

RADIATION ADVISORY COMMITTEE MEETING
Minutes
June 9, 2021

Call to Order – Public Session

Barbara Smith, Chair, called the Radiation Advisory Committee (RAC) into public session on June 9, 2021 at 10:03 a.m. Via Teams

Members Present:

Smith, Barbara, ARRT, Chair
Frankel, Jennifer, DMD
Cyman, DVM, Juliana
Berry, Bob, Providence

Hamby, David
Stevens, Donna, Kaiser
Young, Scott, ODOT
Henrikson, Mandy, Vice Chair

OHA RPS Members Present:

Howe, David, Program Director
Carpenter, Todd, Program Manager
Wendt, Rick, Program Manager
Haskins, Hillary, Program Manager

Herring, Brent, X-ray Lead Worker
Lind, Lee, Administrative Assistant
Desemple, Erin, Primary Licensing
Rama Wusirika, Inspector

Guest: Katler, Stacy, Executive Director, OBMI

Ross, Elizabeth, OMBI
Smorra, Angela, DMD, Oregon Board of Dentistry

Introduction of Members and Guests

Barbara Smith started the meeting with roll call. David Howe requested participants to spell out his/her name and who they represented. David also went over the teleconference procedures and informed attendees that this meeting is recorded for accuracy of meeting minutes.

Approval of Minutes

Note: Minutes from the February 10, 2021 meeting were sent to the members for their review prior to this meeting.

Motion

Donna Stevens moved, and Mandy Henrikson, seconded a motion to approve the February 10, 2021 Radiation Advisory Committee minutes with corrections from Donna. The motion carried unanimously.

RPS Staffing

David Howe reported that after 10 years of state service, Rick Wendt, RPS Operations Manager, will be retiring at the end of August 2021. David thanked him for his service and Rick spoke about enjoying his time and that he was leaving with RPS “in the good hands” of competent staff.

David shared that for management succession purposes, an Operations Manager one-year job rotation was proposed and approved by PHD senior management. After going through a selection process, Hillary Haskins was selected to fill the Operations Manager’s job rotation and began April 1, 2021. Rick has been serving as a primary mentor helping orient Hillary into her new responsibilities.

David also announced that Brent Herring has been selected as the new X-Ray Program Lead Worker and Tom Pfahler has been appointed as the new RPS Radiation Safety Officer to replace Hillary.

In the near future, David hopes to fill two existing vacancies including an inspector position (Environmental Health Specialist) and an Administrative Specialist to assist in implementing a new X-ray tube-based fee database and provide managerial/section support.

Electronic Products Program

Brent Herring presented an update about the X-ray program. With the onset of COVID, RPS inspectors ceased in-person inspections on July 1, 2020. In response, RPS staff developed a framework to conduct “administrative inspections”, including a cover letter and Registrant checklists to address rules/items. Currently, staff are developing the means to also conduct virtual inspections, using Teams and Skype. This will allow inspectors to view the registrant’s documents and processes which emulates an “on site” inspection.

Brent shared that all 105 MQSA facilities in the state were inspected and completed during the contract year May 2, 2020 to May 1, 2021. In addition, X-Ray, Industrial and Tanning inspections were performed administratively or virtually from March 2020 to May 2021.

As of May, RPS has resumed in-person inspections for all facilities. However, due to COVID, inspectors first confirm that registrants are available for inspection and that safety measures are in place before scheduling an inspection.

2021-2023 Legislative Bills – David Howe

David provided updates regarding three active Legislative Bills.

HB 2075 (RPS Fee Increases)

Legislative Concept 396 which proposed to increase user registration fees and establish x-ray/tanning vendor licensing fees. has now become House Bill 2075 (HB 2075). The House Healthcare Committee has forwarded it to the Joint Ways & Means Committee with a “pass recommendation”. The bill is waiting to be scheduled for the hearing by Joint Ways & Means Committee.

The Oregon Health Authority-RPS received seven HB 2075 stakeholder letters of support from organizational leadership including, the Oregon Department of Energy (ODOE), the Army National Guard, Civil Support Team (CST), the Oregon Board of Medical Imaging (OBMI), the Oregon Society of Radiologic Technologists (OSRT), our RAC Chairperson & 2 RAC members.

SB 246 – Low-Level Radioactive Waste

This Senate Bill provides enhanced ODOE low-level radioactive waste regulation and enforcement powers. The Bill had a public hearing and passed out of the House Energy & Environment Committee in April 2021.

HB 3036 Physician Assistants

This House Bill allows physician assistants to perform fluoroscopy without physician supervision. The Bill has passed out of committees and is moving to the Senate Floor for a third reading this week. Until this Bill passes, a physician assistant will continue to perform fluoroscopy only under the umbrella of a licensed physician.

RPS Proposed Rule Making:

Todd Carpenter shared that rules impacting radioactive material licensees who perform diagnostic imaging and medical treatments will have a public hearing. Public comments can be submitted to RPS. These rules should become effective mid-August.

Exemptions/Rules/Statutes

Legacy Health Systems – Lung Screening Studies - Rick Wendt

Rick reported that RPS received a question regarding general requirements on Deliberate Exposures Restricted for a Facility. (OAR 333-106-0035)

RPS currently has issued 2 registrant exemptions regarding this rule which allows low dose lung screening through CT exams.

Rick asked for the Radiation Advisory Committee to discuss the possibility of rulemaking for facilities to perform CT low dose lung screening without having to request an exemption to the current rule.

Barbara Smith asked if lung screenings require ACR accreditation. Rick suggested that accreditation and training requirements might need to be addressed through rule making.

Donna Stevens pointed out that CT doses can be high when used incorrectly. Rick indicated that RPS is interested in having RAC help review patient safety issues as a part of possible new rulemaking. Donna was in favor of having a RAC sub-committee with individuals who have knowledge and access to the resources to help develop rules that make sense.

Bob Berry commented that trainings and demonstrations are very similar, therefore ACR accreditation should be required.

Motion #1

Donna Stevens moved, and Bob Berry seconded a motion to recommend that RPS form a sub-committee to help RPS purpose rules for CT low dose lung Screenings. Donna Stevens moved to modify the motion to include the training for DEXA. Bob Berry seconded the motion. The motion carried unanimously.

BREAK (11:05AM)

Roll Call

Emergency Response/Incidents – Rick Wendt

Since February 2021, RPS had 24 incidents including, miscellaneous allegations, medical events, scrap and waste alarms, a leaking source, an unauthorized radioactive material transfer and a prank call since February.

RML Operator Incidents – Brent Herring

Brent reported about an on-going medical investigation which began when RPS received several allegations involving multiple licensees. Brent and Daryl Leon were assigned as investigators. The incident involved 19 allegations involving 4 licensees, with three different facilities operated by the same medical group. Brent and Daryl conducted an on-site visit to each of the 4 licensees to meet and

interview hospital management and staff. Due to COVID, it was difficult to investigate. Most of the allegations were unsubstantiated and many of the violations were corrected soon after the on-site visit was completed. RPS is still considering issuance of a Notice of Violations.

Physician Over Exposure – Hillary Haskins

Hillary gave an update about RPS receiving a report from a physician operating a fluoroscopy unit who indicated he had received a dose of 30 Rem in the Fall of 2020. Over exposures began in February with the doctor receiving 7 Rem and continuing until October when the doctor learned about the over exposure from his employer through a shared dosimetry report. Preliminary investigation results indicate that the Registrant was unaware that they needed to inform the state immediately upon exceeding the 5 Rem annual occupational dose limit. Hillary is currently working with the dosimetry company to verify actual dose levels. The investigation is still on-going.

Donna Stevens inquired if the physician had switched the dosimetry badge by accident to be under the apron, versus on the collar. Hillary confirmed that the physician has the badges taped in position to prevent confusion.

Short Mountain Landfill Event – Hillary Haskins

Hillary reported that in May 2021 there was a waste load received at Short Mountain Landfill that set off the radiation alarm at Pacific Recycling located in Eugene. The load was returned to Short Mountain Landfill. Involved parties did not notify RPS and the material remained at the location for two weeks. After determining the radiation activity level, Eugene Hazmat was called. Eugene Hazmat's survey meter read the dose rate as 4.5 mR/hr. CST was then activated by Eugene Hazmat and RPS was notified about the event.

Fluoroscopy Operator Violations – Rama Wusirika

Rama Wusirika reported on a complaint that an non-licensed operator was operating a fluoroscopic machine at a medical facility. Information indicated that the untrained operator was actually a contractor brought in to cover staffing since regular and back-up fluoroscopy technicians were not available.

The violation occurred while taking post-op images. The surgeon asked his surgery technician to unclamp the C-arm and make a minor adjustment to the machine for better imagery. Both the doctor and surgery technician confirmed this occurred. The doctor reported that he should not have had his technician unclamp the C-arm.

The technician said that he did not have a complete understanding of what constituted being an operator of the fluoroscopy unit.

The investigation determined that training may have been inadequate for the non-fluoroscopy technicians. There is a need to enhance training so technicians understand what they can do versus what they cannot do in the operating room. The registrant has submitted a written corrective action plan pertaining to new training.

Medical Operator and Safety Investigation – Brent Herring

Brent reported that earlier this year, RPS received an allegation from a medical facility employee related to non-licensed technicians performing imaging. The same day, OBMI also received a similar complaint, which was forward to RPS.

Due to the scope of the allegation, an RPS investigation team was created. Michelle Martin, RPS Inspector, was assigned to investigate the radiation therapy department and Daryl Leon, Inspector, and Brent Herring were assigned to investigate the nuclear medicine department. They reviewed facility procedures, staff and technician's credentials, job duties, and studies being performed. The allegations were not substantiated.

Emergency Preparedness – Hillary Haskins, Operations Manager

Hillary reported on recent trainings participated by RPS staff as well as upcoming trainings.

New Business – David Howe

David shared that the upcoming NRC Integrated Material Performance Evaluation Program (IMPEP)- will be conducting an on-site performance audit of the radioactive materials licensing program scheduled for August 9th – 13th, 2021. Preparation for the audit includes RPS inspectors being accompanied by NRC staff July 15th through 17th and completion of an IMPEP questionnaire and submission of supporting documents. Todd Carpenter did a great job submitting the requested materials.

Mandatory RAC Member Training

David reminded RAC members about a new State of Oregon requirement for agency boards, commissions, committees, and state employees, to complete mandatory on-line training regarding sexual harassment, discrimination and professional conduct. The training will be accessed through the new state training system. More information will be forthcoming.

COVID-19 RPS Operations

David reported that RPS is resuming on-site inspections and state-wide travel. Covid-19 safety measures will remain in place and the inspections will continue to be announced.

The Portland State Office Building (PSOB) is slated to reopen to the public and staff on September 1, 2021. RPS staff will continue to work as “hybrid” employees (remote and office) as appropriate.

Adjournment

The meeting adjourned at 12:00 p.m.

The next meeting for the Radiation Advisory Committee is scheduled for October 13, 2021.

Respectfully, Lee Lind