

DELAWARE AUTHORITY ON RADIATION PROTECTION

SUMMARY OF MEETING

September 30, 2019

Harry Levin Center for Pharmacy Education

27 North Main Street

Smyrna, Delaware 19977

Members Present: (those with checks only)

F. Esposito	√	F. Fisher-Tyler	√	K. Musto	√
I. Turner, Jr.	√	W. Holden, III	√	H. Chen	√
N. Bent	√	T. Hitchens		M. Higgins	√
M. Finkelstein	√	J. Mack	√	G. Poirier	√
J. Wyatt	√				

Guests:

R. Brinsfield		K. Shaughnessy	√	D. Hill	√
R. Hagen	√	B. Fendt	√	J. Hanes	√
J. Suder		M. Zdradzinski	√	J. Deol	√

I. Call to Order/Chairman's Comments

Authority Chair F. Esposito brought the meeting to order at 6:10 pm, with a quorum of twelve Authority members. She thanked everyone for committing their personal time to attend the evening meeting, and in particular braving the traffic to arrive safely to do the business of the Delaware Authority on Radiation Protection. She asked all present to introduce themselves, welcoming appointed members, guests and staff.

II. Approval of Agenda – September 30, 2019

Authority Chair F. Esposito suggested a motion to adjust the agenda to reflect review of the proposed Proclamation for Radiation Protection Week, rather than the Annual Report to the Governor, under Committee Reports. M. Higgins introduced the motion to make the agenda change, I. Turner, Jr. seconded, and all voted to approve. The motion passed.

III. Approval of Meeting Minutes – June 24. June 25. July 23

Authority Chair F. Esposito suggested a motion to approve the three sets of meeting minutes: June 24, 2019 Authority Quarterly Meeting, June 25, 2019 Certification Committee Meeting, and July 23, 2019 Public Education & Nominating Committee Meeting minutes. William Holden, III introduced a motion to approve the minutes, with a friendly amendment to make a correction to the header for the July 23, 2019 Public Education & Nominating Committee meeting minutes. M. Higgins seconded, and all voted to approve. The motion passed.

IV. New Business

F. Fisher-Tyler gave a brief overview of status of the Phase 4 and Phase 5 Regulatory Review, indicating that minor editorial comments received on the proposed rule published on August 1, 2019 had been incorporated, and the final rule was anticipated for publication on October 1, 2019. She stated that with Phase 4 thus completed, the Phase 5, final set of regulations in the comprehensive review of the Delaware Radiation Control Regulations (Title 16, Delaware Administrative Code, 4465) had been developed by the Regulations Task Force. She gave a briefing as follows:

Phase 5 Review:

- Part B – Registration of Radiation Source Facilities and Providers,
- Part E – Radiation Safety Requirements for Industrial Radiographic Operations,
- Part K – Compliance Procedures,
- Part T – Transportation

F. Fisher-Tyler handed out a status sheet, reflecting the proposed and final rule publication dates for Phase 4, which remains in play, and Phase 5 which was on the agenda for discussion and approval vote at this meeting.

Proposed Rule Publication Date (NEW)	Final Rule Publication Date	Delaware Radiation Control Regulations (DDRT)	Review Phase Number	Title
8/1/2019 TBD	<i>11/1/2018 10/1/2019</i>	4465 Part A	4, 5	General Provisions
8/1/2019 TBD	<i>11/1/2018 10/1/2019</i>	4465 Part B	4, 5	Registration of Radiation Source Facilities and Services
	<i>11/1/2018</i>	4465 Part C	4	Licensing of Radioactive Material
8/1/2019 TBD	11/1/2018 10/1/2019	4465 Part D	4, 5	Standards for Protection Against Radiation
TBD	TBD	4465 Part E	5	Radiation Safety Requirements for Industrial Radiographic Operations
8/1/2019 TBD	11/1/2018 10/1/2019	4465 Part F	4, 5	Use of Diagnostic Imaging in the Healing Arts
	<i>11/1/2018</i>	4465 Part G	4	Use of Radionuclides in the Healing Arts
	<i>11/1/2018</i>	4465 Part H	4	Radiation Safety Requirements for Analytical X-Ray Equipment
	TBD - upon future publication CRCPD SSR	4465 Part I	N/A	Radiation Safety Requirements for Particle Accelerators
	<i>11/1/2018</i>	4465 Part J	4	Notices, Instructions, and Reports to Workers; Inspections

8/1/2019 TBD	11/1/2018 10/1/2019	4465 Part K	4, 5	Compliance Procedures
TBD	TBD	4465 Part T	5	Transportation
8/1/2019 TBD	11/1/2018 10/1/2019	4465 Part X	4, 5	Therapeutic Radiation Machines
	5/1/2014	4466	N/A	Certification of Radiation Technologists/Technicians

Source: Office of Radiation Control, September 30, 2019.

Phase 4 Regulatory Review included Parts A, B, D, H, K and X, and included amendment of the definition of “Licensed Practitioner,” for the purposes of these regulations. Phase 4 included final rules published November 1, 2018, and targeted for publication October 1, 2019.

Phase 5 Regulatory Review includes Parts A, B, D, E, H, K and X. Phase 5 will include a second amendment of the definition of “Licensed Practitioner,” which was adjudicated with partners from the Delaware Board of Nursing and the Delaware Association of Nurse Anesthetists (DANA), which will be published as final rule on October 1, 2019. Phase 5 includes adoption with modification of Conference of Radiation Control Program Directors (CRCPD) Suggested State Regulations (SSR), Part E, Industrial Radiography, as well as revisions to Part B and K, modifying enforcement language for Radiation Service Providers, and Part T, providing state and federal regulatory citations for transportation of radioactive materials through Delaware.

Excerpts of pages with proposed changes to parts B, K and T were reviewed. The Entire 4465 Part E, Industrial Radiography, composed of the most recent Conference of Radiation Control Directors (CRCPD) Suggested State Regulation (SSR) Part E, modified to meet the needs of Delaware by the Regulations Task Force, was reviewed page by page. Chair F. Esposito introduced a motion to vote to approve the Phase 5 proposed rule, as presented. Vice-Chair Ivan Turner, Jr. seconded and all voted to approve. The motion passed.

Action Item: Submit proposed rule for publication Nov 1, 2019 F. Fisher-Tyler.

Ivan Turner, Jr. presented a draft of amended Bylaws for Authority review at the November meeting, developed by the Public Education/Nominating Committee meeting on July 23, 2019. He indicated that the criteria would be used to identify nominees for the two vacant public member seats (one in New Castle County, one in Kent County). I. Turner, Jr. introduced a motion to approve the amended Bylaws, M. Finkelstein seconded, and all voted to approve. The motion passed.

Action Item: Distribute approved Bylaws to Authority and have posted to Authority webpage, F. Fisher-Tyler.

V. Informational Updates

R. Brinsfield presented the ORC Monitoring Reports for calendar year 2019, YTD. He indicated that the handouts were numbered, and each attendee should give their copy

to K. Shaughnessy after the discussion. He described each category in the report, beginning with Number of New X-Ray Rooms subject to shielding plan review by ORC-registered Radiation Service Provider & issuance of “Approval to Construct” letter by the DPH Office of Engineering, as well as pre-operational inspection/issuance of “Approval to Operate” letter, and registration permit by the DPH Office of Radiation Control. He reviewed the X-Ray Facility Inspection Report, Inspection Violation Report, and Radiation Technologist & Technician Certification Report. He also described the new process for tracking radiation machine facilities granted waivers for hand-held dental intra-oral units as a condition of their registration permit, as requested by the Authority at the February meeting. F. Fisher-Tyler indicated that a waiver form has been approved by the Agency, and will be posted to ORC webpage.

VI. Committee Reports:

Regulations Task Force, Chair F. Esposito

Dr. Esposito reported that the committees work was reviewed under New Business, and she had nothing further to report.

Nominating Committee/Public Education Committee, Chair W. Holden, III

W. Holden, III reported that a meeting was held July 23, 2019 at which the following were discussed: Authority on Radiation Protection webpage update, status of two public member vacancies, election of officers for the November meeting. He introduced the discussion of criteria for public members within the Bylaws. I. Turner, Jr. researched references and proposed text from National Institutes of Health website for non-affiliated members of Institutional Biosafety Committees to add to the Bylaws. It was agreed to present the proposal to the Authority at the November meeting.

I. Turner, Jr. presented a draft Proclamation for Radiation Protection Week in Delaware, November 3-9, 2019. The Authority members reviewed the proclamation, which is issued by the Governor and Lt. Governor every fall in collaboration with the National Radiation Professionals Week based on the discovery of X-rays by Conrad Wilhelm Roentgen on November 8, 1895. In the absence of any comments, I. Turner, Jr. introduced a motion to approve the proclamation as presented. M. Finkelstein seconded, all voted to approve. The motion passed.

Action Item: Submit proclamation request to Governor’s Office, F. Fisher-Tyler.

Certification Committee, F. Fisher-Tyler for Chair T. Hitchens

A meeting was held June 25, 2019 to discuss national credential versus state-level certification for Medical Radiation Technician (limited scope), disparities in continuing education requirements between them, questions about level of x-ray training for veterinary technicians, and the new ARRT state-level exam in Fluoroscopy for Advanced Practitioners. The committee requested a sense of the Authority whether to proceed to draft a brief on implementing the Fluoro Exam for Physician Assistants (PAs)

and Advanced Practice Registered Nurses (APRNs). The Authority members provided support in concept to move in this direction.

Action Items: Develop brief on implementing the Fluoro Exam for PAs and APRNs for review at Feb 2020 meeting - T. Hitchens, R. Brinsfield.

Action Items: Explore development of awareness training materials (Powerpoint) with which to reach out to Veterinary Society board of directors, offer to present, T. Hitchens, R. Brinsfield.

VII. Public Comments

There was some discussion of recent Joint Commission for Accreditation of Hospitals announcement that the annual refresher training requirement for users of Fluoroscopy devices had been withdrawn, however the training requirements to achieve and maintain credentialing for this modality remains required in other sections of the Joint Commission document. The Delaware Radiation Control Regulations (Title 16, Delaware Administrative Code, 4465, Part F) establish training subject content, and qualification criteria for users of fluoroscopy devices. However, the state regulations do not, and have not in the past, required annual refresher training for Fluoroscopy operators. Again, it was noted that this matter does not impact the state regulations, and is only applicable to hospitals.

VIII. Acknowledgements and Adjournment

F. Esposito acknowledged the hard work of the Office of Radiation Control in preparing multiple sets of proposed regulations, and for due diligence in preparations such that there was little question or comment regarding the proposed rule.

Thanks were expressed to Robert Brinsfield and James Hanes for diligently preparing ORC Monitoring Reports, to Kelly Shaughnessy and Robert Brinsfield for handling meeting logistics, to Mike Zdradzinski, James Hanes and Randy Hagen for helping with meeting set-up, and all present who helped with break-down/clean-up of meeting venue, to enable an effective and efficient meeting!

Our collective thanks to Authority member Kevin Musto, who enables access to this centrally located, outstanding meeting space by the Delaware Pharmacists Society! A wonderful resource to the practice community, much appreciated.

In 2019, the Authority is scheduled to meet on the following dates at 6 pm, at the Harry Levin Center for Pharmacy History & Education in Smyrna:

- November 18.

M. Finkelstein introduced a motion to adjourn, M. Higgins seconded the motion, and all voted to approve. The motion passed.

Respectfully submitted,

Frieda Fisher-Tyler,
Administrative Agent,
Authority on Radiation
Protection