

DELAWARE AUTHORITY ON RADIATION PROTECTION
SUMMARY OF MEETING

February 25, 2019

Harry Levin Center for Pharmacy History &
Education 27 North Main Street
Smyrna, Delaware 19977

Members Present: (those with checks only)

F. Esposito	√	F. Fisher-Tyler	√	K. Musto	√
I. Turner, Jr.	√	W. Holden, III	√	H. Chen	√
N. Bent		T. Hitchens		M. Higgins	√
M. Finkelstein	√	J. Mack	√	G. Poirier	
J. Wyatt	√				

Guests:

R. Brinsfield	√	K. Shaughnessy	√	D. Hill	√
N. Henry	√	B. Fendt	√	J. Hanes	√
J. Suder		M. Zdradzinski	√		

I. Call to Order/Approval of Agenda

Authority Chair F. Esposito brought the meeting to order at 6:05 pm, with a quorum of ten Authority members. I. Turner, Jr. introduced a motion to adopt the Agenda, amended to add review of Bylaws and Strategic Plan under New Business. M. Higgins seconded the motion, and all voted in favor. The motion passed.

II. Chairman's Comments

Authority Chair F. Esposito welcomed all present to the meeting, and thanked everyone for contributing their personal time and effort to the work of the Authority, providing radiological health protection for Delawareans. In particular, she thanked those members serving on committees for their contributions to the work of the Authority.

III. Approval of Minutes –December 3, 2018

Ivan Turner, Jr. introduced a motion to approve the minutes of the December 3, 2018 Authority public meeting. J. Mack seconded the motion, and all voted in favor. The motion passed.

IV. New Business

F. Fisher-Tyler provided an overview of a new exemption/waiver process necessitated by the Radiation Control Regulations published November 1, 2018, which transitioned

the process for registrants to apply for use of hand-held intraoral dental devices from a variance approved by vote of the Authority, to an exemption or waiver approved by the Agency. She described two applications received prior to the regulation which passed on November 1, 2018, provided a process change summary and copies of letters from the Agency approving waivers for registration no. 1203, Nemours Alfred I. DuPont Hospital for Children, and registration no. 10432, Dental Arts of Delaware. She reported that registrants must submit extensive information in their application, including dosimetry records, listings of all operators with their credentials, training records for users, etc.

F. Fisher-Tyler indicated that the standard of care is essential to ensure safety precautions are in place for the registrations discussed, due high level of reliance on administrative controls which are subject to human error as compared with engineering controls in place for wall mounted units. In both registrants, all of the required safety precautions had been completed, and verified by ORC inspectors who made site visits. She reported that both facilities will be inspected within one year of the approval letter, to review necessary records and ensure conditions specified in the approvals from the Agency are in place. Upon successful inspection, the facilities will be returned to routine inspection frequency for dental facilities. She stated that a Waiver application form is in progress, and upon approval will be posted to the ORC webpage, to facilitate future applications from registrants. I. Turner, Jr. asked whether facilities with hand-held unit waivers would be reported separately in the ORC Monitoring Reports. F. Fisher-Tyler indicated that they can be. There was also a question about whether there is a battery strength indicator on the unit to prevent poor image quality. ORC has approved only those units with battery indicator & control within their technical specification.

ACTION ITEMS: Provide one-year inspection summary to the Authority for registration numbers 1203, and 10432, by mid-year 2020, R. Brinsfield, Office of Radiation Control.

ACTION ITEMS: Modify ORC Monitoring Reports to itemize or highlight facilities Using hand-held intraoral devices in dental practice, R. Brinsfield, Office of Radiation Control.

F. Fisher-Tyler introduced review of the Bylaws and Strategic Plan. There were questions about the required frequency of review by the Authority. The Bylaws (Section 2, line 85) require that periodic review take place every two years. The Strategic Plan in Goals & Objectives, Section II.vi states that review & updating of the strategic plan shall take place at the Authority's first meeting, annually. There was discussion about various goals and objectives, including maintaining ad hoc committees to serve as liaison with the legislature and other elected officials. F. Esposito stated that ad hoc committees can be activated as needed and keeping that language may be of use in the future, regardless of absence of need at current time. F. Fisher-Tyler stated that although there is no current need to stand up an ad hoc committee to address emerging technologies, newer technologies for use of computed tomography (CT) for non-

destructive testing of precision materials and parts is application that has not yet been established in Delaware. Should such a company open in Delaware, an emerging technology committee could convene to study and help the Authority better understand the new technology and its radiation protection or regulatory implications. Ivan Turner, Jr. introduced a motion to approve the Strategic Plan, as written but with review & revision dates corrected. J. Wyatt seconded the motion, and all voted in favor. The motion passed.

F. Esposito led a review of the Bylaws. There was discussion of Article III, Section 1. Members. J. Mack confirmed that the listing of members was incorporated verbatim from Title 16, Section 7404 of the Delaware Code – the enabling legislation for the Authority. Therefore, discussion of changing any content regarding non-public members in this section would not be viable, since that would make the Bylaws different from the Authority enabling legislation. It was agreed that making changes to the Bylaws would not be productive, but that continuing the discussion to pursue criteria for public members could add value to the Authority, such as directors of Vo-Tech Dental Assisting schools. J. Mack asked about text in Article V. Officers, Section 4. Election of Officers, lines 95 -100. Discussion was held, and edits to text determined. M. Higgins introduced a motion to approve the Strategic Plan, with text in Article V. edited as determined by the group, and with review & revision dates corrected. J. Wyatt seconded the motion, and all voted in favor. The motion passed.

ACTION ITEMS: Develop language describing recommended criteria for public members, for review by the Authority to address the issue of the two vacant posts, F. Fisher-Tyler, F. Esposito.

ACTION ITEMS: Determine resolution of two vacant posts, to enable notification of the nominees that they will, or will not be appointed by the Governor's Office, Boards & Commissions Office, F. Esposito.

V. Informational Updates

F. Fisher-Tyler briefly reviewed the Radiation Control Program Report, and reminded the membership that the Bylaws, Strategic Plan, final public meeting minutes, and other Authority documents are posted to the Authority webpage:

www.deradiationprotection.org.

R. Brinsfield reviewed the ORC Monitoring Reports for calendar year 2018, with comparisons to previous years. He indicated that the handouts were numbered, and would be collected prior to the end of the meeting. He described each category in the report, beginning with Number of New X-Ray Rooms subject to shielding plan review by ORC-registered Radiation Service Provider & issuance of "Approval to Construct" letter by the DPH Office of Engineering, as well as pre-operational inspection/issuance of "Approval to Operate" letter, and registration permit by the DPH Office of Radiation Control. He reviewed the X-Ray Facility Inspection Report, Inspection Violation Report, and Radiation Technologist & Technician Certification Report.

VI. Old Business/Committee Reports:

F. Fisher-Tyler provided an update about a temporary exemption granted for the radiation control regulations published November 1, 2018 and effective November 13, 2018. She reported that the Delaware Association of Nurse Anesthetists (DANA) filed a complaint in Superior Court regarding scope of practice for nurses utilizing fluoroscopy and a concern that new radiation control regulation language would impact this subset of Advanced Practice Registered Nurses (APRNs). She indicated that the exemption is temporary. M. Higgins and M. Finkelstein asked what time period is represented by this temporary status. F. Fisher-Tyler reported that the Regulations Task Force would be meeting to discuss this matter, along with other implementation matters for the newly published regulations, shortly after the New Year.

Action Item: Regulations Task Force to meet and discuss interim and long term solution to concerns raised by DANA and the Board of Nursing, F. Esposito and F. Fisher-Tyler

F. Fisher-Tyler reported that the Public Education and Certification Committees will be scheduling meetings after the New Year.

Action Item: Schedule committee meetings by mid-2019, F. Fisher-Tyler.

VII. Public Comments

There were no public comments.

IV. Acknowledgements and Adjournment

Thanks were expressed to Robert Brinsfield and James Hanes for diligently preparing ORC Monitoring Reports, to Kelly Shaughnessy and Robert Brinsfield for handling meeting logistics & preparation, and all present who helped with break-down/clean-up of meeting venue, to enable an effective and efficient meeting!

Our collective thanks to Authority member Kevin Musto, who enables access to this centrally-located, outstanding meeting space by the Delaware Pharmacists Society! A wonderful resource to the practice community, much appreciated.

In 2019, the Authority is scheduled to meet on the following dates at 6 pm, at the Harry Levin Center for Pharmacy History & Education in Smyrna:

- May 20
- September 23
- November 18.

I. Turner, Jr introduced a motion to adjourn, K. Musto seconded the motion, and all voted to approve. The motion passed.

Respectfully submitted,

Frieda Fisher-Tyler,
Administrative Agent,
Authority on Radiation
Protection