

DELAWARE AUTHORITY ON RADIATION PROTECTION
SUMMARY OF MEETING

June 24, 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	√	R. Hagen	√

I. Call to Order/Chairman's Comments

Authority Chair F. Esposito brought the meeting to order at 6:18 pm, with a quorum of nine Authority members. She thanked everyone for committing their personal time to attend the evening meeting, and in particular braving the traffic to arrive safely to do the business of the Delaware Authority on Radiation Protection. She asked all present to introduce themselves, welcoming guests Rebecca Kidner and Tim Hollander from the Delaware Association of Nurse Anesthetists (DANA).

II. Approval of Agenda – Jun 24, 2019

Authority Chair F. Esposito suggested a motion to adjust the agenda to move the discussion of proposed rule up, for the benefit of guests in attendance for that discussion, only. M. Finkelstein introduced a motion to make the agenda change, I. Turner, Jr. seconded, and all voted to approve. The motion passed.

III. New Business

Authority Chair F. Esposito directed attendees to a packet of handouts distributed to all present, indicating that any items in the packet with a circled number on the upper right hand corner would be collected following the discussion and vote. She reported that the proposed amendment to the regulation regarding the definition of "Licensed Practitioner" was developed with contributions by the Authority Regulations Task Force, and a numbered handout in the packet contains the proposed, amended language for Title 16, Delaware Administrative Code, 4465, Radiation Control Regulations, Parts A,

B, D, F, K and X. F. Fisher-Tyler provided an overview of the materials providing context for the amended language:

- Notice to Practice Community, distributed & posted to internet June 1, 2019,
- CRCPD State Program Survey on Part F & Advanced Practitioners,
- Rationale for proposed rule to amend Delaware Radiation Control Regulations, with history of rulemaking activities relevant to this amendment,
- Excerpt of pages with amended language, Delaware Radiation Control Regulations (DRCR).

F. Fisher-Tyler reported that upon publication of the DRCR on November 1, 2018, the Delaware Association of Nurse Anesthetists (DANA) filed a civil action (no. N18C-11-205 VLM) in Delaware Superior Court, a Complaint for Declaratory Relief arguing that a number of sections within the Final Regulation “purport to limit the authority of an APRN with respect to radiologic procedures.” She stated that the Authority proposes to amend the definition of “Licensed Practitioner” for purposes of the radiation control regulations, and Part F, Sections 5.13.13 and 5.14 such that the amended regulation would not restrict the authority of an APRN with respect to radiologic procedures.

She explained that in the interests of transparency, all information taken into consideration was provided to attendees for this discussion. She gave an overview of the Conference of Radiation Control Program Directors (CRCPD), Inc. a non-profit, non-governmental organization funded by federal agencies such as the FDA, NRC, CDC, and EPA, with participation of organizations such as the American College of Radiology (ACR), the Association of Physicists in Medicine (AAPM), the American Society of Radiation Oncologists (ASTRO), etc. She reported that CRCPD develops Suggested State Regulations (SSRs), which are often adopted by state radiation control agencies, that these suggested regulations are reviewed by federal partners prior to publication, and address a wide array of fundamental radiation safety topics, and emerging issues in the field of radiation protection. She indicated that general or modality-specific content is often adopted by most states, but that each state must customize their regulations to address scope of practice matters governed by each state’s professional licensing boards. She described a survey of other states conducted to address the definition of licensed practitioner, and scope of practice for advanced practitioners.

She directed attendees to the numbered handout with excerpts containing amended language for Authority discussion and vote to approve, for publication as a proposed rule. She asked for any questions, or comments on the proposed amendments as put forth in the handout, reviewing each page in the handout. She asked whether the guests had any questions or comments, which they did not. The guests representing DANA thanked the Authority for the invitation to attend, and indicated that at this time they had no comments, nor questions.

F. Esposito thanked the guests for their attendance, asked that controlled copy handouts be returned to the Office of Radiation Control administrative specialist, and indicated that they were welcome to stay for the remainder of the meeting, if they so chose. The guests thanked the Authority for their efforts to resolve the DANA

complaint. F. Fisher-Tyler stated that the proposed rule language would be approved by the Authority, the amended regulations would be published by the Agency as a proposed rule open for public comment and further adjudication prior to publication as a final rule. I. Turner, Jr. introduced a motion to approve the amended language, M. Finkelstein seconded, and all voted to approve. The motion passed. The guests departed.

Action Item: Submit amendment for publication as proposed rule, F. Fisher-Tyler.

IV. Approval of Meeting Minutes – Feb 25, 2019

F. Fisher-Tyler reported that action items addressing the ORC monitoring reports from the Feb 25 meeting minutes were completed, and that other action items were in progress. Ivan Turner, Jr. introduced a motion to approve the February 25 Authority on Radiation Protection meeting minutes as written, M. Finkelstein seconded, and all voted to approve. The motion passed.

Action Item: Post final February 25, 2019 meeting minutes to state public meeting page, K. Shaughnessy.

V. Informational Updates

R. Brinsfield presented the ORC Monitoring Reports for calendar year 2019, YTD. He indicated that the handouts were numbered, and each attendee should give their copy to K. Shaughnessy after the discussion. 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. He also described the new process for tracking radiation machine facilities granted waivers for hand-held dental intra-oral units as a condition of their registration permit, as requested by the Authority at the February meeting. F. Fisher-Tyler indicated that a waiver form is in development, and will be posted to ORC webpage once approved by the Agency.

F. Fisher-Tyler reported that the inspection performance metrics are improving in 2019, following hiring and training new inspectors in 2018. She shared that Delaware now has three FDA-certified Mammography Inspectors: Rob Brinsfield, Mike Zdradzinski, and James Hanes.

VI. Committee Reports:

Regulations Task Force, Chair F. Esposito

A summer meeting will be scheduled for Phase 5 Review – 4465 Parts B, E, K, & T.

F. Fisher-Tyler provided a brief overview of content under discussion.

Nominating Committee/Public Education Committee, Chair W. Holden, III Meeting scheduled July 23, 2019 to discuss Election of Officers for 2020, Authority webpage, outreach to veterinary facilities, criteria for Authority public member, and two vacant positions on the Authority.

Certification Committee: Meeting scheduled June 25, 2019 to discuss national credential versus state-level certification for Medical Radiation Technician (limited scope), disparities in continuing education requirements between them, and new ARRT state-level exam in Fluoroscopy for Advanced Practitioners.

VII. Public Comments

There was some discussion of recent Joint Commission for Accreditation of Hospitals announcement that the annual refresher training requirement for users of Fluoroscopy devices had been withdrawn, however the training requirements to achieve and maintain credentialing for this modality remains required in other sections of the Joint Commission document. The Delaware Radiation Control Regulations (Title 16, Delaware Administrative Code, 4465, Part F) establish training subject content, and qualification criteria for users of fluoroscopy devices. However, the state regulations do not, and have not in the past, required annual refresher training for Fluoroscopy operators. Again, it was noted that this matter does not impact the state regulations, and is only applicable to hospitals.

IV. Acknowledgements and Adjournment

F. Esposito acknowledged the hard work of the Office of Radiation Control in preparing the proposed rule, and for due diligence in preparations such that there was little question or comment regarding the proposed rule.

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, to Mike Zdradzinski, James Hanes and Randy Hagen for helping with meeting set-up, 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:

- September 30 (please note date change)
- 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