

STATE OF MAINE
RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

Minutes of May 12, 2004

Members Present: Dawn Commune, Chair; Linda Woods, Complaint Officer; Carrie Steele, Brian Brock, Rebecca Comeau and William Curtis

Others Present: Penny Vaillancourt, Administrator; Dennis Smith, Assistant Attorney General; James E. Smith, Hearing Officer; and Diane Bradstreet, Board Clerk; Anne Head, Director

Members Absent: Terry Zipper and Russell Briggs

CALL TO ORDER

Dawn Commune, Chair, called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES

In a motion by Brian Brock, seconded by William Curtis, the Board voted unanimously to approve the minutes of April 15, 2004 as written.

HEARING ON COMPLAINT #RAD-008

The Board held an adjudicatory hearing on Complaint #RAD-008.

Brian Brock made a motion that the licensee violated Title 32 §9860 (2) – Substance abuse. The motion was seconded by William Curtis.

Brian Brock made a motion that the licensee violated Title 32 §9860 (5) – Incompetence. The motion was seconded by Rebecca Comeau.

Brian Brock made a motion that the license violated Title 32 §9860 (6) – Unprofessional conduct. The motion was seconded by Carrie Steele.

In a motion by Brian Brock, seconded by William Curtis, the Board voted unanimously to revoke this individual's license for a period of five (5) years and to impose a fine of \$1,500.00 for each violation and to assess the cost and preparation of this hearing in the amount of \$500.00.

In a motion by Brian Brock, seconded by Rebecca Comeau, the Board voted unanimously that the licensee has violated Title 32 §9860, Sections 2, 5 and 6.

In a motion by Rebecca Comeau, seconded by Brian Brock, the Board voted unanimously that the fine and fees assessed must be paid within one year.

DISCUSSION REGARDING LIMITED LICENSE TRAINEES – ANNE HEAD

Director Anne Head met with the Board to discuss its statutory authority to grant the Limited License trainee status to individuals applying to the Board before all required education and clinical requirements required for a Limited License are completed. After a thorough discussion of the issue and after receiving legal advice from its attorney, the board concluded that the Medical Radiation Health and Safety Act (Title 32, Chapter 103) does not authorize the board Radiologic Technology Board of Examiners

to grant permission to any individual to engage in the practice of radiologic technology without first being licensed by the board.

Based on this discussion, the statute does not authorize the Board to issue trainee licenses to any individual who has not satisfied all education and experience requirements. Any other interpretation of the Board's statute would permit individuals to practice radiologic technology without the required education and experience, and would not comport with legislative intent underlying regulation of this profession

However, the board will continue to grant limited licenses to those individuals who provide evidence of completion of all required coursework, clinical training obtained in a formal educational program and required examination

Penny Vaillancourt will draft a letter to be sent to all individuals who have applied for the Limited License trainee status informing them of the Board's decision.

REQUEST TO SIT FOR THE LIMITED RADIOGRAPHER'S EXAMINATION

The Board reviewed Denise E. Chisari's request to sit for the Limited Radiographer's Examination (Spine and Extremities). After a review of Ms. Chisari's educational and training qualifications that she received from Logan College of Chiropractic, a motion was made by Brian Brock, seconded by Rebecca Comeau, that Ms. Chisari has satisfied her didactic training. In a motion by Brian Brock, seconded by William Curtis, the Board voted to grant Ms. Chisari permission to sit for this examination pending submission to the Board of the following items:

- Completed application for Limited Examination
- Demonstrate competency in "Recognizing emergency patient conditions and initiating life-saving first aid and basic life-support procedures," as required by Board Rule Chapter 2, Section 6(A)(6);
- Demonstrate competency in "Participating in radiologic quality assurance programs," as required by Board Rule Chapter 2, Section 6(A)(9); and
- Document "letter of recommendation by licensed practitioner" as required by Board Rule Chapter 2, Section 6(B) (iii).

ADJOURN

There being no further business, the Board adjourned at 12:00 p.m.

Respectfully submitted,

Diane J. Bradstreet
Board Clerk