

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, July 01, 2014 7:46:37 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Monday, June 30, 2014 5:55 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Monday, June 30, 2014 - 17:54

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

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City: Round Rock

State: Texas

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

Sunset Review Committee members,

I am heartily opposed to the proposal to sunset licensure of medical physicists in the state of Texas. I have lead teams of clinical physicists for 13 years and have 18 years of post-graduate experience in the field of medical physics. Licensure not only should not be sunsetted, it should be applauded and a model for the majority of states that do not have such a program.

I would like to mention some of the wording in the report from the commission. First, that licensure is not needed as there is a "low risk to public health". There is a saying in radiation oncology that bad physicians kill patients one at a time, but bad physicists kill patients by the dozens. This is a morose truism. Medical physicists are the experts on the advanced technology used in diagnosis of disease and treatment of cancer. An incompetent physicist who mis-calibrates a linear accelerator will have a grave impact on every patient who is treated on that machine. Our patients deserve the best treatment possible, and that includes work done on their behalf by a physicist who has shown competency through a board and licensure process. I have recruited for at least 20 physicist positions over the years and can attest to there being many incompetent individuals trying to gain positions in clinics. These people most often cannot attain board certification and full licensure in Texas. This seems to keep them out of the state. If a boarded, incompetent physicist does gain a position in the state, there is a mechanism to remove licensure from that individual.

The commission commented that physicists operate "in a highly regulated environment". It is true that the use of x-ray devices and radioactive materials is highly regulated, but this doesn't address the competency of the individual doing the work. Again, licensure assures only board certified individuals or those under close supervision (for temporary licensed

individuals) can practice in Texas.

The commission has also made comments regarding medical physics licensure being an unnecessary layer of regulation, and that there has been little regulatory activity. Medical physics licensure is no more an unnecessary layer of regulation than physician licensure. Again, it is the medical physicists who are assuring that the advanced technology used in diagnosing disease and treating cancer is commissioned, calibrated, and maintained properly. A patient could have the best oncologist in the world, but if the physicist does not properly commission or calibrate the treatment machine, the patient's treatment is at best compromised, at worst dangerous or deadly. The fact that there is little regulatory activity I believe is a testament to the success of licensure in Texas. Texas is the sixth state that I have practiced, and the only one to have licensure. I have personally seen the highest level of competence in this state. When recruiting to this state, the licensure barrier keeps many incompetent, unqualified individuals out of the state. I have first hand knowledge that these individuals are practicing in other states without licensure. Removing licensure in Texas is an open invitation for these people to come to Texas. Their arrival may not be overt, either. They may come as contractors for medical physics service companies who can now send their worst employees to Texas. We do not want to invite these people to Texas. Please keep licensure in this state. Our patients will thank you!

Any Alternative or New Recommendations on This Agency: Keep medical physics licensure as-is. It works.

My Comment Will Be Made Public: I agree