society of Nuclear Medicine and Molecular Imaging" scope of practice for the nuclear medicine discipline. Dr. Saunders stated that the public chapter includes only those organizations that offer certification, not membership.

Lisa Ross, also from Chattanooga State, offered some insight into this discussion by stating that most nuclear medicine techs are certified by both agencies. The prominent professional society is Society of Nuclear Medicine because it is geared specifically towards nuclear medicine.

After much discussion, it was decided that Scope of Practice, No. 5 would be updated to read: "Full licensees may, except as provided in subparagraph A, perform any and all radiographic and radiation therapy procedures or functions that are within the accepted scope of practice for the applicable discipline."

The reference to the ASRT in the definition section will be deleted.

Lisa Ross asked that Society of Nuclear Medicine be added as one of the organizations offering approved continuing education. Dr. Saunders explained that the list of organizations offering approved continuing education, are the courses that are preapproved. She pointed out that, if continuing education is obtained, it can be submitted for Board approval. After discussion, it was decided that SNMI will be added to the list of approved course providers.

It was also decided that the list of approved course providers will be alphabetized for ease of reference.

A review of the currently proposed version of the rules began.

0880-X-.01 DEFINITIONS

Section 01, no. 15. The last sentence “Radiologic Imaging does not include the use of ultrasound” will be removed.” “The use of ultrasound for imaging is not included in this definition” will be added.

0880-X-.02 FEES

Ms. Baca-Chavez stated that Mr. Smith add a waiver of licensure fees clause in Section 2 “Fees”. He added “If an applicant for initial licensure claims a waiver of initial licensure fees under T.C.A. §63-1-161, the applicant shall submit a fee waiver form to the Board’s Administrative Office.” This was added in response to legislation that mandates that a licensing authority shall waive all licensing fees for low income applicants.

0880-X-.03 SCOPE OF PRACTICE

A discussion of grammatical errors/omissions took place. Those corrections will be available in the upcoming version of the Rules/Regulations.

0880-X-.04 LICENSE REQUIREMENT

A discussion of grammatical errors/omissions took place. Those corrections will be available in the upcoming version of the Rules/Regulations.

0880-X-.05 OBTAINING AND UPGRADING FULL LICENSE

A discussion of grammatical errors/omissions took place. Those corrections will be available in the upcoming version of the Rules/Regulations

0880-X-.06 OBTAINING AND UPGRADING LIMITED LICENSE

The reference to rules in (1)(d) is incorrect. It should be updated to read “...type of license sought pursuant to Rule 0880-X-.**08(2)** and Rules 0880-X-.**08(3)**”.

The reference to rules in (5(A)(1) is incorrect. It should be updated to read “...type of license sought pursuant to Rule 0880-X-.**08(2)** and Rules 0880-X-.**08(3)**”.

A discussion of grammatical errors/omissions took place. Those corrections will be available in the upcoming version of the Rules/Regulations.

0880-X-.07 OBTAINING AND UPGRADING LIMITED LICENSE IN BONE DENSITOMETRY

A discussion of grammatical errors/omissions took place. Those corrections will be available in the upcoming version of the Rules/Regulations.

Specifically, (7) Issuance was discussed at length. After much discussion, it was decided that this section will read as follows:

- (7) Issuance – Upon approval for issuance of a bone densitometry license, the Board shall issue one of the following licenses:
 - a. A limited license in bone densitometry
 - b. An upgraded license in bone densitometry
 - c. A full license with bone densitometry endorsement

0880-X-.08 EDUCATIONAL COURSE, APPROVAL AND CURRICULUM FOR LIMITED LICENSE

A discussion ensued regarding the Board's position on online courses. Ms. Baca-Chavez stated that she believes the Board has previously discussed online courses, but she was not privy to that discussion. She asked for clarification of the Board's position regarding this matter. Dr. Ramsey referred to the previous meeting minutes. Those minutes reflect the previous discussion. All courses must be approved by the Board. Currently there are no online courses that are Board approved. It was ultimately decided that online courses will be considered for approval on a case-by-case basis.

Dr. Saunders asked the Board if they wished to continue issuing limited license in Skull/Sinus? She asked this question because, as a practicing emergency room physician, she rarely sees skull/sinus series. Dr. Podgorski stated that he sees those types of x-rays on a daily basis. It was decided that the Board will continue to issue limited licenses in Skull/Sinus.

0880-X-.09 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS AND CONDITIONED OR RESTRICTED LICENSURE

The language in this section is standard language. The Board decided there is no need to make changes to this section.

0880-X-.10 MAINTAINING LICENSE, RENEWAL, RETIREMENT and REINSTATEMENT

(3)(d) will be updated to read as follows: "If requested, after review by the Board, a designated Board member, or the Board's consultant, **the applicant** shall appear before..."

Ms. Baca Chavez referred the Board to 0880-X-.10 (3)(a)2. Currently, the way that this section reads, an applicant who is reactivating a license would need to pay all past due renewal fees AND the late renewal fee. A statute (63-1-107(d)) was affected that changed the reactivation fees. It was decided that this section will be edited to read "...for failure to timely renew, the renewal fee and late fee which may not exceed twice the renewal fee" in order to be consistent with the statutory change.

The late fee vs. reinstatement requirements can be found in T.C.A. 1200-10-1-.10.

0880-X-.11 CONTINUING EDUCATION

Ms. Baca-Chavez informed the Board that a new statute has been enacted that pertains to healthcare providers. It is the Voluntary Provision of Healthcare Services which affords a healthcare provider one credit hour for the voluntary provision of healthcare services. However, there is a limit to the number of credit hours that can be obtained in this manner. Statute 63-6-112 allows for eight hours annually or 20% of the total annual required continuing education. After discussion, it was agreed that a section will be added addressing this issue it will read:

"(4) Voluntary Provision of Healthcare Services – a licensee may satisfy one (1) hour of continuing education through the performance of one (1) hour of voluntary provision of healthcare services. The maximum amount of annual hours that can be received by performing voluntary healthcare services is two (2) hours. Evidence of such voluntary provision of healthcare services must include a letter on official letterhead from the sponsoring organization identifying the date that the voluntary healthcare services were completed and the number of voluntary healthcare service hours that were completed."

"A healthcare provider is defined as a physician, surgeon, nurse, optometrist, or other practitioner of a healthcare discipline the professional practice of which requires licensure..."

A discussion of grammatical errors/omissions took place. Those corrections will be available in the upcoming version of the Rules/Regulations

0880-X-.12 SUPERVISION

No discussion regarding this section.

0880-X-.13 LICENSURE DISCIPLINE and CIVIL PENALTIES

A discussion of grammatical errors/omissions took place. Those corrections will be available in the upcoming version of the Rules/Regulations.

The language in this section is standard language. The Board decided there is no need to make changes to this section.

Dr. Ramsey made a motion to move forward with sending the amended rules/regulations to internal review. Dr. Fleming seconded the motion. The motion passed.

There being no further discussion, the meeting adjourned at 2:39 pm