

July 1, 14

Dear Sunset review committee:

I am contacting you as a licensed medical physicist, MP0110, with 45 years experience concerning the Sunset Staff Review published in May 2014. I am 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.

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 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 some very serious injuries associated with radiation emitting equipment.

There were two fatal accidental exposures from a linear accelerator in Tyler, Texas in 1986. I was the physicist of record for these events. There were previous events from the same device that went unreported. Had it not been for a qualified medical physicist there could have been more deaths from these devices. To say that medical physicists have "little impact on health and safety" does not hold true in radiation therapy. The fact that such incidences are rare is because there are qualified medical physicists working diligently to protect the patients that use the equipment they are responsible for.

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 less or no qualifications. Licensure in Texas requires Board certification, which assures the public that a minimum qualification has been met. Without licensure, that minimum level of knowledge 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 very unwise.

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 does not cover all the types of medical imaging services or radiation therapy. For some imaging and radiation therapy services accreditation is voluntary and does not require the use of board certified medical physicists with specific areas of expertise. Without licensure there would be no requirement to use board certified physicists. 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. Without licensure there would be no required supervision of medical physicists entering the field from residency programs prior to becoming board certified.

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 licensure, 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 cited ten times in 25 TEXAS ADMINISTRATIVE CODE §289.227 Use of Radiation Machines in the Healing Arts, 34 times in 25 TEXAS ADMINISTRATIVE CODE §289.229, Radiation Safety Requirements for Accelerators, Therapeutic Radiation Machines, Simulators, and Electronic Brachytherapy Devices and 75 times in 25 TEXAS ADMINISTRATIVE CODE (TAC) §289.230 Certification of Mammography Systems and Mammography Machines Used for Interventional Breast Radiography. The qualifications of medical physicists are assured by the licensing system in Texas. This is a matter of public health and safety of the highest order.

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.

Please contact me at:

Sincerely

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