MEDICAL PHYSICS LICENSURE
PAST, PRESENT AND FUTURE
Libby Brateman Memorial Symposium
July 17, 2019
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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
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?

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

Medical Physics Licensure Advisory Committee
NY Licenses

<table>
<thead>
<tr>
<th>Type</th>
<th>Current # licenses issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diagnostic</td>
<td>104</td>
</tr>
<tr>
<td>Medical Health</td>
<td>73</td>
</tr>
<tr>
<td>Medical Nuclear</td>
<td>91</td>
</tr>
<tr>
<td>Therapeutic</td>
<td>433</td>
</tr>
<tr>
<td>Total</td>
<td>1369</td>
</tr>
</tbody>
</table>

NY Fees/2 years

<table>
<thead>
<tr>
<th>Type</th>
<th>Fees for 2 year cycle (Renewal)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial license</td>
<td>$495</td>
</tr>
<tr>
<td>Renewal</td>
<td>345</td>
</tr>
<tr>
<td>Limited permit/yr</td>
<td>60</td>
</tr>
<tr>
<td>Total revenue (est)</td>
<td>$236 k/yr</td>
</tr>
</tbody>
</table>

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

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 Physicists

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

<table>
<thead>
<tr>
<th>Licensure</th>
<th>State Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A group of our peers has the power</td>
<td>• The PA Bureau of Radiation Protection has the power</td>
</tr>
<tr>
<td>• Promulgate regulations</td>
<td>• Review claims of potential violations</td>
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<td>• Review claims of potential violations</td>
<td>• It is not an “advisory” board – it has authority</td>
</tr>
<tr>
<td>• Adapting to changes in the future</td>
<td>• How does it fit with Board for Medicine or other boards?</td>
</tr>
</tbody>
</table>

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

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**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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### 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

- “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:

- Falsification of information provided to ABR
- 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

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...
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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
Watch for proposed state regulations!

**ARTICLE 175 \nRADIATION 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  | Varies depending. |
| §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 flouro) or therapy (superficial for dermatologist). Facility wants to accept installing engineer’s report as “Acceptance Test” or for Quality Control.
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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**REVIEW**

- 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...

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

LICENSURE: THE FUTURE

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

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