

Radiation-generating Equipment Committee (REC)

June 3, 2011

Minutes

MEMBERS PRESENT

Lawrence Osher, Chair
Kerry Krugh, Vice Chair
Jill Paessun
Jack Dukes
Chuck Wissuchek

MEMBERS ABSENT

Nina Mayr
Brenda Johnson
Teresa Yates
Thomas Hangartner
Kathryn Gardner
Ruth Hackworth
Nina Kowalczyk

ODH ATTENDEES

Margie Wanchick
James Castle
Eric Denison

GUESTS

Rick Sites, Ohio Hospital Association
Susan Suchan, Mt Carmel Hospital
Bryon Murray, OMPC
Mike Strongosky, Cleveland Clinic

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The Radiation-generating Equipment Committee (REC) meeting was called to order by chairperson, Larry Osher at 10:15 a.m. The meeting was held at the Ohio Department of Health (ODH) in the Basement Training Room A at 35 Chestnut Street, Columbus, Ohio. The Sign-in Sheet serves as the official record of attendance. Larry Osher introduced and welcomed Jill Paessun as a new member of the committee representing hospitals.

Past Minutes: The committee reviewed the March 11, 2011 minutes. Jack Dukes made a motion to accept the minutes as written with the one edit; Larry Osher seconded the motion. The members present unanimously approved the minutes.

Old Business:

Status of Rules

Margie Wanchick distributed three rule status logs. Regarding Chapter 3701:1-67 therapy rule, she reported that the electronic brachytherapy (66-10) and other electronically produced (66-11) rules were in Public Health Council (PHC) going through the adoption process, both of which are expected to be adopted later this summer. On the list of other rules in Chapter 38 and 66: 1) Shared rule 3701:1-38-06 was reviewed by the Radioactive Materials Committee and is in the process of adoption by the PHC; 2) Industrial Particle Accelerator (66-17), Industrial Analytical (66-13), and Certified Radiation Experts (66-03) are in PHC with expected adoption dates later this summer; 3) The radiographic rule is back in the REC for thorough review and comparison with the current suggested state regulations. A new status sheet for the industrial rules was distributed to show the new numbering system which is being proposed as Chapter 3701:1-68.

New Business:

Reorganization of Industrial Rules into new Chapter 3701:1-68

Margie Wanchick explained that since all of the industrial rules have recently completed their 5-year rule review, the time has come to put these rules into a separate chapter. Therefore, the three equipment rules were simply renumbered. Any associated definitions from these same rules, or any applicable definitions currently in rule 3701:1-66-01, were copied and pasted into new Definitions rule 68-01. Likewise, any applicable quality assurance standards in existing rule 66-04 were copied into new rule 68-02. Since no

Radiation-generating Equipment Committee (REC)

June 3, 2011

Minutes

substantive changes were made, the committee did not review these rules in detail. Margie Wanchick encouraged the members to study the rules between REC meetings to assure that there were no typographical or rule reference errors. The committee agreed to have these rules posted on the Department website to elicit public comments.

Amendment Recommendations for Radiography Rule 3701:1-66-05

Margie Wanchick presented the BRP recommendations for rule amendments. The committee made decisions to accept or not accept these recommendations. A copy of the recommendations sheet will become a part of these minutes. The committee agreed to have this rule posted on the Department website to elicit public comments. The committee plans to review the public comments at the July, 21 2011 meeting.

Amendment Recommendations for Radiologic Licensing Chapter 3701-72

Margie Wanchick reported that BRP met with the educators on May 6 to discuss the GXMO education and exam, specifically since the current examination contract will be ending next June. BRP is in the process of making rule amendment recommendations which will be presented in the next REC meeting on June 24, 2011.

Amendments for CT rule 3701:1-66-10

This topic not addressed during this meeting.

Reorganization of Chapter 3701:1-67 Therapy Rules

Chuck Wissuchek spoke to the committee about several issues related to the subject which came up during a recent AAPM Penn/Ohio Chapter meeting. The group believes there is a conflict regarding the inclusion of the AAPM's Task Group Report 142. Their position is that the AAPM's reports are meant to be used as the "basis" which means that the physicist will decide which tests and tolerance ranges are needed and apply them to specific therapy systems. Chuck explained that recent inspections of therapy equipment have demonstrated that certain inspectors have embellished the interpretation of these rules and therefore are citing violations more stringently than what was expected. He requested that the Department put a hold on inspecting against the Chapter 3701:1-67 rules until the rules were reviewed by REC again. Margie noted that the subject rules were on the agenda to address the organization of the rule standards and were not intended to address substantive changes. Chuck further explained that it was necessary to do so since the inspections are currently not consistent in their interpretation. Margie suggested that guidance documents may be a better way to address that. James Castle reported that there were internal guidance documents for the inspectors and that he would check into the "inconsistency" issue. This topic will remain on the agenda for discussion at a future meeting.

Rick Sites said that the Radiation Advisory Council and its committees provide important recommendations to the department, and it is common for the department staff to cite the support of RAC and its committees when proposing rule changes to the Public Health Council. However, the recommendations made by RAC and its committees are not binding on the department, which under the Ohio Revised Code has discretion in issuing regulations involving radiation generating equipment and radioactive materials.

Rick Sites also commented on the requirement in Revised Code 3748.04 that regulations be "no less stringent" than the suggested state regulations (SSRs) for control of radiation. Rick recounted that he was involved in the legislative process in the mid 1990s that led to enactment of that provision, and that the "no less stringent" language was included in part to ensure improvement in Ohio's modest radiation control program. However he suggested that the RAC and its committees along with ODH staff have made Ohio a leader in radiation control, and that the "no less stringent" language as it applies to SSRs seems to have become an unnecessary obstacle for effective rulemaking. He suggested the RAC and its committees

Radiation-generating Equipment Committee (REC)

June 3, 2011

Minutes

consider recommending to the director a statutory change replacing the “no less stringent” mandate with language such as “the department shall consider” the SSRs. With such flexible language in place, the department would still have the discretion to follow the SSRs but not have its hands tied as is the current situation. Rick said the Ohio Hospital Association would work with the department should the latter seek such legislative revision.

Future Meeting Dates:

Friday, June 24, 2011 – dedicated to the review of the Chapter 3701-72 Licensure Rule Amendments

Thursday, July 21, 2011 – dedicated to reviewing the public comments from the Radiography and Industrial rules.

Adjourn: The meeting was adjourned at 3:15pm.