

X-ray Advisory Committee Meeting

MEETING MINUTES

Date: September 14, 2017

Location: Orville Freeman Building
645 Robert St. N.
Saint Paul, MN 55155

Attendees: Brian Hall (Service Provider), Dan Lind (Service Provider), Frank Zink (Medical Physicist), Julie Sabo (MN Nursing Board), Louis Saeger (MN Medical Association), Michael Lewandowski (Health Physicist/CHP), Richard Giese (Medical Physicist/PhD), Ronnell Hanson (MN Radiological Society), Tony Murphy (Medical Physicist), Vinton Albers (Chiropractic Association).

Via Conference Call: Bridgett Anderson (MN Dental Board), William Duppler (Medical Physicist).

Absent: Beth Schueler (Medical Physicist), John Wohlhuter (MN Association of Nurse Anesthetists).

MDH: Bevin Beaver, Craig Verke, Dale Dorschner, Jacquie Cavanagh, John Olson, Kelly Medellin, Mary Navara, Melissa Finnegan, Teresa Purrington.

Welcome and Introductions

Mary Navara, Indoor Environments and Radiation Manager

Mary welcomed everyone and introduced Melissa Finnegan and Dale Dorschner, representatives of the Executive Office and Environmental Health division management at MDH. Spoke of MDH's efforts at providing a transparent process and encouraged the public to send in their comments.

Teresa Purrington, X-ray Program Supervisor

Encouraged everyone to visit the website, and send in their request for comments.

Rulemaking Process Update

Jacquie Cavanagh, Section Policy and Rules Analyst

Spoke to the committee regarding meetings for 2018, they will be the same interval as this year. Spoke about the rule timeline, and that proposing the rule will be pushed out to late fall or winter of 2018. Anticipate that the definitions document will be submitted to the Office of the Revisor soon.

Teresa Purrington, X-ray Unit Supervisor

Stated that the Definitions document will look different, and that MDH will be researching other states and bringing in new staff with fresh eyes to look at the rule. Spoke about MDH staff

visits to 3M and Medtronic to look at industrial equipment use. Purrington thanked both 3M and Medtronic for taking the time and collaborating with MDH staff.

Definitions Review (R through Z)

Jacquie Cavanagh, Section Policy and Rules Analyst

Teresa Purrington, X-ray Unit Supervisor

Subp. 138a. Qualified expert.

Richard Geise (Advisory Committee Member, ACM) asked how Qualified Expert was intended to be used in the rule. Purrington stated that the service provider definition is being removed from the rule. MDH will review the service provider definitions when the focus group is created. Michael Lewandowski (ACM) questioned the use of 'diagnostic' in this definition and it does not include 'Industrial'. Purrington stated that the rule will be organized by facility type and will be discussed during the Industrial Focus Group. Tony Murphy (ACM) stated that the use of the word "professional" waters down the definition of qualified medical physicist and stated that the difference between expert and medical physicist seems blurry. Murphy also commented it is difficult to comment until we know how it will be fixed. Purrington stated that MDH research is leaning towards 'qualified expert' as the terminology is aligning with nationally recognize organizations. Geise questioned the commissioner's role in making decisions with the rule. Cavanagh stated that the commissioner's designee(s) is at the program level, and they will continue to make decisions at that level. Frank Zink (ACM) stated that he would like the definition to be 'qualified service provider', rather than 'expert'. Geise suggested adding 'specific' services instead of 'clinical' services'.

Subp. 138b. Qualified medical physicist or QMP.

Cavanagh asked for a discussion on this definition. Purrington stated that the definition is taken from SSRCR. Julie Sabo (ACM) questioned adding actual accrediting bodies. Geise suggested we look at all organizations, including Canadian accrediting bodies. Zink stated he doesn't agree with the SSRCR definition because they don't address the subject clearly enough.

Subp. 138d. Qualified practitioner.

Louis Saeger (ACM) stated MDH should consider adding appropriate specialty training to this definition. Julie Sabo (ACM) responded that the Nursing board discussed this and approved of the definition. She stated it's consistent with the current APRN statute to perform within the scope of their practice and population. Zink stated the x-ray statute [MS 144.121] uses the term 'licensed practitioner', and questioned whether qualified practitioner replaces the statutory term of licensed practitioner. Cavanagh responded that this term replaces licensed practitioner in the rule, not the statute. Purrington responded that MDH will place licensed practitioner within the qualified practitioner definition. Zink questioned what rules MDH is addressing in this term. Purrington responded this would address supervision and ordering only, not who can operate. Ronnell Hanson (ACM) stated that MDH should consider the national trend that a title doesn't determine whether someone can perform certain duties, training and qualifications would be required. Purrington responded that these are policy considerations that the legislature needs to address because MDH is not equipped to perform these types of review. Saeger added that the definition could still be generic but effective by including a reference to

qualifications without specifying those qualifications. Zink responded that MDH should look at the health and safety of the population as a whole, not just the committee members' specific scopes of practice. Sabo stated she agrees with taking out specific titles and focusing on qualifications and training. Purrington responded that MDH agrees with this adding training and qualifications.

Subp. 141. Quarter or quarterly.

Geise stated that quarterly means 4 times per year. If registrants go every '12-14 weeks', as proposed, this could result in 3 times per year.

Subp. 149. Radiation safety officer.

Lewandowski suggested adding back the original language of 'has the knowledge and training applied'. Geise stated MDH should address radiation RSOs as well.

Subp. 167. Scattered radiation or secondary radiation.

Geise stated that secondary radiation and scattered radiation are not the same, and should not be included together. The definition covers only scattered radiation, not secondary.

Subp. 169. Secondary protective barrier.

Revise wording in comments section that the term 'secondary protective barrier' is included in the amended definition of 'Protective Barrier'.

Subp. 173. Service provider.

Repeal, but discussion will continue.

Subp. 176. SI equivalent.

Geise questioned where this is in the rule. Purrington stated we're keeping this consistent with the other rule chapters.

Subp. 193. Survey or radiation survey.

Geise questioned using both physical examinations and measuring radiation for surveys when the physical examination is typically enough. He suggested adding 'or' rather than 'and'. Zink stated that it should be 'and/or' and it should be within the judgment of the individual doing the survey.

Subp. 206. Tube housing assembly.

Cavanagh asked for feedback as to whether this should be a defined term. Lewandowski stated we should consider how it's used in the rule. Purrington stated we intend to add this definition back in since it is used within dental provisions and in the x-ray system definition.

Subp. 209. Useful beam.

Geise stated this is specific to radiation therapy and should be included in that rule area.

Subp. 195a. Verbal order.

Cavanagh stated this should be renumbered. Zink asked why and how MDH intends to use this term. Purrington stated that this would be included in situations when there is an emergency,

but a written order would also need to be provided. Hanson responded a written order is required for every procedure. Sabo stated this could just be placed in the ordering rule part rather than having a definition.

Subp. 212. Very high radiation area.

Geise doesn't see the need for keeping this definition. Purrington stated MDH is keeping this in the definitions as a place holder and will discuss this with the industrial focus group.

Subp. 217. Written order.

Cavanagh asked for direction on this term given the previous discussion on 'verbal order'. Purrington stated that these could come out of Definitions part and added to the affected rule part(s) instead.

Subp. 218. X-ray control.

Lewandowski reminded members that this definition references medical applications only, and not non-human or industrial uses.

Subp. 223. X-ray system.

Lewandowski stated that industrial use is excluded from many of the definitions. Purrington responded that specific definitions will be included at the beginning of the industrial rules.

Subp. 223a. X-ray table.

Zink noted that CT is excluded from the definition. May want to consider the adding the 'CT couch' in this definition.

Purrington concluded by saying that version 7.0 will be in the new format where all the language is new (ie - underscored). She thanked everyone for their time.

Public Comments

- Jeffrey Brunette: Agrees that industrial facilities are not represented well in the rule. He also stated that the 'qualified medical physicist' definition should be specific. Purrington acknowledged that industrial and research facilities need to be defined better.
- Sue McClanahan: Thanked MDH for taking the time and effort to update the rule chapter.
- Linda Laman: Thanked MDH for the flyer to use at the Minnesota Society of Radiologic Technologists meeting.
- Tom Payne: Suggests removing the qualified expert proposed definition and keeping service provider. Service provider has been referenced in our state for a number of years.

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