



June 30, 2014

Dear Sunset review committee:

We are contacting you as licensed medical physicists **(MP10426), (MP10239), (MP10278) and (MP10419)** concerning the Sunset Staff Review published in May 2014. We are concerned that the information in the report does not accurately reflect the current environment of professional regulations and health care in Texas or the importance of licensure in protecting Texans from unnecessary exposure to radiation.

The report suggests that the programs are unnecessary because; (1) deregulation would have little impact on health and safety, (2) they cover professionals that operate in a highly regulated environment, (3) they have ‘regulation’ provided by another body or through private sector accreditation, and (4) they generate little regulatory activity.

We would like to address each of the areas to provide you with additional information that is not reflected in the report.

1. The report states “deregulation would have little impact on health and safety.” Texas is very fortunate to be home to some of the most advanced imaging and treatment facilities in the world. In order for equipment used in these facilities and elsewhere in Texas to operate safely, highly trained individuals are required to assure the safe use of the equipment. Professional regulations are essential. Worldwide there have been very serious injuries associated with radiation-emitting equipment.

Currently, **licensed** medical physicists are required to provide annual performance evaluations on the equipment to assure that they meet regulatory standards. Without such requirements, these annual quality assurance measures might not be performed or be performed by others with fewer or no qualifications. Licensure in Texas requires medical physicists to meet educational and experience requirements and to pass an examination of their knowledge in the specialty field in which they intend to practice. Without licensure, that minimum level of knowledge and experience would no longer be a requirement, and negative future consequences could likely result. Also, with growing public concern about radiation risk, removing safeguards already in place in Texas (through licensure) seems ill-advised.

2. The report states the medical physicist licensure program is a “profession that operates in a highly regulated environment.” It is true that exposure to radiation in medical applications is regulated for adherence to equipment specification. It is not true that those who practice in radiation imaging, nuclear medicine, or therapy are regulated by any other government entity except for those who provide services to support the Mammography Quality Standards Act (MQSA). Less than professional conduct has been a contributor to numerous medical errors. In 2009, reports of medical errors in the Veterans Administration highlighted lack of professional responsibility and accountability. Professional licenses hold individuals accountable in providing services that meet regulatory compliance. When the services do not meet this requirement, professional licensure standards can be used for enforcement against the professional licensee. Without a medical physicist license, this would not be possible.
3. The third item in the report to be addressed is the view that medical physicists “have ‘regulation’ provided by another body or through private sector accreditation.” We are not aware of any duplication of professional accountability for medical physicists by another regulatory body or accreditation that meets the equivalent standards for a licensed professional with the exception of the MQSA requirements. In fact, accreditation is not required for several types of medical imaging services or for radiation therapy. For

some, imaging and radiation therapy accreditation is voluntary and does not require the medical physicists involved to have any specific qualifications. Without licensure there would be no requirement to use experienced, knowledgeable medical physicists. Also, it is only through licensure that all medical physicists practicing in Texas must meet continuing education requirements as some board-certified individuals are not required to meet continuing education requirements.

4. The fourth rationale for the sunset is confusing: "Medical physicists generate little regulatory activity." Do we only regulate those professions that have activity? Is it possible that because of regulations, medical physicists are meeting the requirement of the regulations, improving health care in Texas, and do not require extensive support from agency staff? The Texas licensure law was written and enforced to protect citizens from individuals with little or no knowledge of radiation equipment from providing services that could in fact harm them. Licensed medical physicists must meet minimum educational and board certification requirements to obtain a license. To maintain their Texas license, medical physicists must meet continuing education requirements each renewal cycle (which is quite consistent with other medical professionals).
5. The Federal government, apart from mammography, does not regulate the use of radiation machines; it is the responsibility of the states to do that. Currently, through the CMS law the Federal government has given three private bodies the authority to accredit some radiation producing machines. These private bodies have varying standards and none have anything to do with radiographic and fluoroscopic machines. Deregulation could result in a negative health impact in the use of these machines. This is especially true for fluoroscopy in Cardiac Catheterization and Angiography in hospitals and ambulatory centers where numerous radiation injuries to patients are well documented.

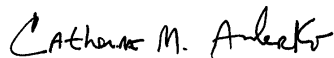
Medical physicists are essential for patient safety in diagnostic imaging (radiology), nuclear medicine, and radiation therapy. Professional licensure helps to assure that well qualified individuals provide these services. Please feel free to contact us using the information below. We would be glad to discuss with you the importance of medical physicist licensure and why it should not be considered for sunset.

Sincerely,



David Dodoo-Amoo, Ph.D., DABR  
Texas Medical Physicist # MP10426  
[david.dodoo-amoo@westphysics.com](mailto:david.dodoo-amoo@westphysics.com)

15520 Sweetpine Lane  
Fort Worth TX 76262



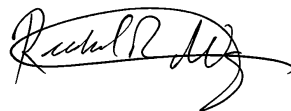
Catherine Anderko, M.S., DABR  
Texas Medical Physicist # MP10239  
[cathy@westphysics.com](mailto:cathy@westphysics.com)

3825 Paces Walk SE, Suite 250  
Atlanta, GA 30339



Zubair Abbasi, M.S., DABR  
Texas Medical Physicist # MP10278  
[zubair@westphysics.com](mailto:zubair@westphysics.com)

3825 Paces Walk SE, Suite 250  
Atlanta, GA 30339



Richard R. Miguel, M.S., DABR  
Texas Medical Physicist # MP10419  
[richard.miguel@westphysics.com](mailto:richard.miguel@westphysics.com)

3825 Paces Walk SE, Suite 250  
Atlanta, GA 30339