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Dear Sunset review committee:

I am contacting you as a licensed medical physicist, **MP0475**, concerning the Sunset Staff Review published in May 2014. I am concerned that the information in the report does not accurately reflect 1: the current environment of professional regulations and health care in Texas and 2: the importance of licensure in protecting Texans from unnecessary exposure to radiation.

I am a consulting medical physicist. I do not work in an academic environment. My clients include the Veterans Administration, Federal penal hospital, State penal facilities, large hospital systems, small rural hospitals, private and community clinics in underprivileged areas, and most other kinds of facilities that you can think of. I work in the trenches most days, and not always with state of the art equipment and not always with the most scrupulous of owners.

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.

I 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 one of the leaders of our 50 states when radiation safety is concerned. Texas is a leader and looked to when other states have concerns. Whereas Texas may have some of the most advanced imaging facilities in the world, there are also registrants of X-ray producing equipment that will do as little as possible to be profitable. Professional regulation with standards is essential for the safe operation of X-ray producing equipment.

Currently, **licensed** medical physicists are required by Texas Administrative Code 25 to provide annual performance evaluations on the radiation producing 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 less or no qualifications. As a licensed medical physicist, our first obligation is to the State to report the unsafe use of radiation.

Licensure in Texas requires Board certification, which assures the public that a minimum qualification has been met. As licensed medical physicists meeting the minimum requirements, we are capable of educating registrants to the State regulations (which are in place to protect the public), and counsel registrants on the safe use of radiation. Without licensure, that minimum level of knowledge would no longer be a requirement, and negative future consequences would likely result. Also, with growing public concern about radiation risk, removing safeguards already in place in Texas (through licensure) seems counter to that growing concern. Please refer to the State published documentation of violations to the Texas Administrative Code. The number of violations, which put the public at risk, would most definitely increase.

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 Veteran 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.” I am not aware of any duplication of professional accountability for medical physicists in 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 last rationale for sunset, medical physicists “generate little regulatory activity.” is confusing. 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).

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. I would be glad to discuss with you the importance of medical physicist licensure and why it should not be considered for sunset.

Respectfully,



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