

# Tennessee Board of Radiologic Imaging and Radiation Therapy

Tuesday, October 11, 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 9:15 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  
Jennifer Thompson, RT (R)(QM)  
Gary Podgorski, MD

Board member(s) absent: Pamela Ward, RT(R) (M) (CT) (BD)  
Chester Ramsey, PhD, DABR

Staff present: Stacy Tarr, Executive Director  
Candyce Wilson, Administrative Director  
Francine Baca-Chavez, Office of General Counsel  
Michael Varnell, Office of General Counsel  
Rene Saunders, M.D., Medical Consultant  
Rowland Mann, Board Administrator

Ms. Munyon a conducted a roll call of the Board members present. Ms. Munyon called the meeting into order at 9:15 am.

### **Approval of Minutes**

Minutes from the July 12, 2022 meeting, were presented for approval. Dr. Podgorski made a motion to approve the minutes and Ms. Fleming seconded the motion. The motion passed.

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

Ms. Dorsey Luther, the Legal Review Coordinator gave the report. Ms. Luther reported that five new complaints have been opened and eight have been closed. Of the closed complaints, one was closed for insufficient evidence, two were referred to the office of general counsel, two were

closed with no action, and three were closed with a warning letter. Of the five new complaints, one was for unprofessional conduct, three were for a lapsed license and one was for drug diversion. Upon hearing no questions, Ms. Luther concluded her report.

### **Administrative Office Report**

Ms. Tarr gave the administrative office report. Ms. Tarr stated that since the time of the previous meeting, 128 applications for Medical X-ray Operator had been received and 24 licenses were reinstated. The current number of full licensees is 3153 and 1053 limited scope licenses. Ms. Tarr introduced Mr. Rowland Mann as the new Board Administrator. Upon hearing no questions, Ms. Tarr concluded her report.

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

Mr. Michael Varnell gave the report. Mr. Varnell gave the statistics for disciplinary action as follows: the total number of Xray Operators being monitored for discipline is 14; the total number on reprimand is 8; the total number on probation is 1; the total number on suspension is 0; the total number that has had their license revoked or surrendered is 5; the total number of DO x-ray operators currently monitored for discipline is 0. Upon hearing no questions, Mr. Varnell concluded his report.

### **New Business:**

#### **Discuss THA Redline of the proposed rules**

Due to the late arrival of the THA redline, Ms. Munyon proposed that the Board take a 20-minute break to review the documents.

Ms. Munyon asked the representative from the THA to step forward so they could discuss the redline version of the Proposed Rules. Estee Harris introduced herself and state that a Member Organization of the THA was also present at the meeting. Ms. Harris stated that the purpose of the THA comments would be for the implementation of a general radiography technologist license to replace the current certification and allowing the grandfathering in of those who have received on the job training and have been performing those tasks for a period of time. Ms. Munyon clarified that the certification was from a national organization and replacing that was not the intention of the Board, but rather to issue state licenses to practice in the area in which a certificate holder is credentialed. Ms. Harris stated that the THA wished to see the Board implement a general license rather than a specialty license. Ms. Fleming stated that she was not opposed to a grandfathering clause, but that she had concerns about how the Board would be able to verify that a person attempting to gain a license under a grandfather clause had performed a certain number of scans and to what level of satisfaction. Ms. Harris introduced Mr. Scott Tongate, the Chief Financial Officer for Macon Community Hospital. Mr. Brazan asked if THA had an idea of what the time frame of cut off would be for grandfathering. Mr. Tongate

responded that the Redline indicated a time frame of 3 years and 500 tests per modality for a full license and 10 years for a limited license. Mr. Tongate stated that as part of the hospital's accreditation, they conduct annual evaluations to prove the competencies of their employees and the scans/tests they perform.

Ms. Fleming asked when the THA redline version had been received by the Board Office. Ms. Harris explained that some confusion at the THA had delayed the sending of the redline and apologized for that delay. Mr. Varnell stated that it had been delivered the previous day at 3:30 pm.

During discussion of a grandfather clause, Mr. Varnell stated that based on the statute, a grandfather clause may not be legally permissible.

Ms. Fleming brought up the timeline and discussion of additional meetings began. The topic of a taskforce was brought up that would be made up of a limited number of Board Members as well as a representative from THA. This Taskforce would meet prior to the next regular Board Meeting to review and revise the proposed rules and report back to the full Board at the next regular meeting. Dr. Podgorski asked to hear from Tim Emerson, who was present with Ms. Harris and Mr. Tongate. Mr. Emerson stepped to the podium and introduced himself as a limited scope tech. He mentioned his concern about how the new rules would affect current limited techs and would put their positions in jeopardy. He asked the Board take that into consideration.

### **Public Comment**

Ms. Munyon asked if there was any other public comment, Ms. Michelle Julian was called up and introduced herself. Ms. Julian asked the Board if there was a way that comments or questions could be posed to the Board virtually at future meetings. Ms. Munyon stated that the necessary technical equipment was not available for the public meetings. Ms. Jillian stated she worked in an office setting, rather than a hospital and outlined the requirements of training of MRI techs that may not be nationally credentialed to ensure competency for facilities similar to hers to maintain an accreditation. On the possibility of creating a taskforce to work on rule revisions, Ms. Julian stated that she and her organization would be willing to be involved due to the fact that the needs of smaller facilities and offices were different than that of hospitals and that type of setting should be represented as well.

Ms. Tarr asked Mr. Tongate, Ms. Harris, and Mr. Everton if they had any further comment as their names were listed among those wishing to make public comment. After speaking earlier, the three declined the opportunity to make further comment.

Ms. Tarr asked if anyone else in the room would like to sign up to speak, Ms. Jodie Strock stepped to the podium and introduced herself. Ms. Strock stated she was there just for a better understanding of why Hospitals were not required to have licensed x-ray techs, but the clinics she oversees are required to have their techs licensed. She stated this past year was the first time she had had clinics have to close because of a shortage of x-ray techs. Ms. Fleming stated that reasoning behind the original rules was that the hospital regulations and oversight would be enough to ensure competency of these techs and the absence of the same regulation and

oversight for office settings indicated a need for licensing to ensure competency. She went on to state that the goal of this Board was to ensure the standard was the same across the Board by requiring licensure regardless of setting. Dr. Podgorski further elaborated that the Boards goal was not to level the playing field, but rather to elevate it and raise the standards for the state of Tennessee.

Ms. Munyon asked for any further public comment. Upon hearing none, Ms. Munyon suggested the Board circle back to the topic of creating a Taskforce to review and revise the proposed rules.

### **Creation of a Taskforce to review and revise proposed rules**

Mr. Varnell stated if the Boards wish is to create a taskforce, they would need to approve a motion to create the task force as well as decide which members would make up the taskforce and to designate representatives from the stakeholders to the taskforce. Ms. Thompson made the motion to create the taskforce, Mr. Brazan seconded the motion. Ms. Baca-Chavez said that the motion would need to identify who would be on the taskforce, the purpose of the taskforce, and identify the stakeholders that the Board wished to include on the taskforce and the specific number of those representatives. After discussion, Ms. Munyon amended the proposed motion -, to create a taskforce to expedite the revision of the proposed rules that would include one representative to be designated by the THA, Ms. Michelle Julian as a representative from a provider's office, and three Board members, to include Ms. Munyon, Ms. Fleming, and Ms. Thompson. Ms. Fleming seconded the new motion. The motion passed.

### **Financial Report**

Ms. Alicia Grice, the Fiscal Director for the Board of Health Licensure gave the Board's Financial report. Ms. Grice reported that the total direct expenditures for fiscal year 2022 was \$52,292.67. No revenue was received in FY2022 and the carry-over balance was -\$ 369,464.80. Ms. Grice stated that once the Board's rules -are in effect and revenue begins to come in, this balance would start to reduce. Ms. Munyon asked about \$25,000 increase in the salaries and wages expense from the previous fiscal year and if it was related to Covid shortage and short staffing. Ms. Grice stated both the backend cost of setting up for the implementation of the new Board Rules earlier in the year as well as the processing of refunds after the rule withdraw were a large part of that increase, as well as pay raises for Board Staff. Ms. Grice explained the Division's reserve balance policy. This Policy states that the target for reserve balance is double the average of the last three years of operating expenses. With the current numbers the goal would be to have a reserve balance of \$85,000 and once the Board began collecting revenue and that balance grew, fee structures could be changed to reflect the need to reach that target. Upon hearing no questions, Ms. Grice concluded her report.

Ms. Munyon expressed her wish to thank Ms. Baca-Chavez for her work with the Board as this would be her last meeting as the Board's advisory attorney.

Ms. Fleming asked for discussion about the available dates for the taskforce to meet. After being provided possible dates by Ms. Tarr and discussing schedules among members, the dates of November 28<sup>th</sup> or 29 were decided on, dependent on which of those two also worked for the THA representative.

With no further business to discuss, Ms. Munyon asked for a motion to adjourn. Ms. Fleming made the motion and Mr. Brazan seconded. The motion passed and the meeting adjourned at 11:45 am.