

**RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
SEPTEMBER 23, 2010**

PRESENT: Gregg Bogost, Linda Caldart-Olson, Kelley Grant, Mary Ellen Jafari (joined the meeting at 9:23 a.m.), James Lemerond, Susan Sanson

EXCUSED: None.

STAFF: Jeff Scanlan, Bureau Director; Colleen Baird, General Counsel; Kimberly Wood Bureau Assistant; Gail Pizarro, Ph.D., Examination Specialist – Office of Education and Examinations; and other DRL Staff

GUESTS: Michael Blumenfeld, Blumenfeld and Associates; Bill Balke, Wisconsin Department of Health Services (DHS)

CALL TO ORDER

Susan Sanson, Chair, called the meeting to order at 9:02 a.m. A quorum of five (5) members was present.

APPROVAL OF AGENDA

MOTION: James Lemerond moved, seconded by Kelley Grant, to approve the September 23, 2010 agenda as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Jeff Scanlan informed the Board that due to the impending change in Governor, the Department will soon acquire new administration.

APPROVAL OF MINUTES

Amendments to the Agenda:

- **Page 4 of the Minutes:** Under the header/sub-header titled “Review of Wisconsin Statute Chapter 462 As Created by 2009 Wisconsin Act 106/Administrative Rule Making required per s 462.02” insert the word “to” after the word “introduced”.
- **Page 6 of the Minutes:** At the top of the page, amend the wording in italics by adding “because the line was inadvertently disconnected.” at the end of the sentence.

MOTION: Gregg Bogost moved, seconded by James Lemerond, to approve the minutes of June 29, 2010 as amended. Motion carried unanimously.

REVIEW OF PROPOSED NOTIFICATION OF NEW PERMITTING REQUIREMENTS FOR LIMITED X-RAY MACHINE OPERATORS (LXMO)

The Board reviewed the draft memorandum that will be distributed as a notice of impending requirements for obtaining the LXMO permit. The Board discussed concerns regarding language contained within this memorandum in terms of obtaining the LXMO permit prior to the end of the transitional licensure period. The Board clarified that it does not want to disallow access to the permit. Jeff Scanlan and Colleen Baird explained the requirements for obtaining the permit during and after the transitional permitting period. The Board discussed an individual's inability to practice as a LXMO if the application and testing requirements are not completed by the April 2012 cut-off date. The Board acknowledged the need to distribute information about the upcoming requirements in a timely fashion so that there is sufficient time for individuals to apply for a permit and to complete the examination requirement prior to the end of the transitional credentialing period. The Board discussed the addition of clarifying information to the LXMO permit memo. Colleen Baird, Susan Sanson, Linda Caldart-Olson and Mary Ellen Jafari will work to amend the draft memorandum and Jeff Scanlan will send the draft memorandum to the designated individuals. Bill Balke, DHS, requested that Jeff Scanlan provide a copy of the memo once the final draft is complete.

Bill Balke, DHS, was present at the meeting to participate in Board discussion of this topic. He advised the Board that DHS has provided a listing of all registered x-ray equipment in Wisconsin to the Department for the purpose of this notification. The Board discussed additional methods of distributing the notification of permitting requirements for the LXMO permit and addressed the plan for dissemination.

The Board noted a provision in 2009 Wisconsin Act 106, Section 5, for the Podiatrist Affiliated Credentialing Board (PACB) to work with the Board in the establishment of educational requirements for the PACB. The Board inquired about the extent of this provision and whether it provides veto rights to the Board or if it is consultative only. Jeff Scanlan explained that when the PACB drafts its rules it may need to provide evidence in its promulgation process that the Board was able to review and provide feedback pertinent to the requirements, but the Board will not have absolute authority to veto the PACB proposal for instituting educational requirements. The Board was informed that it would have the opportunity to object to the educational requirement proposal through the rulemaking process of the PACB if the need is identified.

The Board discussed the need to include additional language in the memorandum. Jeff Scanlan indicated that the Board should be cognizant of the length of this memo. In response the Board decided to create frequently asked questions (FAQs) document to address questions that may be posed by potential LXMO permit applicants. The Board felt that the FAQ document will help to avoid overextension of its memorandum. The Board was advised by Susan Sanson that the Wisconsin Society of Radiologic Technologists (WSRT) had begun drafting FAQs relating to the new credentialing requirements, and a copy of this document was distributed to the Board. The Board will work to incorporate the WSRT FAQs into the Board's FAQ document. Colleen Baird will work with Susan Sanson, Kelley Grant and James Lemerond in the drafting of the FAQs. The FAQ document and the informational memorandum will be reviewed at the November 16th meeting.

(Mary Ellen Jafari arrived at 9:23 a.m.)

REVIEW OF APPLICATION FORMS

Amy Booth, Credentialing Specialist, joined the Board for review of the proposed application forms for the transitional radiography license and the transitional LXMO permit.

Transitional License to Practice Radiography

The Board reviewed the application forms for obtaining a radiography license during the transitional licensure period. An issue pertinent to the radiographer licensing requirements for the transitional period was discussed by the Board. The Board identified a concern regarding the ability of applicants to sit for the examination without being required to meet the American Registry of Radiologic Technologists' (ARRT) registration testing standards. The Board decided that it would require applicants to undergo the ARRT examination vetting process. The Board identified changes that should be made to the application forms for obtaining a license for radiography during the transitional period. The Board requested that the Department work to revise the application forms so that they can be reviewed for approval at the next meeting.

Transitional Limited X-Ray Machine Operator Permit

The Board reviewed the application form for obtaining a LXMO permit during the transitional period. The Board identified revisions to the application forms during its review of the application forms for obtaining a LXMO permit. The Board requested that the Department work to revise the application forms so that they can be reviewed for approval at the next meeting.

During the Board review of the application forms Susan Sanson noted that LXMOs would not be permitted to use fluoroscopes and noted other restrictions which may apply to the practice of a LXMO. Colleen Baird indicated that the Board should consider adding limitations to the LXMO scope of practice through its rules.

The Board also discussed how it would obtain pass/fail information from ARRT for the purposes of verifying the successful examination completion those individuals that may have taken their examination in another jurisdiction. It was unclear whether ARRT would report scores directly to the Department and as such the Board requested that Gail Pizarro, Ph.D., contact ARRT to determine how examination results would be conveyed. The Board discussed its responsibility to obtain verifiable examination scores.

Colleen Baird brought up the possibility that specialty areas be identified on the LXMO permit. Jeff Scanlan advised the Board that the Department cannot print this information on a credential card, but noted areas of practice could be identified in the LXMO credentialing record and this information would be available on the Department website.

**EDUCATION AND EXAMINATION REQUIREMENTS FOR LIMITED SCOPE X-RAY
MACHINE OPERATOR AND RADIOGRAPHER LICENSING – GAIL PIZARRO,
PHD, OFFICE OF EXAMINATION AND EDUCATION**

Gail Pizarro, Ph.D. provided the Board with a listing of LXMO programs in the state. The Board noted that the list of educational programs provided by Dr. Pizarro, did not originate from what it considers a verifiable source and indicated that she should reference the information provided by the Joint Review Committee on Education in Radiologic Technology (JRCERT) website for information on acceptable educational programs in the state.

The Board requested that Gail Pizarro, Ph.D. check with the ARRT regarding the Board's ability to receive testing results for individuals that apply from other jurisdictions and indicated that she should forward this information to the Board as soon as possible. The Board requested that it receive information of the methods available for score transmission at its next meeting.

**DISCUSSION ON MINIMUM EDUCATION REQUIREMENTS FOR ISSUANCE OF
PERMITS AND LICENSES**

**Establishment of Minimum Education Requirements for Issuing a Limited X-Ray Machine
Operator Permit**

The Board worked to identify its minimum educational requirements for issuing the LXMO permit. The Board voiced concerns about "fly-by-night" educational programs that would not adequately prepare potential LXMOs for practice.

The Board discussed the utilization of accredited radiologic technology education programs that are available in the state, but wondered if the content of the radiologic technology programs could be abbreviated for the purposes of obtaining LXMO education. The Board noted that there is an ARRT document which outlines what a limited scope program should include.

James Lemerond informed the Board of his communication with educators pertinent to the topic of educational options for those seeking to obtain the LXMO permit. He indicated that he has received mainly positive feedback and that the most frequently asked question he has received from educators is relevant to the timelines. James Lemerond indicated that most educators feel that they can include those seeking LXMO education in their current radiologic technology program. He indicated that there were a few areas that would not pertain to LXMO practice, such as fluoroscopy, but stated that LXMO students could be pulled from portions of courses containing content outside of the LXMO scope of practice.

The Board discussed the existence of LXMO programs. Jeff Scanlan indicated that a web search for LXMO education yielded a number of questionable programs most of which seemed to be geared towards medical assistant training. The Board discussed how it could prevent individuals from taking what it may not consider to be an acceptable program. Susan Sanson proposed that the Board identify the key courses within a radiologic technology programs which would meet the curriculum requirements for the LXMO credential and then set a requirement that these courses be taken through a JRCERT accredited program.

Jeff Scanlan advised the Board that he has began receiving questions about who is able to teach the LXMO courses. The Board discussed this question and indicated LXMO education will be delivered under the umbrella of a JRCERT accredited program. Additionally, the Board noted that it is the responsibility of the school to ensure that its course instructors are qualified to provide instruction.

The Board indicated that another piece it will need to address is the documentation of clinical competence. Board felt that a definition of clinical competence should be created as supervisors will be required to provide attestation of competence as part of the application process. The Board indicated that it would look at this issue more closely when it drafts its rules.

Establishment of Minimum Education Requirements for Issuing a License to Practice Radiography

The Board discussed the establishment of minimum educational requirements for issuing radiography licenses. Jeff Scanlan explained that a significant issue pertinent to rule drafting is the standards of education.

The Board discussed the inability of a radiography applicant to sit for the Board's licensure examination without the completion of a program of study found acceptable by ARRT, typically a JRCERT accredited program. The Board explored whether to include rule language which would allow the Board to accept equivalent degrees so that the Board can make its own determination regarding an individual's ability to sit for the radiography licensure examination. The Board expressed concerns about the acceptance of equivalent degrees as this would allow applicants to bypass the ARRT vetting process. The Board identified components of the ARRT vetting process that the Board felt was essential to ensure public protection and professional competence. The Board decided that it will address this issue further during the process of drafting its rules.

TIMELINE ESTABLISHMENT FOR ISSUANCE OF INITIAL TRANSITIONAL CREDENTIALS, ISSUANCE OF FULL PERMITS AND LICENSES, CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL

Transitional Permit/License to Full Permit/License Process

The Board noted that it had addressed this item and that no further discussion was required. Jeff Scanlan indicated that it is anticipated that the Department will be able to begin issuing permits and licenses before December 2010. He stated, however that the examination contract will need to be finalized before this process can begin. Colleen Baird indicated that the rule-writing process will take more time and indicated that draft rules may be ready in the spring of 2011.

DISCUSSION ON DIRECT SUPERVISION REQUIREMENTS FOR UNLICENSED STAFF OPERATING X-RAY EQUIPMENT IN PODIATRY, CHIROPRACTIC AND DENTAL CLINICS

Colleen Baird outlined the Board's options for incorporating supervisory standards in response to exemptions in the law that allow unlicensed staff to operate x-ray equipment in podiatry, chiropractic and dental clinics.

The Board discussed its expectations for direct supervision in an effort to identify an acceptable definition. The Board discussed the extent of the supervision it would like to require. The Board considered how these individuals would be regulated. Colleen Baird provided information regarding the enforcement process of the Department relating to regulation of unlicensed practice cases. She stated that a licensed individual who acts as supervisor assumes responsibility for the actions of the individuals they supervise and as such may be held accountable for the actions of a supervisee under the jurisdiction of their professional board.

The Board reviewed a proposed definition provided by Colleen Baird, but indicated that this definition would not meet the needs of the profession. In response Colleen Baird referenced definitions of supervision as outlined by the nursing and medical professions as examples of definitions utilized by other professions. The Board discussed inclusion of language that would outline that supervisors should be responsible for the diagnostic quality of images produced by a supervisee. The Board indicated that it was in favor of the nursing definition of direct supervision and decided to incorporate this definition into its rules.

REVIEW OF MODEL ADMINISTRATIVE DRAFT RULES FOR REGULATION OF RADIOGRAPHY

The Board discussed the most appropriate way to approach the draft rules relating to the regulation of radiography. Colleen Baird distributed a printed copy of the updated rule draft and advised the Board that it should not invest itself in addressing the specific wording of this draft. Colleen Baird indicated that the creation of the preliminary draft prompted a question about the Board's establishment of a percentage for passing the Board's examinations.

The Board discussed how high to set its examination passing rate. Board discussion also encompassed whether to set a regular interview in which the Board could evaluate the examination pass rates so the Board can determine whether its examination's passing percentages should be adjusted. James Lemerond distributed a document to the Board outlining a comparison of the areas that applicants for the LXMO and radiography credentials would be tested on. Susan Sanson asked the Board's membership to review this information before the November meeting. The Board discussed how to request a psychometric analysis of the pass rates for the examination.

The Board returned to its discussion of how to conduct its review of the rule draft. Colleen Baird indicated that this draft is a close approximation of how the rule language will appear when finalized. She noted that additional drafting and editing will be required. Colleen Baird explained the layout of the rules chapters. She explained that the intent of rule writing is to expand upon the authority provided to the Board by statute and to provide more about policy in rule.

In response to an inquiry of Susan Sanson, Colleen Baird affirmed that the Board can incorporate a nationally recognized code of ethics, but stated that revisions or additions may be needed depending on the length and content of the ethical code. Another question was raised by Susan Sanson in terms of the need to include scope of practice statements for the LXMO permit and the radiographer license. Jeff Scanlan confirmed that scope of practice could be addressed in the Board's rules. The Board discussed where it would place statement outlining areas of practice that are acceptable vs. those that are prohibited. Colleen Baird directed the Board's attention to the definitions outlined for limited scope x-ray machine operator and for radiographer.

During the review of the definitions, Gregory Bogost pointed out the possibility of confusion relating to computed tomography (CT) and whether this practice falls under the board's purview. The Board determined that according to the statute CT falls within the practice of radiography and indicated that a radiographer license would be required to perform this service. The Board will add a question to the FAQ outlining the requirement for CT Techs to obtain the radiographer license.

Colleen Baird then directed the Board's attention to chapter 3 of the rule draft – education and examination requirements and spoke specifically to the course of study. She encouraged the Board to review this information. Colleen Baird indicated that she did not specify components of the courses or hour requirements as she assumes that this will be covered by the accredited programs. The Board discussed the rule draft as it pertains to education and requested revisions that would more separate the requirement for the LXMO permit from the requirements for the radiography license.

The Board considered availability of preparation materials for the LXMO examination. The Board discussed the resources that may be available to prepare LXMO applicants for the state examination. The Board indicated that it can refer these applicants to resources provided by ASRT and JRCERT.

The Board discussed what it would accept as of evidence of successful completion of a course of study and examination after the transitional licensure period for the LXMO permit and the Radiography credential.

CE Requirements

The Board began discussion of its rules in terms of continuing education requirements. Colleen Baird outlined that there is a provision for exemption from continuing education requirements. The Board indentified that the ARRT requires continuing education and as such the radiography licensees would still need to complete continuing education requirements to maintain their registration status with ARRT.

The Board worked to determine how it would move forward in its rule-writing. The Board discussed the availability of its membership to form a subcommittee. Jeff Scanlan indicated that there are requirements for public notification of a meeting of a rule-writing subcommittee. The Board indicated that it would work to establish a rule-writing subcommittee

APPENDIX: WISCONSIN STATUTE CHAPTER 462 AND 2009 WISCONSIN ACT 106

This item was included for reference.

PUBLIC COMMENTS

None.

OTHER BOARD BUSINESS

The Board expressed gratitude to Bill Balke, DHS, for attending this meeting and for providing his input throughout the course of meeting.

ADJOURNMENT

MOTION: James Lemerond moved, seconded by Kelley Grant to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:16 p.m.