

DELAWARE AUTHORITY ON RADIATION PROTECTION
SUMMARY OF MEETING

November 6, 2017

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 | √ | J. Dill | |
| D. Andrews | √ | T. Hitchens | | M. Higgins | √ |
| M. Finkelstein | | T. May | √ | G. Poirier | √ |
| N. Lippman | √ | | | | |

Guests:

| | | | | | |
|-----------------|---|----------------|---|---------|---|
| R. Brinsfield | | K. Shaughnessy | √ | D. Hill | √ |
| N. Henry | √ | B. Fendt | √ | | |
| P. Schmittinger | | | | | |

I. Call to Order/Approval of Agenda

Authority Chair F. Esposito, brought the meeting to order at 6:20 pm. D. Andrews introduced a motion to adopt the Agenda. I. Turner, Jr. seconded the motion as amended, 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.

III. Approval of Minutes – Sept. 25, 2017

Authority Vice-Chair I. Turner, Jr. introduced a motion to approve the minutes of the September 25, 2017 meeting. W. Holden, III seconded the motion, and all voted in favor. The motion passed.

IV. New Business:

Authority Nominating Committee Chair W. Holden, III briefly described the Bylaws requirements for annual election of officers, and introduced a motion to nominate F. Esposito as Chair of the Authority. M. Higgins seconded the motion, and all voted to approve. The motion passed. W. Holden, III then introduced a motion to nominate I. Turner, Jr. Vice-Chair of the Authority. D. Andrews seconded the motion, and all voted in favor. The motion passed. The officers for calendar year 2018 were re-elected.

V. Old Business

Authority Chair F. Esposito, who also chairs the Regulations Taskforce, provided a brief overview of the Phase 4 regulatory review – repeal and replacement of Part F (Medical Diagnostic and Interventional X-Ray and Imaging Systems), and Part H (Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices), and amendment of Parts A, B, D, K, and X. She reported that the Authority task force which included Authority members, non-appointed attendees of quarterly Authority meetings who had also attended the pre-decisional stakeholder meeting in September 2016, Office of Radiation Control staff, and Deputy Attorney General Paige Schmittinger met on October 26 to adjudicate comments from the proposed rule published on July 1, 2017. Comments submitted by the Delaware Society of Interventional Pain Physicians, the Radiation Safety Officer of Christiana Care Health Systems, the Radiation Safety Officer of the University of Delaware, and the American Society of Radiologic Technologists (ASRT) were incorporated into this proposed rule. Points of discussion included:

- Definition of “Licensed Practitioner” as used in the regulations, particularly with respect to advanced practitioners ordering x-rays,
- Concerns about implications of definition of “Licensed Practitioner” with respect to advanced practitioners actually performing x-ray procedures, which was not within the original intent of changes to the definition,
- Definitions of “Direct, General and Personal Supervision” as relates to advanced practitioners (physician assistants and advanced practice nurses) and their comparability to the definitions specified by federal Medicare & Medicaid,
- Periodicity of preventive maintenance and equipment quality control or performance evaluations, as well as suggestion that certain x-ray modalities be American College of Radiology (ACR) accredited,
- Confirmation that in this proposed rule, “licensed practitioner” was changed to reflect that Advanced Practice Registered Nurses, and Physician Assistants can order diagnostic or supportive x-ray procedures, consistent with their licensed scope of practice as defined under Title 24, Delaware Code. The regulations are unchanged with respect to who can perform procedures, and in those sections which speak to who can perform or supervise those who perform specialized procedures (eg. computed tomography, fluoroscopy, or interventionally-guided fluoroscopy), it specifies “licensed practitioner who is also a physician”. Further, it was confirmed that there is no change to who can operate x-ray equipment with respect to state-certified radiation technologists and technicians, in this proposed rule.
- There was one editorial change to Part H, which was missed on the previous review.

F. Fisher-Tyler facilitated page by page review of the proposed rule, as prepared by the Authority Regulations Task Force, and charted editorial comments as suggested by various Authority members.

M. Higgins introduced a motion to approve the regulations as presented, with the editorial changes captured during the session, I. Turner, Jr. seconded and all voted to

approve. There were no nay votes, the motion passed.

F. Fisher-Tyler indicated that timeframe for publication of proposed rule for public comment would likely be January or February, 2018. Public comment period will be 30 days, with a public hearing. Should the proposed rule comments be non-substantive, the final rule would be published in April or May on the first of the month, with effective date the 11th of the month in which they are published.

M. Higgins introduced a motion to approve the proposed rule as presented, and with editorial changes from the session incorporated by the Office of Radiation Control. Vice Chair I. Turner, Jr. seconded the motion, and all voted to approve. There were no nay votes. The motion passed.

Action Item: Submit proposed rule for approvals by the Division of Public Health, and publication by Registrar of Regulations, F. Fisher-Tyler.

Action Item: Revise & distribute to Authority members the Rationale Documents that describe scope of change for repeal and replacement of Parts F and H, F. Fisher-Tyler.

VI. Public Comments

There was nothing to report.

VII. Adjournment

Ivan Turner, Jr. introduced a motion to adjourn, M. Higgins seconded the motion and all voted to approve. The motion passed.

In 2018, the Authority is scheduled to meet on the following dates at 6 pm, at the Harry Levin Center for Pharmacy History & Education in Smyrna:

- February 26
- May 7
- October 1
- December 3.

Our gratitude to Authority member Kevin Musto from the Delaware Pharmacy Society, for graciously hosting Authority public meetings in their facility. Thanks also to Kevin for problem-solving availability of a functional laptop to enable projecting the proposed regulations, to facilitate the Authority deliberations at this meeting.

My personal thanks to Robert Brinsfield and Kelly Shaughnessy, for their excellent work in preparing for and handling logistics to enable effective and efficient meetings of the Authority, on an ongoing basis!

Respectfully submitted,

Frieda Fisher-Tyler,
Administrative Agent,
Authority on Radiation
Protection,
Radiation Control Program
Director, Division of Public
Health