Vermont Board of Radiologic Technology
NEWSLETTER
Vermont Secretary of State, Office of Professional Regulation

Topics discussed in this issue include: changes in staff, proposed legislation, general information, disciplinary matters, etc.

Board Members

Board Members are appointed by the Governor. The members of the Board of Radiologic Technology and the dates their terms expire are as follows (under the statute, Board members serve until a successor is appointed):

Kathy N. Whiting, RTR, RDMS, Chairperson, Milton, VT (Term expired: 12/31/02); Robert N. Naylor, M.D., Jericho, VT (Term expired: 12/31/02); Joseph M. Phillips, CNMT, RT (N), Bennington, VT (Term expired: 12/31/04); Carla A. White, with the Vermont Department of Health, Radiological Unit, South Burlington, VT (Term expires 12/31/06); and William A. Fyfe, Public member, Newport, VT. We are sad to report that Bill Fyfe passed away early this year.

Board members may be contacted by writing to the Office (see page 4).

The Board has several members who have served their terms and cannot be reappointed. We are looking for qualified licensees to serve a minimum five-year term. The openings are for two (2) technologists and one (1) radiologist. If you or anyone you know is interested, please contact us or the Governor’s Office at 802-828-3333. The application for appointment is found on the Governor’s Web site at http://www.vermont.gov/governor/index.shtml.

Be on the front line of our profession and learn all you ever wanted to about our state’s professional and legislative process. Our meetings are always open to the public. Come and visit us to see how we operate!

The Secretary of State’s Office very much appreciates the efforts of these individuals who have continued to serve long after their term expiration dates. Their dedication to the profession does not go unnoticed.

New Staff

The Board congratulates Carla Preston on her promotion to Unit Administrator and to Rita Knapp on her promotion to an Assistant to the Director. It also welcomes Diane Lafaille, Board Administrator. To contact the Board, please call Ms. Lafaille at (802) 828-2390 or E-Mail: dlafaille@sec.state vt.us. To reach Ms. Preston, you may call (802) 828-2875 or via E-Mail: cpreston@sec.state vt.us

Introduction

The Board of Radiologic Technology is pleased to bring you its third Newsletter. This newsletter serves as a means of updating our licensees with regard to proposed amendments to our laws and rules, and provide you with updated information. We encourage your feedback and input in these matters.

A copy of this newsletter will also be made available in electronic format on the Board’s homepage at www.vtprofessionals.org

This Newsletter Contains:
1. Proposed legislation - PET - CT
2. Disciplinary Matters
3. Continuing Education
4. Fluoroscopy
5. Licensure requirements for persons operating Bone Densitometers.
6. Miscellaneous information
See below for details.

Proposed Legislation

The past year has been a busy one for the Board. New legislation has been introduced to add a category of licensure to meet the needs of Positron Emission Tomography/Computerized Tomography (PET-CT) technology. This hybrid technology merges nuclear medicine technology and CT technology in one machine. Under current state statutes only persons licensed in Radiography can operate a CT scanner, and only persons licensed in Nuclear Medicine can operate a PET scanner. The Board has researched how this situation is being handled nationally and has come up with the following solution (See proposed legislation; new text is underlined).
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26 V.S.A. § 2821. LICENSING

(b) General radiography. The board shall issue a general radiography license to any person who, in addition to meeting the requirements of subsection (a) of this section:

(1) has graduated from a radiography training program offered by a school of radiologic technology approved by the board or by any organization to which the board delegates approval power by rule approved by the board; and

(2) passes an examination offered by the board or its designee or has obtained private certification from either the American Registry of Radiologic Technologists, or from any other a similar organization to which the board delegates approval power by rule approved by the board.

(d) Nuclear medicine. The board shall issue a nuclear medicine technologist license to any person who, in addition to meeting the requirements of subsection (a) of this section:

(1) has graduated from a nuclear medicine technology training program offered by a school of radiologic technology approved by the board or by any organization to which the board delegates approval power by rule approved by the board; and

(2) either passes an examination offered by the board or its designee or has obtained private certification from either the American Registry of Radiologic Technologists or from an a similar organization to which the board delegates certification power by rule approved by the board.

(f) Combined positron emission tomography (PET) and computerized tomography (CT) (PET/CT) imaging.

(1) The board shall issue a combined PET/CT license to any person who, in addition to meeting the requirements of subsection (a) of this section either:

(A) meets the prerequisites for and passes:

(i) the CT advanced certification examination given by the American Registry of Radiologic Technologists (ARRT) or similar organization approved by the board; and

(ii) the PET examination given by the Nuclear Medicine Technology Certification Board (NMTCB) or similar organization approved by the board; or

(B) meets the prerequisites for, and passes the combined PET/CT examination given by the Nuclear Medicine Technology Certification Board (NMTCB) or American Registry of Radiologic Technologists (ARRT) or other similar organization approved by the board.

(g) Licensing standards used by the board, and its procedures, shall be fair and reasonable. Licensing standards and procedures shall be designed and implemented to ensure that all applicants are admitted to practice unless there is good reason to believe that practice by a particular applicant would be inconsistent with the public health, safety, and welfare. They shall not be designed or implemented for the purpose of limiting the number of licensees.

(h) The board shall license without examination an applicant who is otherwise qualified and is licensed under the laws of another jurisdiction, whose requirements the board deems to be substantially equal to those of this state.

(i) If a licensee has a principal place of business for the licensed occupation, a license shall be prominently displayed at that place.

The above mentioned language is in the Office of Professional Regulation’s bill H.199. It has been through the House and is currently in the Senate. If passed, it will go into effect on July 1, 2005.

Disciplinary Matters

Perhaps the most difficult part of this past year has been the increase in the number of complaints against our licensees. These complaints range from people working without a license to licensees with drug issues. To date, three cases have been resolved with all licensees receiving sanctions. The sanctions range from a reprimand and an administrative penalty to a suspended license. The Board cannot stress enough how important it is for each licensee to be aware of the laws and rules governing our profession.

Whenever an action is taken against a licensee in Vermont it must be reported to the American Registry of
Radiologic Technology (ARRT), Nuclear Medicine Technology Certification Board (NMTCB), other states, or appropriate certifying body. Those organizations will conduct their own investigation and may take further action against the individual’s license. Ultimately, a person’s career may be on the line. As professionals, we are educated to provide the best in imaging and therapeutic services to the public while upholding the code of ethics put forth by our governing bodies.

An individual pursuing a license in radiologic technology must have at least secured a Temporary Permit before providing ANY patient care. This means that without a temporary permit or license, a person must not be involved with patient care at all.

It is important to note that not only are we responsible for ourselves, we are also responsible for protecting the public. This means we are to report any unlicensed conduct we see in our workplace. These reports can be made anonymously. If a person is found to be aware of unlicensed behavior and did not report it, his or her license could be in jeopardy along with the person who is practicing unprofessionally. This is stated in our laws and/or rules (See V.S.A. 26 § 2812 (6).

The following letter was sent to each hospital in the state earlier this year. It was sent to the attention of all Hospital Radiation Safety Officers; Human Resources Departments; and Radiology Department Managers.

Warning letter

"The Office of Professional Regulation and the Board of Radiologic Technology have become increasingly aware of new equipment and technologies that bring up questions as to who can legally operate them. All equipment that generates ionizing radiation and certain radioactive materials not licensed by the Nuclear Regulatory Commission (NRC) is required to be registered with the Vermont Department of Health.

All users of this equipment must be licensed in the State of Vermont. Individuals practicing in the specialty fields of Radiography, Nuclear Medicine or Radiation Therapy must be licensed. Physicians (who are not radiologists) applying ionizing radiation are required to obtain ionizing privileges in addition to maintaining their medical license. This privilege is required of a physician whether he or she is using ionizing/fluoroscopic equipment in their office, a cardiac catheterization lab, operating room, or similar applications. Failure to obtain the proper license/endorsement is considered unlicensed practice and the individual, as well as the institution or employer could face disciplinary action and penalties.

Title 26 V.S. A. § 2831 (b) (4), unprofessional conduct includes a provision for failure to comply with statues governing the profession. All individuals must have a license or endorsement before they can begin work in the State of Vermont."

Disciplinary Actions

The Office of Professional Regulation issues Press Releases of all disciplinary actions taken during the month. The Press Release includes the name of the Respondent, profession, and a brief description of the disciplinary action taken. The full text of decisions can be accessed for reading or printing from the OPR Web site noted below. The direct link to the search page is: http://vtprofessionals.org/opr1/searchdiscipline.htm.

The Board took action against the following licensees since June 1, 2003:

**LICENSEE: Debra J. Driscoll-Taylor, R.T.**

LICENSE TYPE: Radiologic Technologist - Radiography

VIOLATION: Driscoll-Taylor admitted to an addiction to Vicodin.

SANCTION: On October 28, 2004 the Board Summarily Suspended Driscoll-Taylor’s license. On February 15, 2005, the Board approved a Stipulation and Consent Order which suspended Driscoll-Taylor’s license until deemed fit to practice. Once the Board deems fit to practice, her license would be condition for a period of five years. Conditions imposed include an evaluation by a mental health professional, participation in that professional’s and other treating professionals’ recommended treatments, random drug screens, restrictions regarding the use of regulated drugs unless prescribed by her treating psychiatrist or physician, etc.

**LICENSEE: Christopher J. King, Rutland, VT**

LICENSE TYPE: Radiologic Technology - Radiography

VIOLATION: Practicing a regulated profession without authority.

SANCTION: Pursuant to a Stipulation and Consent Order which suspended Driscoll-Taylor’s license until deemed fit to practice. Once the Board deems fit to practice, her license would be condition for a period of five years. Conditions imposed include an evaluation by a mental health professional, participation in that professional’s and other treating professionals’ recommended treatments, random drug screens, restrictions regarding the use of regulated drugs unless prescribed by her treating psychiatrist or physician, etc.
LICENSEE: Caryn M. Burleson, R.T., Saint Albans, VT
LICENSE TYPE: Radiologic Technologist - Radiography
VIOLATION: Practicing the profession without a current license. Burleson’s license expired on May 31, 2003 for non-renewal and was reactivated on September 28, 2004.
SANCTION: On March 18, 2005, the Board approved a Stipulation and Consent Order which Reprimanded Burleson and imposed an administrative penalty in the amount of $1000.

Continuing Education
6.1 Continuing Education Standard
All persons licensed by the Board to practice radiologic technology, including persons holding limited radiography licenses, must earn a minimum of 24 hours of continuing education credits during a two-year period and must report these credits at the time of license renewal. Persons holding more than one license issued by the Board are not required to obtain more than the minimum 24 credit hours during a two-year period.

6.3 Failure to Meet Continuing Education Requirement
A licensee who fails to comply with the continuing education requirement may be subject to investigation and possible charges of unprofessional conduct under 26 V.S.A. §2831 (b)(4) (failing to comply with provisions of federal or state statutes or rules governing the profession).

FLUOROSCOPY
The Board must remind its licensees that technologists in the State of Vermont are NOT allowed to use fluoroscopy without the supervision of a licensed physician. Rumors of technologists using fluoroscopy to center for their plain films have been reported and investigated. We will continue to investigate any complaints of this nature and if found guilty, a licensee is subject to disciplinary action and could lose his or her license. The Board is currently looking at the applications of fluoroscopy and how this affects a technologist’s employment.

Persons utilizing Bone Densitometers
Bone Densitometers are x-ray machines, and therefore, must be operated by qualified persons. Bone densitometers are used for diagnostic purposes and must be:
1) Registered with the Vermont Department of Health’s Radiological Unit; and
2) Operated by licensed Radiologic Technologists or physicians holding ionizing privileges as an endorsement on his or her medical license.

ARRT
For information about continuing education, registration renewal, examination dates and deadlines, contact the American Registry of Radiologic Technology (ARRT) via:
Mail: ARRT, 1255 Northland Drive, St. Paul, MN 55120-1155, Phone: (651) 687-0048, fax: 687-0349, or via their Web site at www.arrt.org

Statistics
License statistics are as follows: 45 active Radiation Therapists, 14 of whom are non-residents. 610 active licenses in Radiography, 165 of whom are non-residents. 66 active Nuclear Medicine Technologists, 23 of whom are non-residents. 21 active Limited Licensure (Chest and/or Extremities) Technologists. None of whom reside out-of-state.

Annual Report
The Office of Professional Regulation’s Annual Report is available online which contains statistics for all professions regulated under the Secretary of State’s Office.

Laws & Rules
If you would like a complete copy of the current laws and rules, you may access them via the Board’s homepage: www.vtprowessionals.org or write to:

Vermont Board of Radiologic Technology, Office of Professional Regulation
Regulation, 26 Terrace Street, Montpelier, VT 05609-1101.

You may call (802) 828-2390, or fax 828-2465. You may also reach us via E-mail:

“dlafail@sec.state.vt.us”