

Oregon State Board of Radiologic Technology (OBRT)

OCTOBER 13, 2000 MINUTES

State Office Building ☐ 800 NE Oregon Street, Suite 407 ☐ Portland, Oregon

ATTENDANCE

Members and Staff: Brian Buckingham, LRT, Chairman; Barbara Agrimson, LRTT; Darrell Hocken, RT, Advisory Member; Erica Hovet, LCSW, Public Member; Matt Lang, LRT; Edna Marr, LRT; Ken Stevens, Jr., MD, Radiologist; Lianne Thompson, Executive Officer; Chris W. Stewart, Staff.

Members Absent: Jerry Thomas, LRT

Also Present: Chris Griffin, MD, Radiologist; Debra Biddle, Diagnostic Imaging Program Director, Portland Community College; Mary Heffernan, Consultant for Board Development; Bob Olson, Consultant for Limited Permit Examination Revision.

Public Sessions: 8:37 a.m. – 1:00 p.m.

3:20 p.m. – 4:13 p.m.

Executive Sessions: 12:15 p.m. – 1:15 to discuss Executive Officer annual appraisal (personnel)

1:15 p.m. – 3:00 p.m. to discuss investigation matters.

PUBLIC COMMENT

Curt Litvin, former OBRT member and representative of Oregon Imaging Center in Eugene, appeared and spoke about his history with the Board, including his understanding of the operation and issues facing the Board and the Office. He expressed his frustration with the current operating philosophy and focus of the Board regarding the requirement that licensees have a license in hand (including FAXed) before they are allowed to use ionizing radiation. He affirmed the Board's need to have a flexible and helpful attitude toward employers and licensees and further suggested a more appropriate focus for the Board as licensees' exceeding their scope of practice and criminal backgrounds of applicants. He promised to reinvolve himself more in Board matters in the future.

Dr. Stevens, Ms. Marr and Mr. Buckingham all expressed interest in Mr. Litvin's comments, welcomed his participation and promised a full consideration of the matters he had raised. Dr. Stevens suggested an optional surcharge for expedited licenses. [Note: this requires Legislative action to allow.] Mr. Litvin supported that option for license applicants.

In terms of strict adherence to policies, Ms. Marr referred to ARRT's position on CE timeliness for their registrants. Mr. Litvin prefers a "gray" area, rather than "black and white."

Mr. Litvin commented on the confusion among techs in the field about the distinctions between OBRT, OSRT, ARRT, and ASRT and encouraged the Board to communicate more through newsletters and invitations to come into the office.

BOARD DEVELOPMENT COMMITTEE

Committee Members: Brian Buckingham, Chair; Erica Hovet, Matt Lang. Mr. Buckingham welcomed Mary Heffernan, who returned to further the work begun at the July 2000 Board Retreat/Work Session on Board development, specifically definitions of roles and responsibilities.

Ms. Heffernan began by providing an overview, reminding the Board that that board development is a continuing process, building on the foundation laid in July. She suggested that it could take between one and 1½ years to get clear about roles, responsibilities and expectations. She suggested further that the more a board monitors its own development, the more likely it is to improve its performance.

She queried the group of Board and staff about what each one thought needed improvement and what was going well. Board and staff shared a commitment and willingness to work hard. Ms. Heffernan reminded the group that listening for the “question behind the question” and discerning the “interest” of the questioner strengthens the process.

She mentioned that tension between two or more of the members of the group can also provide fruitful ground for discussion, as long as it did not focus on the personalities but more on the group’s process.

The goal is for Board and staff to work together as allies, especially in clarifying the roles and responsibilities and the decision-making process.

Dr. Stevens made the distinction between an oversight board and a working board. Mr. Lang wanted clarification of his role as a committee chair and for when and what requests he could make of staff; he wished for written procedures for Board members. Mr. Lang further raised the issue of trust between Board and staff in agency operations.

Mr. Buckingham also wished for written roles and responsibilities, including when the Board worked independently of staff, that is, committee autonomy.

Mr. Hocken pointed out (from his 20+ years of Board advisory member experience) that the Board cannot “grab an issue and run with it.”

Mrs. Marr stated that she held her questions and concerns for committee meetings and worked to keep her questions concise, in order to save valuable staff time.

Ms. Thompson raised the issue of accountability for both Board and staff.

Mr. Hocken stated his opinion that every Board member has equal weight, and that the Board Chair is a guide and overseer and cannot decide actions for the whole Board.

Dr. Stevens said that there is no written policy on how to deal with approval and standards for conflicts within the Continuing Education Committee or for any committee chair.

Mr. Lang wanted to know the route for communication of his concerns to the Executive Officer and staff. Mr. Buckingham wondered what to communicate to the whole board, to individual Board members and to the staff.

Ms. Heffernan then conducted a discussion of the distinction between board and staff's roles. She referred to the work of John Carver (policy governance model) and added related information.

The Board focuses its work on the functions of

1. Mission, goals, ends outcomes,
2. Limitations to the Executive Officer. She noted that, absent a Board limitation on the Executive Officer, the Board had given freedom to its Executive to act on its behalf.
3. Self-governance (how the Board does its job),
4. Linkage to stakeholders and staff (through the Executive Officer)

She distinguished between MEANS (implementation, execution, Board work) and ENDS (outcomes, staff work). She proposed that when the board was involved in implementation and execution, they operated under staff supervision by the Executive Officer.

The discussion followed, including the development of policy. The proposed model: staff develops proposed policy language, the board and staff discuss (usually in relevant committees) the precise statement of policy language and the administrative management process that supports the policy. The whole board then reviews (and revises, if it wishes) before voting to adopt agency policies.

Ms. Heffernan pointed out that the Board had developed a statement of its legal mandates and goals in the July 2000 session with her, which could well serve as ends. The Board could use today's session, she said, to clarify its decision-making roles and responsibilities.

Mr. Lang was concerned that equal weight is given to all members and that he not be censored.

Ms. Heffernan posited that, once the Board had set a policy, the Executive Officer had the authority to hold the standard, even when pressured by a Board member; further, the Board would hold its members accountable to honor its policies.

Ms. Marr and Ms. Hovet said that they worked cooperatively and collaboratively with the Executive Officer to set committee agendas and decide other issues.

The Executive Officer then pointed out the time limits and the constraints posed by the agenda and items to be covered, pointing out the limitations on all resources, especially staff time.

Ms. Heffernan described the interests as the Board's being sensitive to the limits on available staff time to answer Board members' questions, while staff was sensitive to Board's needs for information to deal with policy and do the work assigned by the Board.

She then posed several clarifying questions, to guide board and staff policy interactions:

1. Board and staff: Is this a question about ends or means?
2. Board: Do I need to know now, or can it wait for the committee meeting?
3. EO: How can I answer questions briefly and completely, looking for the heart of the question?

She also pointed out that there was a dynamic tension inherent between Board and staff work. The Board then agreed to briefly discuss the Executive Officer's evaluation and then to set it over for more extensive discussion at the January 2001 OBRT meeting and work during the interim.

BOARD MEMBER RECOGNITION

Dr. Stevens is leaving the Board after six years of dedicated service. The Board expressed its appreciation to him and presented him with a plaque. Dr. Christopher Griffin replaces him.

MINUTES APPROVAL [Attachment 1]

July 14, 2000: **Mr. Buckingham moved the minutes' approval; Ms. Hovet seconded; passed unanimously without changes, additions or deletions.**

LIMITED PERMIT EXAMINATION REVISION

Ms. Hovet introduced Bob Olson, (consultant from the Willamette Education Service district referred to us by the Oregon Department of Education), with whom the Board has a contract to facilitate revision of the OBRT Limited Permit Examination.

Mr. Olson pointed out critical shortcomings of the current examination: more question items are needed, change of component question items is too infrequent, the standard of passing is arbitrary, and the questions don't necessarily measure what they need to.

He praised staff for its handling of the testing procedures, which he said were properly conducted. He said that the Limited Permit course instructors are probably clear about what a student needs to know and be able to do to be considered initially competent to practice, but that the test does not appear to effectively measure those skills and abilities.

Mr. Olson proposed using panels of knowledgeable experts and willing people to prepare standards and outcomes. Ms. Hovet expressed enthusiastic support for the test revision project, seeing it as an opportunity for the Board to link with its stakeholders and speak to the skills and abilities needed by all levels of licensees. She further sees the project as an opportunity to energize and involve the Board's stakeholders with a positive and compelling focus.

Dr. Stevens suggested linking with OSRT to develop the component listing of knowledge and skills. Ms. Marr noted that ARRT's test development process took longer than the one contemplated by the current OBRT project timeline. Mr. Lang cautioned about apathy by Radiologic Technologists hampering the effort. Mr. Hocken suggested the possibility of OBRT's using the ARRT's Limited Scope examinations in areas that match OBRT's; OBRT could then develop only tests not already developed by ARRT. Ms. Thompson pointed out the fiscal impact to the OBRT's revenues.

Ms. Hovet expressed her concern about the Board's exposure to risk involved with using the current test. Mr. Lang asked if the revised test would yield better licensees; Ms. Hovet responded that our intention was clearly to do just that.

Dr. Stevens moved to move ahead with this project with full Board support. Ms. Marr seconded the motion; all voted in favor except Mr. Lang, who opposed the motion.

EXECUTIVE SESSION for EXECUTIVE OFFICER EVALUATION

The Board met in Executive Session to briefly discuss the Executive Officer's annual performance appraisal from 12:15-1:15 p.m.

INVESTIGATIONS

The Investigations Committee recommended to the Board that the staff implement immediately a policy of allowing licensees to operate only after they have a license document (hard or FAXed copy) in their hands. This would alter existing office procedure, which had allowed staff to issue a certifying letter to licensees in cases where the actual issuing of the license document had not yet occurred but the license had been approved as meeting all applicable standards. This policy is to apply to both initial and renewal licenses and limited permits.

This will preclude any staff accommodation to pressure from licensees to be allowed to work more quickly than the actual physical license can be issued. The net result is a longer application-processing period.

Mr. Buckingham commended Mr. Lang and Ms. Marr for their work on investigations.

NOTE: In accordance with ORS 688.605(2), the identities of some individuals and facilities are confidential and withheld from public disclosure during the period of investigation.

Committee Members: Matt Lang, Chair; Brian Buckingham, Edna Marr.

Case 99-03-03: Pending hearing request.

Case 99-03-06: Investigation update.

Case 99-03-07: **Recommendation:** Investigation update – warning letter sent to licensee.

Case 99-04-01: **Recommendation:** Investigation update – warning letter sent to licensee.

Case 99-04-04: Motion to initiate discipline. Motion to fine \$500, revoke license with stay of revocation on the following conditions: subject will take and pass random ua's, will complete mental health, anger management, drug and alcohol evaluations. Must comply with all OBRT laws. Violation of the laws or conditions of the stay will cause an immediate revocation of licensure.

Mr. Thomas moved; Mr. Buckingham seconded; passed unanimously.

Case 99-04-05: **Recommendation:** Referred to investigation committee.

Case 99-05-06: **Recommendation:** Referred to investigation committee.

Case 99-07-01: **Recommendation:** Referred to investigation committee.

Case 99-09-02: **Recommendation:** Referred to investigation committee.

Case 99-11-02: **Recommendation:** Referred to investigation committee.

Case 99-11-03: **Ms. Hovet moved to reissue Default Order; Ms. Agrimson seconded; passed unanimously.**

Case 99-12-02: **Recommendation:** Hold over. Referred to investigation committee and referred for further investigations.

- Case 00-01-01:** **Recommendation:** Referred to investigation committee.
- Case 00-01-04:** **Recommendation:** Referred to investigation committee.
- Case 00-04-01:** **Recommendation:** Referred to investigation committee.
- Case 00-04-01B:** **Recommendation:** Referred to investigation committee.
- Case 00-05-01:** **Recommendation:** Referred to investigation committee.
- Case 00-05-02:** **Recommendation:** Referred to investigation committee.
- Case 00-05-03:** **Recommendation:** Referred to investigation committee.
- Case 00-06-01:** **Recommendation:** Referred to investigation committee.

LIMITED PERMIT COMMITTEE

Committee Members: Erica Hovet, Chair; Barbara Agrimson, Darrell Hocken.

- Reviewed exam results.
- Ms. Marr commented that the exam scores seemed low.
- Ms. Smith, OSRT, will provide collected information from Limited Permit schools in order for the committee to review the standards of education for licensure.

LEGISLATIVE COMMITTEE

Committee Members: Chris Griffin, M.D., Chair; Erica Hovet, Brian Buckingham.

- Dr. Griffin is formulating legislative-committee decisions regarding possible sub-committee or legislative consultant in order to use other members of the board.

BUDGET ADVISORY / OUTREACH & COLLABORATION COMMITTEE

Committee Members: Chris Griffin, M.D., Chair; Jerry Thomas, Brian Buckingham.

Mr. Buckingham reported on his chairperson communication with OSRT. Mr. Buckingham has attempted to contact all executive board members of OSRT. At this time, he has not heard back from any of them. He talked with Ken McCart, LRT, at OSRT regarding budget shortfalls and the board in general. Mr. McCart stated he would take the information to the August meeting of OSRT. Mr. Buckingham will contact OSRT again, before next meeting.

Mr. Buckingham wrote an article for the *Skiagram* about his history in entering the radiology field. He wrote of the opportunities that OSRT and OBRT have working together:

- Web site updates needed, in process, not yet effected due to the press of other workload.

- Outreach to our licensees needed, in process, not yet effected due to the press of other workload.

Mr. Buckingham will report fiscal and budget deliberations to the staff no later than 7/21/00.

It is the responsibility of this committee to bring information and decisions made by this committee before the board for final decision-making.

INITIAL & CONTINUING COMPETENCE COMMITTEE

Committee Members: Ken Stevens, M.D., Chair; Barbara Agrimson, Jerry Thomas. Since this is Dr. Stevens's last meeting, Edna Marr will replace him as Chair.

Ms. Marr plans on attending the ARRT RCEEM meeting in St. Paul, Minnesota on November 1. She requested that everyone send her concerns and questions by one week before that time. She had submitted to ARRT a memo of questions from OBRT. [See handout.]

Mr. Buckingham expressed his concern about the level of ARRT's CE standards, citing the example of ARRT's granting CE credit for selling machines. Ms. Marr responded that the credit had been given for demonstrating techniques on machines, not for selling them. She further stated that she proposed that OBRT accept ARRT's card as evidence of Rad. Techs' meeting OBRT's CE requirements.

Mr. Buckingham stated that OBRT's goal is to offer the best services to our patients through our high CE standards. Dr. Griffin stated his belief that OBRT increases its expense and loses credibility by failing to accept the ARRT card. He believes that OBRT benefits by having ARRT doing "the heavy work;" further, ARRT loses credibility for any shortcomings in CE standards.

Ms. Marr and Mr. Buckingham agreed that an unlimited number of directed readings should qualify for CE credit. ASRT/ARRT already do so, but OBRT does limit directed readings.

Ms. Hovet and Mr. Buckingham pointed out that OBRT is a State agency, part of the Executive branch of government, accountable to the people of the state of Oregon. ARRT is a private, voluntary organization. Oregon statute and rule ground and direct OBRT.

Ms. Marr recommended consulting with ARRT and consider the needs of Oregonians. Mr. Hocken added that ARRT is a voluntary organization, which is now involved, in regulatory matters by directing CE standards. OBRT is a purely regulatory body. Mr. Buckingham noted that companies change to make money and wondered if ARRT were simply acting prudently as a business to increase its revenue stream or to maintain its existence.

Ms. Agrimson moved to accept the ARRT card as evidence of fulfilling OBRT's CE requirements. Mr. Lang seconded, and the motion passed unanimously. The Executive Officer will develop language for an Oregon Administrative Rule to implement this change. Mr. Lang objected to developing an OAR as too time-consuming and expensive, but the rest of the Board affirmed direction to staff. Ms. Thompson pointed out that the OAR process had two effects: developing language for the rule and collaborating with stakeholders. Mr. Buckingham and Mr. Hocken both agreed that it was a good idea to combine the two.

Ms. Hovet raised the ethical question of Ms. Marr's accepting payment of travel expenses from ARRT when their fiduciary interests were involved in Board actions. The Board (including, most emphatically, Ms. Marr) directed staff to secure a ruling from the Government Standards and Practices Commission.

OFFICE REPORT

Ms. Marr moved to approve the licenses and limited permits granted by staff during the past quarter. Ms. Hovet seconded, and the motion passed unanimously.

The meeting was adjourned at 4:13 p.m.

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