

RADIATION ADVISORY COMMITTEE MEETING

Minutes

June 11, 2008

Call to Order

Dr. Gary Gates, chair, called a meeting of the Radiation Advisory Committee to order into Executive Session on June 11, 2008, 10:30 a.m, in Conference Room 612 of the Portland State Office Building.

Members Present:

Barnett, D.M.D, Douglas
Elting, Donald
Franco, Janet
Gates, M.D., Gary

McNeill, Randy
Reese, PhD, Steven
Riggs, Edgar

Members Absent:

Brown, Paul

State Members Present:

Carpenter, Todd
Grater, Connie
Howe, David
Lindsey, Terry
Lut, Margaret

O'Fallon, J.D., Shannon
Siebert, Kevin
Wilson, Phil
Wright, Bonny

Introductions

Members of the committee and State members introduced themselves. New members Janet Franco and Dr. Steve Reese were welcomed.

The Executive Session adjourned at 11:40 a.m.

Public Session

Dr. Gates called the Radiation Advisory Committee into Public Session at 11:50 a.m. He asked if there were any additions to the agenda. Margaret Lut, RPS Lead Worker, Electronic Products program, requested to add the agenda item, "training requirements for X-ray operators that do exams on deceased persons." The current rules only address doing X-rays on live patients.

Dr Gates then asked public members to hold comments until the "Comment Section" of the agenda.

Proposed Rule Changes to Oregon Administrative Rule (OAR) Section 333:

Divisions 100, 102

Todd Carpenter addressed changes to Divisions 100 and 102. The changes in Division 100 were minor grammatical changes, a correction to an OAR reference in 333-100-0020(5)(c) and changing “section” to “subsection” in two places in 333-100-0080(2).

The majority of changes in Division 102 consisted of grammatical/spelling corrections; changing “section” to “subsection” or “paragraph” or “subparagraph; and adding “OAR” before rule numbers,

There was a new definition added, “Nationally Tracked Source”, thus, the numbering in OAR 333-102-0203 was updated.

Also added was OAR 333-102-0245(6).

He thanked RPS staff for their work on the rules changes.

Division 103

Terry Lindsey addressed changes to Division 103. Two fee bills were passed during last legislature session. The fees in the rules are already in place. The changes we are proposing at this time are for X-ray program fees. The fees were put into statute and now we are putting them into rule. Another revision is to change the due date for the fees from July 1st to October 1st.

With the tanning fees, the legislature approved us going from \$76. to \$100. We are asking RAC for approval to go to \$100/per device. We are also asking to change the due date to January 1st.

Other changes in Division 103 consisted of changing “section” to “subsection” and adding “OAR” before rule reference. It was also suggested to change OAR 333-103-0020(3) and (4) to reflect that the validation period is biennial.

Motion:

Dr. Steve Reese made a motion to accept the changes in Division 103 as noted, Ed Riggs seconded the motion and it carried unanimously.

Divisions 106

Margaret Lut reported Division 106 had grammatical/spelling changes; “OAR” added to rule numbers; “section” changed to “subsection; “www.” added to web addresses; the use of numbers versus spelling out numbers; and subscript/superscript changes. There are a

couple of new rules. The one change that the committee suggested was: changing OAR 333-106-0055(4)(c)(B) to, “Has completed training specific to veterinarian radiography training in animal restraint.”

Division 111

Terry Lindsey addressed Division 111, noting that the changes included grammatical/spelling errors; changing “Division” to “division”; adding “OAR” to rule reference; changes to statutory reference; and changing “Administrator of the Health Division” to “Assistant Director of the Public Health Division”.

Division 119

Phil Wilson reported Division 119 had grammatical/spelling changes; changing “Division” to “division”; changing “which” to “that” in numerous cases; adding statutory references; changing “Oregon Health Division” to “Public Health Division”;

The changes the committee recommended were to:

- ❖ do not delete OAR 333-119-0040(2)(c)(B) which references another way to sanitize protective eyewear
- ❖ changing OAR 333-119-040(2)(g) to read, “No pets or animals are permitted in tanning facilities other than service animals.”
- ❖ check on language of OAR 333-119-0090 to see if the title should be “Protection of Customers”
- ❖ change OAR 333-119-0090(2) to, “No minor, without written parental consent,…”
- ❖ change OAR 333-110-0090(3) to, “Persons under age 18, unless emancipated,…”

Divisions 116, 118, 120

Kevin Siebert, RPS Lead Worker, Radioactive Materials Licensing program, addressed the changes in Divisions 116, 118, 120. He noted that there were grammatical/spelling corrections; OAR had been added before rule reference; superscript and subscript changes; and “section” had been changed to “subsection”. He stated that specific updates to these divisions included:

- ❖ OAR 333-116-0020(1) and (2) has been modified for clarity.
- ❖ “RAD” has been changed to “rad”
- ❖ “Agency Office” had been changed to “Agency”
- ❖ OAR 333, Division 118 has been updated for compatibility with Nuclear Regulatory Commission (NRC) rules. There were additional definitions added resulting in renumbering the subsections.
- ❖ OAR 333-120-0015(54) “Nationally Tracked Source” was added as a definition resulting in renumbering subsections.
- ❖ The committee recommended changing OAR 333-120-0230(2) to read, “...if the licensee or registrant has met all the specific requirements for access and control specified in OAR 333, Division 105 (industrial radiography), Division 106 (X-rays

in the healing arts), and Division 109 (particle accelerators).

- ❖ Of specific note, someone had used “search and replace” on the word processor incorrectly and some of OAR 333, Division 120 needs to be fixed.
- ❖ The committee recommended changing 333-120-0710(4)... “mail-gram” to “e-mail”.

Status of Division 123 Medical Therapy rules

Bonny Wright, Medical Physicist, stated there are no changes in Division 123. Division 123 includes everything used for cancer treatment. It all started when CRCPD had a committee and they wrote up Part X. All the agreement states used Part X to develop their rules. She developed a checklist to ask people for performance base for inspections. She distributed copies of the presentation she uses.

Public Health Update/Topical Discussion of Legislative Concepts

Terry Lindsey reported that the Office of Environmental Public Health has a legislative concept to go forward at this time for the 2009 legislature. We are looking at additional funding for emergency response.

We are looking at including other modalities. The health effects of those modalities are what we get questions on.

Public Comments Session

The public members attending the meeting left prior to this section.

NEW BUSINESS

RPS Restructuring Status

Terry Lindsey shared a current copy of RPS Organizational Structure with the committee. The restructuring included:

- ❖ going from three managers to two managers and renamed the areas they were responsible for.
- ❖ adding two lead workers for technical expertise.
- ❖ hiring a medical health physicist – (Bonny Wright works between both sides of the programs.)

We also have two additional positions we are not able to fund at this time. We are hopeful of applying for two different grants that are available to improve laboratories on the West Coast. Food Environmental Radiological Network (FERN) and another grant from EPA are the two grants that provide for 1.00 FTE each.

Discussion of Agenda/Schedule for CY2008-2009 RAC Meetings

David Howe stated that he planned on having the committee meet three times a year. At the consensus of the members present, it was decided the second Wednesday of October, February and June are when the meetings will occur.

At the next meeting we will address develop/update bylaws, election of new officers, development of standing subcommittees (Rules, Medical Therapy, Medical Imaging, Industrial use, Non-Ionizing use, Emerging Technologies, Inspection procedures, Licensing procedures, etc.)

Margaret Lut commented she would like to form a subcommittee for CT to develop new rules for PET CT, etc. which goes along with OBRT is doing in regard to licensing new operators. Terry Lindsey suggested they have a standing Medical Imaging subcommittee which will encompass other areas. They will meet before the next RAC meeting. Dr. Barnett will be the (dental) representative and Paul Brown will be the (veterinary) representative from RAC on that subcommittee.

Terry Lindsey stated we should also have a standing subcommittee on Medical Therapy. Janet Franco will be the representative from RAC on that subcommittee. Bonny Wright will be the RPS staff member on that subcommittee.

Terry Lindsey and Dr. Gates will work on drafting new bylaws and distribute to members before next meeting to vote on.

RPS Program Impact of RPS Participation in Federal TopOff 4 Exercise

Terry Lindsey stated that the TopOff 4 exercise was a major impact on RPS staff. For instance, in one week, 28 hours of training was administered to our training staff. Administrative staff participated in 12 hours of training. Also, our two managers were new to the staff along with four additional new staff participating on the emergency response team. In the week prior to TopOff 4 we also had three radioactive incidents reported that RPS followed up on.

Veterinary Work Group

Margaret Lut reported the Veterinary Work Group which included members of veterinary board, veterinarians, Portland Community College instructors, discussed restraints training, animals, hands-off, X-ray techniques and how we are going to implement that in our inspections and how people are going to receive training in that. It will take a lot of education for technicians to understand the process. So far, Dr. Richard Kay from the Seattle area who has been teaching this course for over 10 years is the only one in the area who teaches this course. Oregon State University and Portland Community College teaching programs are looking into teaching this course.

Disposal of Sources

Terry Lindsey stated that Bonny Wright has done a lot of work on identifying therapy sources that are not being used. They have identified about 8 curies of medical isotopes of cesium 127 sources that are no longer being used throughout the state. We are going to enter into an agreement with the CRCPD to pay for disposal of those.

Obsolete Dental X-ray machines

Margaret Lut reported that “obsolete dental X-ray machines” are those that operate at the capability of 50 kVp and are probably about 30 years old. There are about 16 left being used in the state. RPS would like to set an end date to eliminate the machines. If possible, we will include this change in the Division 106 rules currently being revised.

Motion:

Dr. Reese made a motion to set October 1, 2009 as the date for elimination of 50 kVp dental machines used on live patients in Oregon. Janet Franco seconded the motion. The motion passed.

Training Requirements for X-ray Operators That do Exams on Deceased Persons

Margaret Lut will develop verbiage to use in the rules for training on use of X-rays on deceased patients.

Public Rules Hearing

The Public Rules Hearing is scheduled for June 23, 2008, 3:00pm, at PSOB, Room 1B.

Adjournment

The meeting adjourned at 4:03 p.m. The next meeting for the Radiation Advisory Committee is scheduled for Wednesday, October 8, 2008.

Respectfully submitted,

Connie J. Grater