

X-ray Advisory Committee Meeting Minutes

JANUARY 31, 2017

Welcome and Introductions

Mary Navara, Indoor Environments and Radiation (IER) Manager

Teresa Purrington, X-ray Unit Supervisor

- Mary Navara (MDH) and Teresa Purrington (MDH) welcomed those in attendance to the first X-ray Advisory Committee Meeting.
- Navara introduced herself, the rest of the MDH staff, and thanked the committee for participating.
- Purrington introduced herself and thanked everyone for their time and expertise.
- Purrington asked the advisory committee members (ACM) to introduce themselves.
- Purrington stated that the X-ray program goal is to be transparent and thoughtful.
- Minutes will be available on our website at <http://www.health.state.mn.us/divs/eh/radiation/xray/rules/xrayrulerev.html>.
- Notifications will be emailed through the MDH GovDelivery system at <http://www.health.state.mn.us/subscribe.html>.

Rules Overview and Advisory Committee Role

Patricia Winget, MDH Rules Coordinator and Legal Counsel

- Patricia Winget, MDH Rules Coordinator and Legal Counsel, presented on the rules overview and role of the Advisory Committee.
- Winget stated that expert advice is essential for rule making and her role is to provide advice in the rule making process.
- Winget explained the Rulemaking Progress Chart:
 1. Governor's Office Preliminary Review
 2. Request for Comments
 3. Agency develops rules and Statement of Need and Reasonableness (SONAR)
 4. Governor's Office Review
 5. Notice of Intent to Adopt Rules: Adopt with a Hearing or Adopt without a Hearing
 6. Office of Administrative Hearings (OAH) Review
 7. Governor's Office Final Review
 8. Agency files Order Adoption Rules with OAH and with Secretary of State
 9. Governor's Veto Period
 10. Publish Notice of Adoption
- Winget explained the role of the advisory committee, including:
 1. Appointment by the Commissioner to be on this panel
 2. The committee does not write the rules but has the power of persuasion

3. Committee members should consult with others in their field and bring it back to the committee
- Winget stated that the agency will consider all reasonable suggestions, and that comments are not part of the official record until rules are proposed.

Rulemaking Status Update

Jacquie Cavanagh, IER Section Policy and Rules Analyst

- Jacquie Cavanagh (MDH), Section Policy and Rules Analyst, presented the rulemaking status update.
- Cavanagh stated that she's seeking committee member input and consensus.
- Cavanagh stated that the committee will instill the "Fist to Five" measurement of consensus. For consensus measurement, committee will signal with a full fist if they do not agree, and open palm/five fingers if they do agree. Will use this method to gauge the feelings of the committee members when making decisions.
- Cavanagh stated that the definition is a large part of the rule, with a proposal to repeal 142 definitions, amend 73 definitions, and add 10 new definitions.
- Cavanagh stated that documents posted online are drafts only.
- Cavanagh stated the guiding principles for definitions:
 1. Remove definitions of wording not found in rule
 2. Remove regulatory requirements
 3. Remove obsolete definitions
 4. Remove definitions already in 4731 and reference them (for ease of use, but up for discussion)
 5. Remove radiation therapy as it is currently repealed and will be housed in 4733
 6. Definitions should be short and concise
- Cavanagh stated that some of the proposed definitions were taken, either directly or in part, from the Suggested State Regulations for Control of Radiation (SSRCR) from the Conference of Radiation Control Program Director's (CRCPD). More information can be found at <http://www.crcpd.org/page/SSRCRs>.

Definition Review

Jacquie Cavanagh, IER Section Policy and Rules Analyst

- Cavanagh led the discussion on the Chapter 4732.0100 Definition review.
- Cavanagh stated that she will go through each page and ask the committee to identify the definitions on the page that they agree on. What they don't agree on, MDH staff will review and bring to the next meeting.
- Rich Giese (ACM) questioned if some definitions that cross over to 4731 and 4733 should be referenced in 4732 rule revision rather than the other way around. More x-ray in the state than radiation therapy or radioactive materials, so the definition should be housed in the largest rule that regulates over more facilities. Purrington stated that because of compatibility requirements with the Nuclear Regulatory Committee, 4731 is subject to frequent updates. Other committee members believe 4732 should be the primary source. For readability, it also makes sense, rather than navigating to another rule.

Committee Consensus

Each chapter will keep its own definition rather than directing to another chapter: Committee agreed.

- Subp. 4. Vinton Albers (ACM) questioned why we need to keep a definition of “accelerator” in Chapter 4732 and why not move it to Chapter 4733. Purrington clarified that accelerators are also used in industrial settings, which Chapter 4732 covers, and the proposed Chapter 4733 is for radiation therapy, medical use.
- Subp 6a: Julie Sabo (ACM) questioned as to why advanced Practice Registered Nurses (APRN) and Physician Assistants (PA) are not recognized as licensed practitioners of the healing arts in the definition. PA’s are not included in the licensed practitioners of the healing arts definition and PA’s have a specific definition in subp. 126a. Purrington stated the program reviewed CRCPD SSRCR and aligned the proposed APRN definition for the proposed Chapter 4732.

Committee Consensus

The advisory committee will come back to this question and address it more comprehensively when we get to subp. 101, Licensed practitioner of the healing arts: Committee agreed.

- Subp 7: Giese questioned why “Air kerma” was repealed, but not “Absorbed Dose”. Purrington stated this will be defined in fluoroscopic rule parts rather than in definitions. Committee discussed if this should be modality specific, and questioned whether these common definitions should be included in rule when they can be acquired on the internet. Cavanagh stated that a definition should appear in the rule if the wording is referred to in rule, at least more than once. This definition is specifically in Fluoroscopic section, and would be addressed in that rule part.

Committee Consensus

Keep “Air kerma” in Fluoroscopy and remove from definitions: Committee agreed.

- Subp 9: Tony Murphy (ACM) questioned the definition of “annual”, what does calendar month mean? Does annual have to be completely annually not to exceed 12 months? Should 12 months be to the exact date or can it be at the end of the month? Purrington stated that if you are referring to Equipment Performance Evaluations (EPE), we will review and specify under 4732.1100. Annual should be consistent with 4731. Committee members discussed what the definition should be for annual, currently is confusing, change to 365 days?

Committee Consensus

MDH will gather more information from other states regarding their definition of “annual”, and bring back to the committee: Committee agreed.

- Subp 10: Cavanagh stated she would like to remove "appropriate" to “allowable” in all rule parts.

Committee Consensus

Change “appropriate” to “allowable” in all rule parts: Committee agreed.

- Subp 11: Ronnell Hansen (ACM) questioned as to whether to include ALARA in definitions. He stated that ALARA is a practice issue for a clinician and has a different meaning to a clinician than the physics community. Craig Verke (MDH) stated it is currently defined in rule part 4732.0530. Combine definition with definition in rule part 4732.0530, as it's found five times in the current rule.

Committee Consensus

The committee discovered that ALARA is used several times in the rule chapter and will come back to this concept to determine if it's in a rule part only, in the definitions, or both: Committee agreed. Purrington asked committee members to submit wording suggestions for the definition.

- Subp 15: Frank Zink (ACM) questioned as to why "Automatic exposure control or AEC" was repealed. Purrington stated it's a common term, and referenced what some other states had in place, and it was not included. This does not mean the definition can't be reconsidered and placed back in the chapter.

Committee Consensus

Repeal "Automatic exposure control or AEC": Committee agreed.

Charges for Next Meeting

- Cavanagh stated she will make changes as suggested from the comments in this meeting. She encouraged committee members to email their concerns to the requests for comments email at xrayrules@state.mn.us. She asked them to submit their concerns within the next 30 days.
- Cavanagh routed an email list for committee members to give their email for correspondence within the committee.

Public Comments

- Cavanagh asked for any public comments, and encouraged the public to work with committee members with their concerns.
- Public Comment: Include "Added filtration" in definitions, proposed to repeal. Advisory Committee reviewed and the term is not used in rule chapter. Cavanagh stated that the committee will consider this suggestion.

Suggestions for Next Meeting

- Project working documents on screen.
- When referencing statutes and rule parts, be able to refer to them online. Purrington stated that this was considered, but for the first meeting, didn't think we were going to get very far in process. Will do that for next meeting.
- Some members stated there were concerns about parking. May consider conducting these meetings offsite.