

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

Minutes of a regular meeting at 9:30 a.m. on February 19, 2020

The following Commission members were present in person: Dr. Julie Timins (Chair), Paul Orlando, Sue Dupre, John Mauro, and DAG Dave Tuason

Commission members present via conference call: Mary E. Moore (Vice-Chair) joined at 9:48a.m., and Bob Tokarz

Radiation Protection Staff members present Art Robinson, Al Orlandi, Jenny Goodman, Anita Kopera, Chuck Renaud, Sarah Adkisson, Brian Giancola, Jenn Daino, and Lauren Givens.

Call to Order

Dr. Timins 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 six Commission members.

February 19,2020 Meeting Minutes-

Ms. Dupre moved to accept both the open and closed session minutes of the February CORP meeting. Mr. Orlando seconded the motion for both sets of minutes. All in favor (6 in favor, 0 opposed, 0 objections, 0 abstentions).

Report of Commission Members

None to report

Old Business:

Mr. Vincent Williams' Petition for certification as a "Qualified Medical Physicist for the Supervision of Quality Assurance Programs in Diagnostic X-ray Imaging" Update:

History:

The Commission, at its November 2019 meeting, approved the Medical Physicist Evaluation Committee's recommendation that Mr. Williams' petition be approved provided that, within six months, Mr. Williams performs, under the direct supervision of a New Jersey certified qualified medical physicist, at least one additional interventional fluoroscopic survey and at least three cardiac catheterization fluoroscopic surveys of at least two different manufacturers and that copies of these surveys along with letters from the supervising medical physicist(s) attesting to Mr. Williams' competency in testing of these units are approved by the Committee.

Update:

Mr. Orlandi reported that Mr. Williams completed the above requirements and a certification as a "Qualified Medical Physicist for the Supervision of Quality Assurance Programs in Diagnostic X-ray Imaging" was issued on January 16, 2020.

Gonadal and Fetal Shielding Committee Update:

Mr. Orlandi presented the outcomes of the Committee as contained in the report to the Commissioners dated January 8, 2020 and saved as avo-10527.

The Committee found the following items supporting the AAPM's recommendation to discontinue gonadal and fetal shielding practices: (1) ICRP's decrease of the gonadal tissue weighting factor from 0.2 to 0.08; (2) The use of digital imaging has decreased radiation exposure. (Some articles reported a 2.7 reduction compared to analog systems.); (3) The increased exposure, if shielding covers the AEC photocell (Some articles reported an increase exposure of 63% for children and 147% for adults); and (4) Mispositioning of shielding over the gonads and possible repeat exposure. (Some articles reported shielding errors of 53% for males and 85% for females).

The Committee also found that, although the vast majority of articles collected to date support the AAPM's recommendation, two organizations (i.e., the American Society of Radiologic Technologists (ASRT) and the National Council on Radiation Protection and Measurements (NCRP)) have not yet supported the AAPM's recommendation. The NCRP is actively researching the issue and the ASRT is waiting for the NCRP to publish its findings.

Since the NCRP is still reviewing the AAPM's recommendation, the Committee believes that a recommendation regarding N.J.A.C. 7:28-15.9(a)3 would be premature. Therefore, the Committee recommended that no action regarding N.J.A.C. 7:28-15.9(a)3 be taken at this time.

Dr. Timins stated that the NCRP may not publish its report until the end of the year. Some members felt that since the Committee's findings support the AAPM's recommendation, the Commission should not wait to consider an exemption from N.J.A.C. 7:28-15.9(a)3. However,

some members felt that the issuance of an exemption may conflict with FDA and Joint Commission requirements. The Committee was asked to collect data from the Cincinnati Children's Hospital and other hospitals on steps being taken to implement the AAPM's recommendation. Due to other items on the meeting agenda, the Commission tabled the Committee's recommendation.

New Business:

Radon Rule Proposal Update:

Radon program staff provided an overview of the repeal of existing rules at N.J.A.C. 7:28-27, Certification of Radon Testers and Mitigators, and promulgation of new rules applicable to individuals and businesses who test for or mitigate radon. The major proposed changes were presented and discussed.

Radiologic Technology Board of Examiners (Board) Meeting Report:

Mr. Orlandi presented the outcomes of the Board's February 5, 2020 meeting as contained in the report to the Commissioners dated February 7, 2020 and saved as avo-10552. Mr. Orlandi highlighted several items. Regarding the Notice of Proposal which includes amendments to Subchapters 1, 12, 19, 24, 61 and 64, the public comment period ended on January 31, 2020. Six commenters submitted a total of eight comments. None opposing the proposal. The documents for adoption have been drafted. There were no questions from Commission members regarding other items of the Board's report.

The Commission also considered the Board's recommended license sanction reports regarding Ms. Jillian Tolliver; Mr. Loren Varga; and Mr. Camilo Rodriguez.

Regarding Ms. Jillian Tollover:

Mr. Orlandi presented the Board's report regarding its recommendation of license suspension saved as avo-10559. The Board found that Ms. Tolliver practiced radiologic technology or reported to work as a radiologic technologist while under the influence of alcohol or a Controlled Dangerous Substance as defined in the New Jersey Code of Criminal Justice in violation of N.J.A.C. 7:28-19.5(a)5. Additionally, the Board found that, due to Ms. Tolliver's incomplete response to the Bureau of X-ray Compliance's November 15, 2019 letter and December 16, 2019 email, there is lack of information to determine, if Ms. Tolliver violated other provisions of N.J.A.C. 7:28-19.5 or the Radiologic Technologist Act.

The Board recommended to the Commission that Mr. Tolliver's diagnostic radiologic technology license be suspended until a complete response to the Bureau's November 15, 2019 letter and December 16, 2019 email is submitted and the Board reconsiders her license sanction.

Mr. Orlandi also stated that Ms. Tolliver was informed of the Commission meeting and was offered the opportunity to complete her response. No additional information was received.

A motion was made by Mr. Orlando and seconded by Ms. Dupre to approve the Board's findings and recommendation. This motion was unanimously approved.

Regarding Mr. Loren Varga:

Mr. Orlandi presented the Board's report regarding its recommendation of letter for reprimand saved as avo-10553. In 2019, Mr. Varga was convicted of crimes of the Federal Endangered Species Act and the Lacey Act. Both convictions related to the illegal procurement of a tiger-skin rug. The Board found that Mr. Varga has been convicted of crimes involving moral turpitude in violation of the Radiologic Technologist Act.

Since these convictions have no impact on Mr. Varga's clinical competency or ability to practice as a diagnostic radiologic technologist, the Board recommended to the Commission that only a "Letter of Reprimand" be issued to Mr. Varga. The Board also recommended that, by December 1, 2021, Mr. Varga submit to the Board a letter from the court documenting the completion of supervised release and that Mr. Varga inform the Board, within 15 calendar days, of any change in supervised release status or of any pending charges or new convictions.

A motion was made by Mr. Orlando and seconded by Ms. Dupre to approve the Board's finding and recommendations. This motion was unanimously approved.

Regarding Mr. Camilo Rodriguez:

A resolution to allow the Commission to enter into closed session was unanimously approved. Closed session was deemed necessary to discuss information that is protected under the Health Insurance Portability and Accountability Act and to discuss any investigation of violations or possible violations of the law and to deliberate the imposition of a possible sanction against the dental radiologic technology license of Mr. Rodriguez. Additionally, closed session will involve legal advice from DAG Tuason that would require the exercise of the attorney-client privilege. The Commission remained in closed session from 10:22 a.m. to 10:37 a.m.

Upon returning to open session, Mr. Orlandi reported that in closed session, the Commission discussed Mr. Rodriguez's dental radiologic technology license status. The Board finds that Mr. Rodriguez violated two provisions of the Radiologic Technologist Act. The Board also finds that Mr. Rodriguez has submitted sufficient evidence of his rehabilitation and voted to renew Mr. Rodriguez's license. As a result, the Board recommends to the Commission, that Mr. Rodriguez be permitted to retain his license provided that he complies with the license sanction conditions as contained in the Board's closed session report.

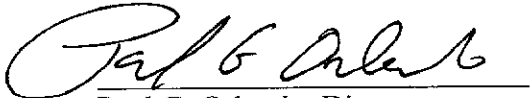
A motion was made by Mr. Orlando and seconded by Ms. Dupre to approve the Board's findings and recommendation. This motion was unanimously approved.

Public Comment

None to report

Adjournment

The meeting adjourned at 11:52 a.m. Audio recording of the meeting is available for review. Copies of the abbreviated minutes are available by contacting Lauren Givens at 609-984-5636.



Paul G. Orlando, Director
Commission Secretary

5/20/20
Date

My signature indicates that the above minutes of the February 19, 2020 Commission meeting are reflective of the activities of such meeting and were approved by at least a majority vote at a subsequent meeting of the Commission as indicated by the date above.