

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, June 25, 2014 8:00:33 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, June 25, 2014 12:14 AM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Wednesday, June 25, 2014 - 00:13

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Marshall

Last Name: Davis

Title: Radiologic Technologist

Organization you are affiliated with:

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

After reading the Sunset Advisory Commission's report on Issue 3, I have some concerns about the assumptions and conclusions in that report.

The chart on page 46 of this report concludes that deregulation of the MRT certification would have little impact on public safety.

The Texas Administrative Code, Title 25, Part 1, Chapter 140 Subchapter J Rule 140.516 identifies radiologic procedures the Department considers Dangerous and Hazardous.

This list includes Positron Emission Tomography, Angiography, Fluoroscopy, Radiation Therapy, procedures which utilize contrast media and pediatric radiography among others.

It seems fairly apparent that procedures that the Department considers Dangerous and Hazardous should only be performed by trained, certified personnel. Without these safeguards in place, there is great potential for a negative impact on public safety.

Another concern in the report is the statement that the practice takes place in a highly regulated environment. The report specifically uses Medical Radiologic Technologists as an example, pointing out that the radiation-producing machines have separate regulations. If it is important enough to regulate the machine, is it not equally important to regulate the operator? An untrained person can deliver excessive radiation to a patient with a machine that is regulated and operating correctly.

The report mentions "numerous federal requirements" that are redundant to the MRT program, but there are no federal requirements for Radiologic Technologists, their training or certification.

The report has reference to duplicative accreditation programs available.

For radiologic technologists, that program is the American Registry of Radiologic Technologists. But, with no requirement for a Texas radiologic technologist to have that accreditation, it serves no purpose in protecting public safety.

If the MRT program is deregulated, there would be no reason for a person to attend a program that would prepare them for the ARRT registry and become registered, since the person could be employed without that national certification.

Part of maintaining the current MRT and ARRT certification includes attending Continuing Education on a regular basis. This keeps the registrant informed about current technologies and advancements in the field. Without regulation or certification, the radiation operator would not have to attend any such classes and would not be knowledgeable on current technologies.

Also in the report, there is an assumption that the Practitioner or health care facility “adequately ensures patient safety” and therefore no other regulation is needed.

This feels similar to the fox being left in charge of the hen house. The Practitioner or health care facility is under the same financial burden as any business or state Agency. This can lead the Practitioner to feel a certain lack of knowledge or certification with an employee is ‘safe enough’, because that’s as much ‘safety’ as the facility can budget.

The largest Health Profession being discussed for deregulation is the MRT. Currently DSHS certifies over 28,000 Medical Radiologic Technologists. That large of a population indicates the prevalence and importance of the profession to the health and safety of the general public, and the need for continued certification of the program. If there were only 155 Licensees, as in the case of Contact Lens Dispensers, there would be more rationale for deregulation.

I agree with the Report that DSHS is overburdened with their current scope of so many programs. I have personally experienced the results of the department personnel being involved in many programs and not being able to address issues of concern.

I support Recommendation 3.1(i) number 4.

This would maintain regulation of Medical Radiologic Technologists and transfer regulation to the Texas Department of Licensing and Regulation.

The Sunset Commission report praises the effectiveness of TDLR, and feels it the appropriate Department to regulate several programs .

To protect the public health and safety, certifying a Medical Radiologic Technologist that performs the procedures listed above is certainly as important as certifying Athletic Trainers, Hearing Instrument Dispensers and Laser Hair Removal, all recommended for transfer to TDLR.

Please consider the Medical Radiologic Technologist Program for recommendation 3.2, where the public’s health and safety would continue to be protected through the TDLR by certifying personnel delivering ionizing radiation to the public.

Any Alternative or New Recommendations on This Agency:

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My Comment Will Be Made Public: I agree

Good afternoon,

Thank you for your time in hearing this public input.

My name is Marshall Davis, I am here to speak about Recommendation 3.1(i), Medical Radiologic Technologists.

I have been a Certified Medical Radiologic Technologist since the Texas Department of Health began the program in 1988.

After reading the Sunset Advisory Commission's report on Issue 3, I have some concerns about the assumptions and conclusions in that report.

The chart on page 46 of this report concludes that deregulation of the MRT certification would have little impact on public safety.

I've included in the handout a section from the Texas Administrative Code. Title 25, Part 1, Chapter 140 Subchapter J Rule 140.516 identifies radiologic procedures the Department considers Dangerous and Hazardous.

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