

**DELAWARE AUTHORITY ON RADIATION PROTECTION**  
**SUMMARY OF MEETING**  
November 18, 2013  
Harry Levin Center for Pharmacy History & Education  
27 North Main Street  
Smyrna, Delaware

Members Present: (those with checks only)

R. Arm	√	F. Fisher-Tyler	√	K. Musto	√
F. Esposito	√	W. Holden		K. Neelans	√
L. Fox	√	I. Turner	√	D. Smith	√
E. De Whitt	√	T. May	√	D. Tilton	
J. Dill	√	N. Melikechi	√	R. Wier, Jr.	√

Guests:

R. Mims	√	R. Brinsfield	√	D. Parker	√
N. Henry	√	K. Shaughnessy	√	B. Fendt	√

F. Esposito, Authority Chair, brought the meeting to order at 6:05 pm.

**I. Agenda Adopted**

R. Wier introduced a motion to accept the agenda. R. Arm seconded and all voted to approve. The motion passed.

**II. Minutes**

L. Fox introduced a motion to approve the September 9, 2013 meeting minutes, R. Wier seconded and all voted to approve. The motion passed.

**III. Chairman's Comments**

F. Esposito thanked the members of the Authority for their continued service and contributions to radiation protection for all Delawareans, and indicated that with robust agenda, she would keep her comments brief.

**IV. Informational Updates**

D. Smith, Chair of the Authority Public Education Committee, reported that the committee has held multiple conference calls in 2013. He handed out a brief on the work done so far, which identified key questions for the Authority – Who we are, Who we protect, What we regulate, and Why we regulate. The brief also included several talking points drafted to address those questions. He asked the members to provide feedback on this brief, and indicated that this process will move toward specific actions being proposed to raise awareness of the Authority on Radiation Protection, and identify

ways to channel useful information to members of the public. F. Esposito remarked that there are many opportunities to bring valuable information to help people become more informed about the procedures ordered for them, such as guidance for the kinds of questions people should ask their physician. She indicated that she recently presented to the University Women of Sussex County, using information assembled by the American College of Radiologists which are very helpful and that the information was well-received. D. Smith indicated that feedback on the efforts of the public education committee is very welcome, and would be appreciated. You can visit the Authority webpage at [www.deradiationprotection.org](http://www.deradiationprotection.org).

F. Fisher-Tyler reviewed the ORC Program Report, reflecting highlights of activities associated with carrying out the work of the Authority. She mentioned that D. Smith has done an excellent job of updating the Authority on Radiation Protection webpage, and indicated that the ORC program webpage was recently streamlined, with many links to informational materials removed. Many links removed from the ORC webpage are featured on the Authority webpage. J. Dill inquired as to status of the ORC position reclassification, which remains in progress at the Department level (DHSS).

R. Brinsfield reviewed the ORC Monitoring Report for the period January 1 – October 31, 2013. He briefly reviewed New X-Ray Facility, X-Ray Facility Inspection Summary, X-Ray Inspection Violation and Radiation Technologist/Technician Summary Reports. He received comments regarding violation report entries that appeared to be inconsistent, and indicated that the report would be reviewed and corrections made before it is finalized. F. Fisher-Tyler remarked that the increase in numbers of inspections conducted, and violation citations issued as compared to previous years is consistent with the addition of the full-time Radiation Control Specialist position advocated by the Authority on Radiation Protection. This position has been filled since March, 2013.

**Action Item:** Revise and finalize ORC Monitoring Reports, especially the Violation Report, R. Brinsfield.

## V. Regulatory Review

F. Esposito acknowledged and thanked the members of the Regulations Task Force for their time and effort to date, and for the work ahead. She indicated that she is pleased with the Authority response to the Governor's Executive Order 36 in expediting the Phase 2 review of the Delaware Radiation Control regulations, last amended as a whole in 2002. She reported that the proposed regulations presented at this meeting were prepared by the Regulations Task Force, who held multiple conference calls and meetings in 2013 for this initiative, most recently on October 22, to incorporate input from the Authority and external stakeholders from the September 9, 2013 pre-decisional review meeting.

She also indicated that since R. Wier drafted a proposed revision to Section 9.0 of the 4466 Radiation Technologist/Technician Certification Regulation, the Authority would

start it's discussion with that particular regulation. The three sets of regulations reviewed are listed below.

<b>Admin Code No.</b>	<b>Chapter</b>	<b>Title</b>
4465	Part A	General Provisions
4465	Part B	Registration of Radiation Source Facilities and Service Providers
4466	n/a	Radiation Technologist/Technician Certification Regulations

F. Fisher-Tyler reported that each regulation would be discussed page by page, with the proposed regulation projected up onto a screen, allowing each member follow along with their hard copy hand-out. She reported if the Authority votes to approve the proposed regulations at this meeting, they would be moved up through the DPH/DHSS (the Agency) approval process, prior to being published for public comment.

#### 4466 Radiation Technologist/Technician Certification Regulations

The group reviewed the regulation, section by section. Minor typos and/or edits were made to Sections 4.0 Definitions, 6.0 Certification Process, 7.0 Issuing Certification, and 8.0 Limitations of Certification. R. Wier provided a proposed revision for Section 9.0 Appeals, Enforcements and Penalties for each member. He reviewed his proposed revision, line by line. The proposed revision was reframed to focus on Grounds for Denial of a Certificate and/or Discipline of a Certificate Holder, and wording changes were made to modernize the language to be more consistent with current state and federal law. There was substantive discussion about the role of the Authority, the role of the Agency (DHSS/DPH/ORC), and the extent of the powers delegated by the Authority to the Agency, with respect to carrying out these regulations. Mr. Wier remarked that the Authority is rather unique, in that other boards of professional licensure have staff reporting directly to the board, to carry out their work, where the Authority does not. The discussion of the proposed revision resulted in multiple wording changes to update the content of Section 9.0 considerably.

#### 4465 Part A – General Provisions

A number of minor edits were identified in Sections 1.0 Purpose and Scope, Section 2.0 Definitions, Section 3.0 Exemptions from Regulatory Requirements, and Section 9.0 Units of Exposure and Dose. The definition for “Byproduct Material” was noted to be slightly different from that of the US Nuclear Regulatory Commission (NRC), and all agreed that the definition should be made identical in the Delaware regulation. Additional definitions were identified to be inserted, and will be identical to those in 4465 Part B and 4466 Radiation Technologist/Technician Certification Regulations (Exposure Units, JRCNMT, Office of Radiation Control, Radiation Technology).

#### 4465 Part B – Registration of Radiation Source Facilities and Services

A number of minor edits were identified in Sections 2.0 Definition. Section 5.0 Shielding Plan Review was substantially revised since the September version, identifying specific types of radiation machine facilities or rooms which require a shielding plan: dental

panoramic or cephalometric, dental cone beam computed tomography (cone beam CT), stationary radiographic or fluoroscopic x-ray, mobile x-ray machine used routinely in one location, computed tomography (CT) scanner, mammography, and linear accelerator or other therapy machine. Section 5.0 was also revised to identify types of radiation machine facilities or rooms which do not generally require a shielding plan review: dental intraoral bitewing or periapicals, bone densitometry, podiatry, mini C-Arm (eg. orthopedic). Section 5.9 was added to require that facilities that initiated design, construction or installation of dental panoramic, cephalometric, or cone beam CT devices prior to the effective date of the regulation shall use administrative controls to limit dose rates to members of the public to less than 2 milliroentgen per hour (2 mR/hr), and/or less than 100 millirem dose per year. Lastly, members were reminded that Appendix C RSO Responsibilities and Appendix D Education and Training for Persons performing radiation machine assembly, installation and repair were added as new appendices, and were reviewed at the September 9 Authority meeting.

R. Wier introduced a motion to approve the 4465 Part's A & B, and 4466 Radiation Technologist/Technician Certification Regulations, on condition of correction of minor editorial items identified during the discussion, R. Arm seconded the motion, all voted to approve. The motion passed.

**Action Item:** Finalize Radiation Technologist/Technician Certification Regulations, Section 9.0, Grounds for Denial, Hearing Procedures and Appeals, F. Fisher-Tyler, R. Wier, R. Mims.

**Action Item:** Incorporate editorial items identified during the discussion, F. Fisher-Tyler.

## VI. Old Business

None to report.

## VII. New Business

R. Arm reported that he would be meeting with the Delaware State Dental Society, Board of Directors this week, and has been asked to provide information about the Delaware Dental Radiological Technology (DDRT) certification examination, and other matters relevant to radiation technician certification in Delaware.

F. Fisher-Tyler announced Authority Meetings for 2014 are scheduled as follows:  
Feb 24, May 5, Sep 15, Nov 17

## VII Annual Election of Officers

F. Fisher-Tyler opened the floor for nomination of the office of Chairperson. L. Fox introduced a motion to nominate F. Esposito, R. Wier seconded and all voted to approve. The motion was passed. F. Fisher-Tyler opened the floor for nomination of the office of Vice-Chairperson. R. Wier introduced a motion to nominate R. Arm, D. Smith seconded and all voted to approve. The motion passed.

**VIII. Adjournment**

R. Arm introduced a motion to adjourn, L. Fox seconded and all voted to approve. The Authority meeting was adjourned at 9:05 pm. The next meeting of the Authority is scheduled for February 24, 2014 at 6 pm, at the Harry Levin Center for Pharmacy in Smyrna.

Respectfully submitted,

Kelly Shaughnessy,  
Recording Secretary,  
Authority on Radiation Protection  
Office of Radiation Control