

Board of Radiologic Technology
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Minutes
Meeting of March 31, 2009

1. The meeting was called to order at 1:35 P.M.

Members present: David P. Gervais, BS, CNMT, NCT, Chairman; Donna Holbrook, R.T., Carla White, CHP, RRPT, and Thomas Harty. Stephen Koller, M.D. participated via phone.

OPR Personnel present: Kevin F. Leahy, Board Counsel, Gregg Meyer, State Prosecuting Attorney, Carla Preston, Unit Administrator, and Kristy Kemp, Administrative Assistant.

Others present: Timothy Dillingham, R.T., legislative liaison for the Vermont Society of Radiologic Technologists and Christin Young, CNMT, Supervisor Nuclear Medicine with Fletcher Allen Health Care.

2. The Chair called for approval of the Minutes of the May 5, 2008 meeting. Ms. Holbrook made a motion, seconded by Ms. White, to approve the Minutes of the May 5, 2008 meeting as submitted. Motion passed unanimously.

3. Hearings/Stipulations and Consent Orders

At 1:45 P.M. the Board considered a Stipulation and Consent Order in the matter of Timothy D. Dillingham, Docket Number 2008-161 (RT03-0408). The Respondent was present. Kevin Leahy presided for the Board. Gregg Meyer was present for the State. Mr. Meyer presented the Stipulation and Consent Order. Mr. Dillingham had questions about the Order, said he felt that the imposed sanctions were too harsh, and asked the Board to consider reducing the administrative penalty. Mr. Leahy indicated that the Board may either accept or reject the Order. Mr. Meyer indicated that the Respondent reviewed and signed the Order as presented. The State agreed to allow payment of the \$750 penalty in installments over a period of five months. The Respondent's request could be considered as a request to withdraw the Order which would mean that the matter would be scheduled for a contested hearing. The Board voted to go into deliberative session at 2:00 P.M. and out at 2:12 P.M. The Board decided not to withdraw the Order and voted to accept the Stipulation and Consent Order as presented. Chairman Gervais, Investigating Member, did not participate in the votes.

4. Reports

- A. Christin Young with the Nuclear Medicine Department at Fletcher Allen Health Care, attended the meeting to discuss the need to change the law concerning Combined Positron Emission Tomography (PET) and Computerized Tomography (CT) (PET/CT) imaging (26 V.S.A. § 2821 (f)).

Ms. Young indicated that similar issues have been raised concerning another camera used for imaging called SPECT/CT. She said there is no overall consensus as to who should operate this equipment and each state has different policies or requirements regarding their use. She mentioned other states' requirements and recommended Maine's as a guide. She said Massachusetts is addressing the issue and will have a position statement in place soon. Massachusetts is considering an addendum to training and education (waiver). A nuclear medicine technologist can perform CT with a certain piece of equipment. She said they differentiate PET/CT and SPECT/CT due to the very low ionizing radiation levels. She provided a comparison of 30 mA for SPECT/CT, 40 mA for PET/CT, compared to 300 mA for regular diagnostic Comuterized Tomography.

4. Reports - continued

Ms. Young said part of the problem is that no one realized how PET/CT and SPECT/CT equipment would be used in practice as a diagnostic tool. The assumption was that it would be used for attenuation only.

Ms. Young mentioned FAHC's current policies on the topic including training requirements. She said currently, Nuclear Medicine and CT Technologists are both present. The CT technologist pushes the button and must stay for two hours while the process is performed. She said it is not cost effective and impacts resources to have both technologists present. The current law requires technologists who are licensed in radiography (CT) and in nuclear medicine or one technologist who holds dual licenses in both specialties to operate the equipment.

Ms. Young said significantly higher levels of training are not necessary for a nuclear medicine technologist to perform CT for attenuation only. She said training is being offered at the University of Vermont and by the Society of Nuclear Medicine. She said currently technologists take an extensive amount of continuing education and additional training from vendors. She said nuclear medicine technologists receive a portion of the training, not full CT, only enough knowledge for attenuation. She said there are several ways to obtain the training. The Board needs to establish the minimum requirements for that training.

Chairman Gervais read a letter received from Marlene Moore who is the Radiation Safety Officer at FAHC. Ms. Moore stated in her letter that appropriately educated nuclear medicine technologists should be allowed to perform limited CT acquisitions as a part of a nuclear medicine exam. She said these limited acquisitions are of low mA (typically less than 100 mAs) and required for a fusion anatomic dataset and attenuation correction of the nuclear medicine procedure. The CT dataset would not be higher exposure technique as required for a primary, diagnostic quality exam. Her letter mentions specific procedures and equipment. Ms. Moore asked the Board to consider a path by which a nuclear medicine technologist could obtain a "limited CT" addendum on their state license. She suggested documentation of continuing education or other training in CT to include safety and instrumentation. She also suggested that as a prerequisite, the nuclear medicine technologist could perform a certain number of procedures under appropriate supervision. Ms. Moore believes that it is critical to ensure that equipment producing ionizing radiation be used appropriately and safely and is confident that such a level of training could meet that goal.

Ms. Preston mentioned that procedurally an "endorsement" could easily be added to a nuclear medicine technologist's license indicating that he or she has the required training to perform PET/CT (or other procedures) versus holding a separate license with full training. The Board must determine what additional training would be necessary for a nuclear medicine technologist to qualify for the endorsement.

The Board asked how other states were handling this issue. The change from a full specialty license as defined in Section 2821 (f) to an endorsement on an existing license would require a statutory change. The Board agreed that the provision concerning PET/CT needed to be amended to include other Combined Computerized Tomography equipment or functions.

The Board acknowledged that it was acceptable for a Radiation Therapy Technologist to perform CT as long as the simulator is located in the department and used solely for simulation. The Board favored the endorsement option and will work on establishing training requirements for nuclear medicine technologists to qualify for a CT endorsement.

4. Reports - continued

The Board may set the mA at a maximum (30 or 40 plus/minus) in addition to the topics covered, hours of training required, and possible mandatory continuing education in the area of CT for persons holding that endorsement.

- B. Carla White, from the Vermont Department of Health, Radiological and Occupational Division, updated the Board on NRC inspections.

5. Legislative/Rules Update

The Board will work with Kevin Leahy to draft proposed legislation to amend Section 2821 (f) regarding PET/CT as discussed above. The Board plans to include the amendment in the upcoming Office bill.

The Board discussed a plan to continue review of its Administrative Rules for necessary changes. The Rules have not been updated since January of 1995. Staff will send the most recent draft to members for full discussion at the next meeting.

6. Complaints/Follow-up cases

ULP-RT01-0307 – The Board reviewed the Report of Concluded Investigation. Based on the information provided, Chairman Gervais made a motion, seconded by Dr. Koller, to accept the Investigative Team's recommendation and conclude this case without the filing of charges. The question was called and the motion passed unanimously.

7. Applications

The Board discussed the limited license application from Jayne Badano-Bidwell who has a California limited X-Ray license in Bone Densitometry (DXA technician). She asked about becoming licensed in Vermont based on her California license. Review of her application was tabled. Based on the discussion that ensued, Dr. Koller made a motion, seconded by Ms. White, to authorize Chairman Gervais to review her application and California's requirements to determine if the education and examination requirements are substantially equivalent to Vermont's requirements for a limited licensed technologist. The question was called and the motion passed unanimously.

8. Miscellaneous Correspondence

- a. The Board reviewed several E-mails from Kim Masterson over the last several months regarding whether she qualified for PET/CT based on her education and experience. Chairman Gervais agreed to respond to Ms. Masterson notifying her that currently any diagnostic CT performed in Vermont must be performed by a CT certified technologist. He will mention that the Board is considering amending the statute as discussed above.
- b. The Board reviewed a March 24, 2009 E-mail stating concerns that a dentist (oral surgeon) has a CT unit in his office and does not have a technologist on staff to operate the machine. The Board concluded that since it has no jurisdiction over dentists (exempt), the matter should be referred to the Board of Dental Examiners.
- c. The Board reviewed the February 26, 2009 letter from Dr. Richard Pratley with The University of Vermont requesting approval of research personnel to operate the dual energy x-ray absorptiometer (Lunar Model Prodigy) at the Diabetes Research Center/General Clinical Research Center satellite

8. Miscellaneous Correspondence - continued

under Policy 1.0, "The Use of Special Equipment for Research Purposes Under Board Rule 1.7." Based on the information provided, Dr. Koller made a motion, seconded by Chairman Gervais, to approve Courtney C. Ledger, RN, BS to operate the equipment as described. This approval is subject to receipt of copies of Ms. Ledger's certification documents that were mentioned in the February 26th letter. All future requests must include the operator's credentials. The question was called and the motion passed unanimously.

9. Other Business Introduced by the Board

The Board discussed whether to reduce the continuing education requirements for limited licensure technologists. Based on the discussion that ensued, the Board concluded that the CE requirements should remain the same (24 per biennium) for all technologists.

10. Election of Officers

Dr. Koller nominated David Gervais as Chairman, seconded by Mr. Harty.
Mr. Gervais nominated Carla White as Vice-Chair, seconded by Mr. Harty.
Nominations closed. The question was called and the nominations passed unanimously.
The officers are as follows:

David P. Gervais, Chairman
Carla A. White, Vice-Chair

11. Public Comment

12. The Board decided to meet within a month and agreed to check their calendars for possible dates. The next meeting date was later scheduled for **Wednesday, April 29, 2009** at 1:00 P.M.

13. There being no further business the meeting was adjourned at 3:03 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation