

**COMMISSION ON RADIATION PROTECTION  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Minutes of a regular meeting held at:  
Dr. Bruce Wilcomb Memorial Conference Room, 25 Arctic Parkway, Ewing NJ  
9:30 a.m. Wednesday, May 18, 2016

The following Commission members were present in person: Dr. Julie Timins, Sue Dupre, Anthony Valente, John Mauro, Brendan McCluskey and DAG Jacobine Dru.

Members present via conference call: Paul Orlando, Mary Moore, and Alfonso Gandica.

Absent member(s): Bob Tokarz.

Also present by telephone: Mr. Scott Haddon from Aribex

Also present were: Arthur Robinson, Al Orlandi, Ramona Chambus, Bill Klimik, Diane Halaycio, Jenn Daino and Christine Gares.

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Call to Order

Dr. Timins, Commission Chair, called the meeting to order at 9:35 a.m. and announced that notice of the meeting complied with the Open Public Meetings Act. The Notice was published in the Courier Post, Trenton Times and Bergen Record. The Notice was filed with the Secretary of State and posted in at least one place reserved for such or similar announcements.

Roll Call

A quorum was met with 8 Commission members: Dr. Timins, Mr. Orlando, Ms. Dupre, Mr. Valente, Mr. Gandica, Mr. Mauro, Mr. McCluskey and Ms. Moore.

Minutes

A motion was made by Alfonso Gandica and seconded by Brendan McCluskey to approve the February 17, 2016 meeting minutes. This motion was approved by a majority vote of (7 in favor, 0 opposed and 1 abstention (Mr. Mauro)).

The scheduled regular meetings of March 2016 and April 2016 were cancelled due to a lack of agenda items at those times.

Report of Commission Members

Dr. Timins initiated discussion regarding the new isotope factory in Millburn, NJ that will utilize a radioactive material Lutetium to manufacture a cancer-fighting drug, Lutathera. Mr. Orlando stated the factory is not operational yet. The radioactive materials license application has been submitted to Bureau of Environmental Regulation (BER) and is under review.

Mr. Mauro discussed that the National Institute of Standards and Technology (NIST) released a 2 volume report in October on the resiliency program. NIST put together a large program to encourage cities to become more resilient after a manmade and/or natural disaster. NIST gave out 100 million dollars in grant. Mr. Mauro was wondering if New Jersey received any of the grants. Mr. McCluskey stated New Jersey did not receive any grants. Additionally, the grants were available worldwide.

Mr. Robinson introduced a new Bureau of X-ray Compliance inspection staff member, Diane Halaycio.

Mr. Orlando stated that New Jersey is hosting the Mid- Atlantic States Conference to be held on September 20 and 21, 2016 at the NJ State Police Training Center in Robbinsville, NJ. There will be an official announcement to the Commission coming out in the future. Mr. Orlando asked if there are any Commission members who would like to present a topic and if so to submit their ideas to Pat Mulligan, Manager, Bureau of Nuclear Engineering.

### Old Business

#### N.J.A.C. 7:28 et seq. Updates

Mr. Orlandi reported that the rule updates were adopted on March 7, 2016 and there are 14 licensed nuclear medicine technologists who are also licensed in fusion imaging CT technology.

### New Business

#### **Exemption Request Aribex-NOMAD MD Handheld X-ray System:**

Mr. Bill Klimik presented the exemption request from Aribex for its NOMAD MD hand held medical unit to the Commission. Aribex provided the Bureau of X-ray Compliance (Bureau) a NOMAD MD for testing. FDA has approved the NOMAD MD for extremity use only. The Bureau provided the Commission a copy of all testing results as well as a spreadsheet outlining the regulatory requirements. The Commission considered exemptions from N.J.A.C. 7:28-15.3(f)6, 15.3(j)3, 15.3(j)4, 15.3(k)2, 15.9(a)1, 15.9(a)6, and 15.9(a)7 when the unit is used as a hand-held device. The Commission considered an exemption from N.J.A.C. 7:28-15.3(j)3 when the unit is used with a 10 ft. remote control switch and a portable stand. BXC staff stated the majority of registrants would use the device as a hand-held device.

There was much discussion surrounding the use of the hand-held medical device and the resulting radiation exposure to the operator, the patient and the public outside of examination room. Given that the device is hand-held and direction of use can be in almost any geometry, some Commission members felt that additional area monitoring should be provided for a period of time and evaluated and reported back to the Commission to ensure that the public is adequately protected when this device is in use. Other Commission members felt that the extensive information provided by the manufacturer and testing performed by staff adequately demonstrated the safe use of the device and that public exposure limits would not be exceeded.

After careful consideration, Mary Moore made a motion to approve the exemption request with the conditions as stipulated in the Memorandum to the Commission dated May 3, 2016 and added additional conditions for approval. The additional conditions require that, for each new unit, area monitors are to be installed in adjacent rooms normally occupied by staff or the public for a period of six months. The results of such monitoring are to be submitted to the facility's qualified medical physicist who will summarize the results and provide recommendations based on documented workload in the annual QC survey. Mr. Valente seconded the motion and the motion was unanimously approved.

### **Radiologic Technology Board of Examiners May 2016 Meeting Report:**

Mr. Orlandi presented the outcomes of the Board's May 12, 2016 meeting. Mr. Orlandi highlighted a few items contained in the report. In addition, the Commission also reviewed and took action on the following Board recommended license sanctions:

a. Marjorie Parise - Dental Radiologic Technology License Renewal

Below is a summary of the Board's action involving Ms. Parise. Details regarding this issue are contained in the Board's report saved as avo-9692.

Mr. Orlandi reported that the Board found Ms. Parise was convicted of a crime involving moral turpitude in violation of N.J.S.A. 26:2D-34(a)2. However, since Ms. Parise is in compliance with the terms of her probation and has submitted evidence of rehabilitation, the Board recommended that an Administrative Order be issued to Ms. Parise that renews her dental radiologic technology license under the following sanction conditions: (1) Ms. Parise continues to comply with the terms of her probation; and (2) Ms. Parise submits semi-annual progress reports to the Bureau from her probation officer regarding the status of probation and employment and notify the Bureau, within 15 business days, of any change in probation or employment.

After discussion, a motion was made by Ms. Dupre and seconded by Ms. Moore that the Board's findings and recommended license sanction be approved. This motion was unanimously approved.

b. Peter Gawin - Diagnostic Radiologic Technology License

Below is a summary of the Board's action involving Mr. Gawin. Details regarding this issue are contained in the Board's report saved as avo-9691.

Mr. Orlandi reported that the Board found Mr. Gawin did commit an act of unethical conduct by reporting to work as a diagnostic radiologic technologist, on January 5, 2016, while under the influence of alcohol in violation of N.J.A.C. 7:28-19.5(a)5 and recommended that an Administrative Order be issued that suspends Mr. Gawin's diagnostic radiologic technology license until he submits proof of satisfactory completion of a Department recognized substance abuse treatment program.

After discussion, a motion was made by Mr. Gandica and seconded by Mr. Valente that the Board's findings and recommended license sanction be approved. This motion was unanimously approved.

c. Kenneth O'Hagan – Suspended Diagnostic Radiologic Technology License

Below is a summary of the Board's action involving Mr. O'Hagan. Details regarding this issue are contained in the Board's closed session report saved as avo-9690.

A resolution was read and unanimously approved to go into closed session, pursuant to N.J.S.A. 10:4-12(b)3 and HIPPA, to discuss the Board's report. The Commission remained in closed session from 11:50 am to 12:01 pm.

In open session, a motion was made by Mr. Valente and seconded by Ms. Moore that, since Mr. O'Hagan has satisfied the conditions in the Administrative Order and Notice of License Sanction that was issued on March 7, 2016, Mr. O'Hagan's license should be reinstated effective May 18, 2016 and not June 7, 2016 as recommended by the Board. Additionally, as a condition to retain his license, Mr. O'Hagan must submit quarterly letters from a licensed physician or licensed psychiatric professional regarding his continued care and ability to work as a radiologic technologist until December 31, 2016. This motion was unanimously approved.

Public Comment

There were no public comments.

Closed Session

A resolution was read and unanimously approved to go into closed session, pursuant to N.J.S.A. 10:4-12(b)3 and HIPPA, to discuss the Board's report. The Commission remained in closed session from 11:50 am to 12:01 pm.

Adjournment

The meeting adjourned at 12:02 p.m. The next meeting is scheduled for June 15, 2016. A taped transcript of the meeting is available for review. Copies of the abbreviated minutes are available by contacting Christine Gares 609-984-5463.

Respectfully submitted,

Paul Orlando, Assistant Director  
Commission Secretary