

**Arkansas Department of Health Radiation Control
Medical Ionizing Radiation Licensure Committee (MIRLC)
Minutes -Tuesday, July 11, 2023; 3:00 p.m. – 5:00 p.m.**

Committee members present via Teams were Lisa Rhoden (Board Chair), Bernard Bevill, Tracy McKnight, Sheila Randolph, Rogerich Paylor, M.D., Richard Nelson, M.D., and Paul Bruce, MS. Members not in attendance were Adriane Travis, Allan Kirkland, M.D., and Jacobis Davis. Also, in attendance were Chuck Thompson, Brian Nichols, Reginald Rogers, Laura Shue, S. Craig Smith, Summer Khairi, Tiffany Young, Adelia Oldenbroek, Dr. John Meadors, Dr. Edward Williams, and Jason Martin. This meeting was held virtually via Teams.

Welcome and Introduction

Ms. Lisa called the meeting to order at 3:01 pm. Bernie Bevill took role and determined that there was a quorum, and the meeting could proceed.

Minutes Review

The minutes from the April 18, 2023, meeting were presented and reviewed. Dr. Paylor made a motion to accept the minutes as presented, Dr. Nelson seconded the motion. There were no objections and the motion passed.

Current Complaints/Violation's that were brought to MIRLC attention:

Desiree Sherwood RTL01 14857 (expires 09/30/2023)

06/07/2023 Adelia Oldenbroek received a letter from Ms. Sherwood who was self-reporting that she was charged with a Driving While Intoxicated Offense Level 1 on 03/01/2023. She has notified the ARRT and is currently under review for a Code of Ethics violation. Mr. Thompson has indicated that this is not a felony. No further action is required at this time.

Susan Spurlock/Hashmi Medical Associates

06/28/2023 Larry Odom, Health Physicist with Radiation Control, was conducting a routine inspection at Hashmi Medical Associates in West Memphis. When he inquired about who performed the x-rays, Ms. Susan Spurlock admitted she took the x-rays. Ms. Spurlock does not have any type of license and believed she could perform the x-rays under the MD's license.

07/10/2023 Lori Dodson sent out violation letters to both Ms. Spurlock and Dr. Hashmi by certified mail.

Van A. Johnson RTL01 8388

04/27/2023 Mr. Johnson appeared before the Board of Health (BOH). Charles Thompson explained that the BOH overrode the MIRLC decision and extended Mr. Johnson's temporary waiver to go through the end of his probationary period in 2027, provided there are no further criminal actions, and his background check is clear at the time he appears before the BOH in 2027.

Limited License Tech Supervision Issues

Discussion surrounding supervision issues. Shane David explained the ADH stand regarding this issue. The current definition in the Rules Pertaining to Radiologic Technology Licensure (RTL Rules) does not include Nurse Practitioners or Physician Assistants. The Medical Board defines supervision by licensed practitioner. Craig Smith from legal explained that changing the definition would require a law change through the legislature it is not something that we can change through RTL Rules. Charles Thompson agreed that it would require a statutory change. Edward Williams, PA, asked for clarification about the supervisory roles of PA regarding supervision of x-ray technologists. He also asked what the repercussions would be if the Rule was not followed. Mr. Thompson said that violations regarding the PA would be handled through the Medical Board and the technologist's violation would be handled through MIRLC.

Lisa Rhoden asked if the x-ray techs were in violation if they performed an x-ray exam ordered by a PA or an APRN? Mr. Williams, read the licensed practitioner definition from the RTL Rule.

He says that a PA is considered a licensed practitioner according to the Medical Board. The RTL Rule says, "'Licensed Practitioner' means a person licensed to practice medicine, dentistry, podiatric medicine, chiropractic, osteopathy, or optometry in this state;"

Dr. Meadors read Arkansas code concerning supervision of PA's.

Craig Smith and Charles Thompson says that regarding what a PA does is governed by the Medical Board and MIRLC cannot respond to those issues. MIRLC review can only speak to the technologist supervision outlined in 106-203 which does not include APRN's or PA's at this time.

Ms. Rhoden asked again about PA's being able to order x-rays. She says the Rule says that APRN's can issue orders. Mr. Thompson said that can be changed through Rule. Again, the Department of Health (DOH) does not govern PA supervision. The Medical Board is their governing authority. The issue MIRLC has is the RTL Rule regarding the definition of supervision. This is an ongoing discussion. The ADH is open to an ad hoc working group to hash out these issues.

Shane David asked if the Medical Board has defined supervision. Mr. Bevill said that we haven't contacted the Medical Board about this. Mr. Thompson said that legal has based their interpretation on the different sections of Arkansas Code.

Ms. Rhoden suggested that MIRLC develop a task force to investigate this matter.

Mr. Rogers said that we could make inquiry into the Medical Board as to their definition regarding a PA being licensed to practice medicine. Mr. Thompson agreed that we could take another look at their legal interpretation if the Medical Board affirms that a PA is licensed to practice medicine in the State of Arkansas. Mr. Thompson offered to make the inquiry. Ms. Rhoden asked if MIRLC would be notified about the interpretation before the next meeting in October. Mr. Thompson said he would find out and let Mr. Bevill know, Mr. Bevill will notify MIRLC.

Dr. Meadors and Mr. Williams, volunteered to be part of the task force.

Other Tech Supervision Issues

Mr. Bevill relayed another item brought up from Dr. John Meadors regarding the requirement of a radiologist presence in the room during a Modified Barium Study. The Rule does not allow for speech pathologists to perform the examination independently. In 2017 MIRLC affirmed the Rule.

A radiologic technologist may not perform the fluoroscopic study unless it is performed in the presence of a supervising physician. Dr. Meadors has requested that the supervision be performed by a PA.

Dr. Meador expressed that there are not enough radiologists in the State of Arkansas to cover the state. They are having a comparable issue with coverage for diagnostic mammograms. His claim is that there are multiple states that allow for the remote supervision for diagnostic mammograms. Dr. Meadors says that there are sections of the state, specifically South Arkansas, where women are not able to receive diagnostic mammograms due to the lack of available physicians. Often these women are not able to travel the distance to a facility where these services are provided. He mentions that during the pandemic these types of services were developed and used effectively. Mr. Bevill explained that this issue is not under the RTL Rules. This issue falls under the Rules for Control of Sources of Ionizing Radiation. Therefore, out of the scope of MIRLC oversight.

Gonad Shielding Requirement Removal

The Radiation Control Section request to issue an exemption to the Rules for Control of Sources of Ionizing Radiation RH-1602.a.6 which requires gonadal shielding was rejected. After discussion it was suggested that the matter will be brought before the BOH again during the October meeting. At this meeting representatives from MRILC, Lisa Rhoden and Tracy McKnight, will present the case for the need for this change. Shane David asked that Ms. Rhoden provide both himself and Mr. Bevill with a bullet point summary of the need for the change. This will allow them to answer any internal questions regarding the need to represent the issue to the BOH in October.

RTL Program Manager Status

The RTL Program Manager job vacancy still has not been filled.

Appointment Status

Mr. Bevill has been in contact with Matt Gillmore as to the status of the new applicants for the committee. There have been no new appointments.

NEW BUSINESS:

Ashlee Hall RTLTL 0810020 (expired 06/30/2023)

07/06/2023 Lori Dodson received an email from Ms. Hall requesting an extension on her temporary license. She has had health issues that have prevented her from retaking the ARRT Registry. She has attempted the Registry once in September 2022. Dr. Nelson made a motion to extend Ms. Hall's temporary license for three months. Mr. McKnight seconded the motion. The motion passed. Lori Dodson will notify Ms. Hall of the MIRLC decision.

Proposed Rule Change

There will be a Proposed Rule Change resulting from the Legislative Session addressing an occupational licensing matter associated with Automatic Licensure.

RCES Examination

Jason Martin has contacted the Radiation Control office and inquired about licensure under the Limited Specialty License (RTLRC) being extended to include those sitting for and passing the RCES examination in addition to the current examination (RCIS) that is accepted. After discussion Ms. Oldenbroek volunteered to investigate the difference between the two certifications. The addition of the new certification will require a change to the RTL Rules.

Next Meeting Scheduled

The next Quarterly Medical Ionizing Radiation Licensure Committee meeting is set for October 10, 2023, 3:00 p.m.

Meeting Termination

The meeting ended at 4:27 p.m. with a motion from Sheila Randolph and seconded by Tracy McKnight. The motion passed.