


AMERICAN ASSOCIATION of PHYSICISTS IN MEDICINE
Advancing the Science, Education & Professional Practice of Medical Physics



**MEDICAL PHYSICS LICENSURE
 PAST, PRESENT AND FUTURE**

Libby Brateman Memorial Symposium
 July 17, 2019

Bob Pizzutiello, FACR, FAAPM, FACMP

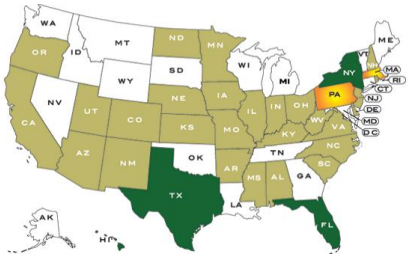
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OUTLINE

- **Brief AAPM History**
- **Purpose of Licensure**
- **NY Experience**
- **Pro's and Con's of Licensure, and its alternatives**
- **The Proposed PA Bill**
- **Challenges to consider (Health Physicists, Dosimetrists, MPA's)**
- **The choice before us**

History of Licensure



AMERICAN ASSOCIATION of PHYSICISTS IN MEDICINE

AAPM

Professional/Education/Science Policies (Paragraphs 3,4 of 4)

THIS POLICY REPLACES PP-2-C - THIS IS THE LATEST VERSION OF THE POLICY

POLICY NUMBER	POLICY NAME	POLICY DATE	SUNSET DATE
PP 2-D	Licensure and The Medical Physicist's Role in the Practice of Medicine - A Guide for Administrators and Regulators	7/31/2008	12/31/2019

The AAPM and the ACMP strongly support licensure for practitioners of Medical Physics. The American Medical Association states: "A health profession or occupation should be licensed if the practice of that profession or occupation by persons who have not shown themselves to be competent and qualified to deliver health care services would pose a risk to the life, health, or safety of the public." The American College of Radiology (ACR) "strongly supports the concept of state licensure or certification mechanisms for medical radiological physicists."⁽³⁾

Licensure or formal registration for Medical Physicists is in the public interest. Under current law, minimum training and education standards are not compulsory in all jurisdictions, allowing individuals to provide Medical Physics services in imaging and therapy without any formal education. Physicians, health care administrators, regulators and the public have no clear guidelines for judging the qualifications or abilities of a Medical Physicist. Other than the civil courts, the public has no redress to deal with issues such as fraud, substance abuse, malpractice, or unethical behavior that negatively impact patient care and public safety. Licensure or formal registration will address these issues.

<https://www.aapm.org/org/policies/details.asp?id=259&type=PP>






WHY LICENSURE?

- **Protection of the Public**
- **Hazards and Costs of Poor Practice**
- **Increasing Use and Complexity of Radiation**
 - **Think beyond big hospitals**
 - **Small clinics (pain clinics, dermatologists superficial x-ray treatments, CBCT, hand-held fluoro and ...)**
- **Increasing financial pressure towards less qualified personnel**



PATIENT SAFETY AND PUBLIC HEALTH

**In the clinical setting
an error in Medical Physics services
can result in serious, at times fatal, harm to
one or several patients**

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 NEW YORK HISTORY

- 1991 - Formed Committee
- Adopted Texas Model & Legislation
- Drafted legislation
- Obtained legislative sponsorship
- Our plan – “a few years”
- Licensure Effective (May 2003)
- Grandfather period ends (November 2004)
- Practice Guidelines Published (March 2018)



ISN'T BOARD CERTIFICATION ENOUGH?

- Exam based on knowledge
- Does not measure continuing competence
- Does not ensure practice within areas of expertise
- Has limited legal standing
- Cannot be revoked for poor performance
- Absence of transparent employer recommendations
- How can an employer determine competence?

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TEXAS MEDICAL BOARD
PHYSICIAN ASSISTANT BOARD
STATE BOARD OF RADIOLOGIC TECHNOLOGISTS
Advancing the public through professional accountability

Home | Licensing | Renewals | Licensee Resources | Forms | Laws & Rules | Publications | Newsroom | Public | Agency | FAQs

Physicians	Physician Assistants	Acupuncturists	Medical Radiologic Technologist	Other Permits and Licenses
<ul style="list-style-type: none">Full Texas Medical LicensePhysician in TrainingFaculty Temporary LicenseOut of State Internship LicenseAdministrative Medical LicenseInternational LicenseMedical License Limited to Underserved AreasMedical License Temporary PermitMedical Practice Temporary LicenseResidential Public Health LicenseConsolidated Emergency LicenseMilitary Limited Release License	<ul style="list-style-type: none">Overview	<ul style="list-style-type: none">Overview	<ul style="list-style-type: none">General Medical Radiologic TechnologistsLimited Medical Radiologic TechnologistsLIMIT Exam InformationNon-certified Radiological TechniciansHardship ExemptionsNET Lead Shield Training Program	<ul style="list-style-type: none">Board Approved FellowshipAcademySurgical AssistantsMedical PracticePerfusionistEmergency Care Practitioner

Senate Bill 202 (2015) transferred four occupational regulatory programs from the Department of State Health Services (DSHS) to the Texas Medical Board (TMB). Medical Physicians, Medical Radiologic Technologists, Perfusionists, and Respiratory Care Practitioners are now regulated by the TMB and each occupation's respective board/advisory committee.

- Criminal History Notification Letter
- Military Unit Certification

<http://www.tmb.state.tx.us/page/licensing-medical-physicist>

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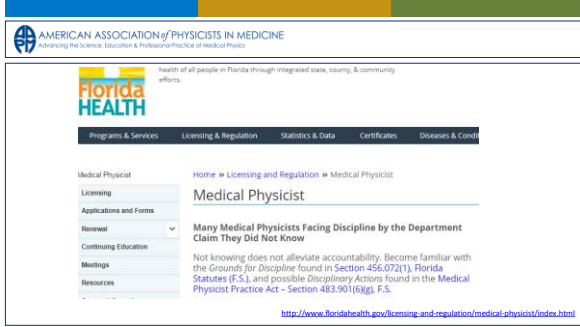
MEDICAL PHYSICS LICENSURE ADVISORY COMMITTEE

TEXAS MEDICAL BOARD
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Medical Board	PA Board	Acupuncturists Board	Medical Radiologic Technology Board	Respiratory Care Board
<ul style="list-style-type: none">RegulationsBoard CommitteesSpecial Service CommitteesHistoryCalendar & AgendaMeeting Minutes	<ul style="list-style-type: none">RegulationsCommitteesHistoryCalendar & AgendaMeeting Minutes	<ul style="list-style-type: none">RegulationsCommitteesHistoryCalendar & AgendaMeeting Minutes	<ul style="list-style-type: none">RegulationsCommitteesHistoryCalendar & Agenda	<ul style="list-style-type: none">RegulationsCommitteesCalendar & Agenda

Advisory Committees	Legislative Updates & Required Reports	Employment	Contact Us	Policies
<ul style="list-style-type: none">Medical Physics Licensure Advisory CommitteeProfessional Licensure Advisory Committee	<ul style="list-style-type: none">Legislative UpdatesStrategic PlanLegislative Appropriations RequestsBudget FinanceContractsInternal Audit InformationSanctid Website	<ul style="list-style-type: none">Open PositionsBenefits	<ul style="list-style-type: none">Address: DirectorsOther Numbers	<ul style="list-style-type: none">Privacy PolicyAccessibility PolicyComplaint of Issues (Complaint About Agency)Traffic ReportingAgency Energy SavingsEqual Opportunity PolicyWebsite Linking Policy



NY Licenses		NY Fees/2 years	
Current # licenses issued		Fees for 2 year cycle (Renewal)	
Diagnostic	104	Initial license	\$495
Medical Health	73	Renewal	345
Medical Nuclear	91	Limited permit/yr	60
Therapeutic	433		
Total	1369	Total revenue (est)	\$236 k/yr

Fees are similar Optometry, Pharmacy, Podiatry, Veterinary, Mental Health Counselor, Professional Engineering, CPA



Pennsylvania Department of State > Professional Licensing

PROFESSIONAL LICENSING

The Bureau of Professional and Occupational Affairs was established in 1963 as part of the Department of State to provide administrative, logistical and legal support services to professional and occupational licensing boards and commissions.

Professional licensing protects the health and safety of the public from fraudulent and unethical practitioners. There are 29 licensing boards and commissions, each with their own statute governing their powers and functions. The boards and commissions also promulgate regulations to further govern their respective professions.

Pennsylvania Department of State > Professional Licensing > Boards & Commissions

BOARDS & COMMISSIONS **State Board of Medicine**

Accountancy	Landscape Architects	Athletic Trainer	
Architects	Massage Therapy	Behavior Specialist	
Auctioneer Examiners	Medicine	Genetic Counselor	
Barber Examiners	Navigation Commission	Graduate Prosthetist	
Certified Real Estate Appraisers	Nursing	Medical Interim Limited	
Chiropractic	Nursing Home Administrators	Nurse-Midwife	is
Cosmetology	Occupational Therapy	Pedorthist	
Crane Operators	Optometry	Prosthetist	
Dentistry	Osteopathic Medicine	Provisional Prosthetist	
Engineers, Land Surveyors, Geologists	Pharmacy	Temporary Pedorthist	
Funeral Directors	Physical Therapy		

Pennsylvania House Bill 31 (Readshaw...)

AN ACT

Regulating medical physicists; establishing the State Board of Medical Physicists; and providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

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The General Assembly of the Commonwealth of Pennsylvania finds and declares as follows:

The practice of medical physics by unqualified individuals is a threat to public health and safety.

It is, therefore, the responsibility of the Commonwealth to protect public health and safety from the harmful effects of excessive and unnecessary radiation by ensuring that the practice of medical physics is entrusted only to individuals licensed under this act.



The State Board of Medical Physicians

- 1 member of general public**
- 4 MP's who meet education-experience qualifications for license in specialty**
- 3 licensed physician (Tx, Dx, NM)**
- 1 The Secretary of Health (designee)**
- The Attorney General (designee)**
- The Commissioner (designee)**



Powers and Duties

- **To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses.**
- **To promulgate regulations not inconsistent with this act and only as necessary to carry out this act.**



- To **examine, deny, approve, issue, revoke, suspend or renew licenses** of medical physicists under this act and to **conduct hearings** in connection with those powers and duties.
- To **submit annually a report...**
- To **submit annually... a budget**
- To **establish standards of eligibility for license renewal (Continuing Education).**



This board is a key differentiator

Licensure

- A group of our peers has the power

State Regulations

- The PA Bureau of Radiation Protection has the power

- Promulgate regulations
- Review claims of potential violations
- Revoke/suspend licenses when needed to protect the public
- Adapt to changes in the future
- It is not an "advisory" board – it has authority
- How does it fit with Board for Medicine or other boards?



SECTION 9. REFUSAL, SUSPENSION, REVOCATION

1. **Convicted of felony**
2. **Found to engage in immoral or unprofessional conduct**
"unprofessional conduct" includes a departure from or failure to conform to the standards of acceptable and prevailing practice.
3. **Violating standards of practice**
4. **Presenting false credentials**
5. **Submitting false or deceptive license renewal**

- 6. License suspended, revoked or refused (other jurisdiction)
- 7. Violating a regulation promulgated by the board or violating an order of the board previously entered in a disciplinary proceeding.

- 8. Incompetence, negligence or misconduct
- 9. Practicing beyond the licensee's defined Scope of Practice
- 10. Knowingly aiding, assisting, hiring or advising someone in the unlawful practice of medical physics
- 11. Being unable to practice with reasonable skill and safety (illness, drunkenness, use of drugs, narcotics....) Board has authority to compel licensee.... to submit to a mental/physical exam



SECTION 9B. BOARD ACTION

If the board finds that the license or application for license may be refused, revoked, restricted or suspended, board may

- Deny application for licensure
- Administer a public reprimand
- Revoke, suspend, limit or otherwise restrict a license
- Require licensee to submit to care, counseling or treatment
- Suspend enforcement and place licensee on probation
- Restore a suspended license and impose disciplinary or corrective measures

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OUTLINE



OTHER COLLEAGUES

- **Dosimetrists** Not a recognized “profession” in PA and exempt from this process. *Should be documented in committee discussion record.*
- **Medical Physicist Assistants** Same as above. *Texas and (recently) NY has published practice Guidelines to clarify supervision.*



CONCERNS ABOUT LICENSURE

- *“There aren’t enough in rural areas”* MQSA, NY
- *“It will cost too much”* a NY license is about \$175/yr
- *“Certification is enough”* cannot protect public from smart people who act badly



CONCERNS ABOUT LICENSURE

- *“State regulation is enough”* regulators decide on complex practice issues, rather than the licensing Board
- *“What about Health Physicists?”* OK for Medical Health Physics if CHP exam is accepted by board. MQSA experience.

ABR Bylaws Article IX Revocation and Probation

The Corporation shall have the authority **to impose disciplinary sanctions** by revoking any certificate issued by the Corporation or placing a Diplomate or candidate on probation for a fixed or indefinite time or some combination of these, pursuant to policies and procedures established by the Corporation, for any of the following reasons:

<https://www.theabr.org/about/abr-bylaws>

31

ABR Revocation/Suspension of Certification

- Items related to **falsification of information** provided to ABR
- An unrestricted **license to practice ceases to become valid**
- Violating ABR rules** and regulations relating to Qualifying, Certifying and MOC and pertinent applications
- Engaging in **conduct that materially disrupts any examination** or that could reasonably be interpreted as threatening or abusive toward any examinee, proctor or staff
- Conviction of a felony resulting in incarceration** or probation in lieu of incarceration...
- Failure to cooperate with ABR** or its Professionalism Committee during investigation of a matter arising under this article

None relate to the performance of the profession

**Isn't the QMP Registry enough?
What the Registry does:**

The QMP Registry is not licensure and does not meet all the components of licensure (accountability); however, it is a step in a positive direction towards improving healthcare.

The QMP Registry establishes a list of medical physicists who have achieved board certification.

- ABR, ABMP, ABHP, ABSNM and CCPM



Conference of Radiation Control Program Directors <http://qmp.crcpd.org/>

A Partnership Dedicated to Radiation Protection

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National OMP Registry

Last Name:

[Show Advanced Search](#)

First Name	Last Name	Certified By	Certification	State
Kik	Lee	ABR	Medical Physics	CA
Kir Ho Francis	Lee	ABR	Therapeutic Medical Physics	
Kiwanchul	Lee	ABR	Therapeutic Medical Physics	NJ
Ki	Lee	ABR	Diagnostic Medical Physics	
Ki	Lee	ABR	Therapeutic Medical Physics	
Nancy	Lee	ABR	Therapeutic Medical Physics	NE
Nina	Lee	ABR	Therapeutic Medical Physics	TX
Peter J.T.	Lee	ADHP	Health Physics	IL
Plato	Lee	ABR	Therapeutic Medical Physics	IL

<http://qmp.crcpd.org/>

Details	
First Name	Plato
Last Name	Lee
City	Hinsdale
State	IL
Certification	Therapeutic Medical Physics
Certified By	ABR
Certification Type	Lifetime Certificate
Area of Certification	Therapeutic Physics
Date of Certification	6/6/1991
Valid until	

Watch for proposed state regulations!

ARTICLE 175 RADIATION CONTROL

PART I. GENERAL PROVISIONS

- §175.01 Applicability and communications.
- §175.02 Inspections and fees.
- §175.03 Professional practitioners and related provisions.
- §175.04 Prohibited uses and activities.
- §175.05 Vacating premises.
- §175.06 Modifications and variance.
- §175.07 Enforcement.

PART II. RADIATION EQUIPMENT

- Radiation protection**
- §175.08 Definitions.
 - §175.09 Radiation protection programs.
 - §175.10 Radiation safety officer.

§175.03 Professional practitioners and related provisions.

(a) Nothing in this Article shall limit any human use of radiation in diagnostic and therapeutic procedures, provided that with respect to human use of radioactive materials, such use is in accordance with a specific license or registration issued pursuant to this Article, or an exemption therefrom, or under a license issued by the New York State Department of Health or the United States Nuclear Regulatory Commission or an Agreement State.

(e) A **professional medical physicist** shall be responsible for complying with the requirements of Article 166 of the New York State Education Law and applicable regulations, including Subpart 79-8 of Part 79 of Title 8 of the New York Codes, Rules and Regulations, or any applicable successor law or regulation.

PART II. RADIATION EQUIPMENT

§175.08 Definitions.

"**Qualified Medical Physicist (QMP)**" means an individual who:

(a) **is licensed and maintains a current registration** in accordance with Article 166 of the New York State Education Law and applicable regulations to practice any subspecialty of medical physics; and

(b) for **certified registrations**, is listed on the certified registration and has been granted certification in a specific subfield of medical physics by an appropriate national certifying body and abides by the certifying body's requirements for continuing education.

 **CASE STUDIES**

1. **MP practicing with negligence** or "under the influence" resigns or is dismissed, gets a job across town as solo physicist.
2. A facility installs new imaging (CBCT, SPECT Camera, hand held fluoro) or therapy (superficial for dermatologist). Facility wants to **accept installing engineer's report as "Acceptance Test" or for Quality Control.**

 **CASE STUDIES**


3. **Budget cuts** motivate a facility to keep their dosimetrist and eliminate their FT therapy physicist and hire a MS physics teacher
4. Threatening dismissal, a hospital demands that the **therapy physicist assume responsibility for all imaging physics** except Mammo and ACR Certified modalities.

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 **The bottom line: What if we ignore PA bill?**

- Licensure may happen without our involvement, but we loose ability to affect the result
- California experience with CT law
- If it does not happen, will we have missed an opportunity...

 **Current status**


- **PA and MA:**
 - Reintroduced this session
 - “In Committee”
 - AAPM considering funding for lobbyist (not in current budget)
- **The legislative process is slow**
- **AAPM: limited resources, mixed opinions**

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LICENSURE: THE FUTURE

Maintain relationships with each State regulatory agency
 Appropriate Regulations can be enacted more quickly

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**“IF WE DON’T DEFINE OUR PROFESSION,
 SOMEBODY ELSE WILL”**

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