July 29, 2014

Email: sunset@sunset.state.tx.us

Dear Sunset review committee,

We are contacting you as licensed medical physicists 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 occupational medical physics program is unneeded as it: (1) is a "low risk to public health" (2) "takes place in a highly regulated environment" (3) provides "additional, unnecessary layers of regulation" and (4) generates "little regulatory activity."

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

1. The report states the "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. There have been some very serious injuries associated with radiation emitting equipment. Currently licensed medical physicists are required to provide annual and some daily checks on the equipment to assure that they meet the regulatory standards for the equipment as well as develop the safe operating procedures for the equipment. In some cases we are directly involved in patient care. Professional regulation ensures a minimum level of competence to perform tasks that ensure the safe delivery of radiation.

2. In the report in states the medical physicist licensure program is a "profession that operates in a highly regulated environment." The regulation of medical physics practice typically only occurs on a state level with the exception of Radioactive Materials (RAM), which may be regulated federally by the NRC; in the case of Texas, RAM regulation is performed by the state in agreement with rules set forth by the NRC. X-Ray equipment is only regulated by states. The regulations for X-Ray and RAM licenses do not ensure that the personnel who are tasked with carrying out the regulations are properly qualified to practice medical physics; only occupational regulation ensures that medical physicists are qualified to practice medical physics as set forth in state regulations. Nationally, board certification is

available for medical physicists and may be used in the licensure of medical physics professionals by states to show minimum levels of competence, but like other medical professionals (i.e., physicians) licensure by states is required to be able to practice professional duties. Furthermore, state certification is used in the granting and maintenance of board certification for medical physicists. In addition, the board certification process leaves a gap for medical physics professionals who have just begun the board certification process. Temporary state licensure allows for safe supervision and practice of medical physics while completing the board certification process, which requires the individual to be practicing during the board certification process. The loss of the occupational regulation of medical physicists would prevent new physicists from working in Texas.

3. The third item in the report suggests that the professional regulation of medical physics would provide "additional, unnecessary layers of regulation." 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 license. Without a medical physicist license this would not be possible.

4. The last rationale for sunset states that medical physicists "generate little regulatory activity." Although little regulatory activity may exist, the effects of improper practice may be grave. In 2009, reports of medical errors in the Veteran Administration highlighted the consequences of improper professional practice. 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 physicist meet minimum educational and board certification requirements to obtain a license. To maintain the license the medical physicist must meet continuing education requirements each renewal cycle.

In conclusion, medical physicists are essential for patient safety in radiation imaging, nuclear medicine and therapy. Professional licensure helps to assure that well qualified individuals provide these services.

Sincerely,

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