

Minutes of the Wednesday, February 1, 2023 open session meeting of the New Jersey Department of Environmental Protection (DEP) Radiologic Technology Board of Examiners (Board). Due to COVID-19 impacts, this meeting was conducted remotely via Microsoft TEAMS.

Present: April Dixon, R.T.(R), Chairperson
Donald Manger, D.P.M.
Mary Moore, DABR
Arthur Robinson, Vice-Chairperson
Julie Timins, M.D.
Wesley Van Pelt, Ph.D.

Absent: Paul Cooper

Vacancy: One dentist
One hospital administrator
One physician
One public member
Two radiologic technologists
One radiologist

Also, Present: Elizabeth Delahunty, DAG
Jennifer Daino, Assistant Director’s Office
Cassidy Patterson, Bureau of X-ray Compliance (Bureau)
Al Orlandi, Bureau and Board Secretary

Guests:	Patricia Luck, RT(R)	Middlesex County College
	Cheryl Cashell, RT(R)	Hudson County Community College
	Deborah Greer, RT(R)	Mercer County Community College
	Virginia Burke, RT(R)	Valley Hospital
	Robin Shield, RT(R)	Valley Hospital
	Frank Preston	Advantage Career Institute
	Cynthia Zamora, CDA, LRT(D)	American Institute
	AnnMarie Acquaviva, RT(R)	Self

1. Call to Order and Introduction:

Ms. Dixon called the meeting of the Board to order at 9:40 a.m. Ms. Dixon announced that notice of the meeting was provided to the Secretary of State, designated personnel in the DEP and three newspapers. Additionally, a notice of this meeting was sent to all radiologic technology educational programs and individuals having business at this meeting and was published on the Radiation Protection Element's website. Ms. Dixon also outlined the format for public discussion and comments.

2. Election of Chairperson and Vice-Chairperson for 2023-2024

Nominations were opened for Chairperson. A motion was made by Dr. Timins and seconded by Ms. Moore to nominate Ms. Dixon as Chairperson. Hearing no other nominations, a motion was made by Mr. Robinson and seconded by Dr. Timins to close nominations and elect Ms. Dixon as Chairperson. By a majority vote (5 in favor, 0 opposed and 1 abstention (Ms. Dixon)), the motion passed.

Nominations were opened for Vice-Chairperson. A motion was made by Dr. Timins and seconded by Ms. Dixon to nominate Mr. Robinson as Vice-Chairperson. Hearing no other nominations, a motion was made by Ms. Dixon and seconded by Dr. Timins to close nominations and elect Mr. Robinson as Vice-Chairperson. By a majority vote (5 in favor, 0 opposed and 1 abstention (Mr. Robinson)), the motion passed.

3. Appointment of Committee Members for 2023-2024

A motion was made by Mr. Robinson and seconded by Dr. Manger to establish and charge the following committees of the Board:

- a. Credentials Committee
- b. Program Evaluation Committee
- c. Fusion Imaging CT Technology Committee
- c. ARRT Licensing Examination Committee
- d. State Licensing Examination Committee
- e. Legislative and Regulatory Affairs Committee

This motion was unanimously approved. Mr. Orlandi asked the membership to contact him if they wish to be appointed to a specific committee. Appointments to committees will be made prior to the Board's May 2023 meeting.

Dr. Timins discussed the status of Board appointments and if the Radiologic Technologist Act would permit the Board to appoint people who are not on the Board to various committees. Dr. Timins also asked if Dr. Donald Denny, who previously served on the Credentials Committee when he was a Board member but is now appointed to the Commission on Radiation Protection could serve on the Credentials Committee. DAG Delahunty stated she will review this issue.

4. Adoption of Board's Rules of Procedures for 2023-2024

A motion was made by Mr. Robinson and seconded by Dr. Van Pelt to adopt the Board's Rules of Procedure as written. This motion was unanimously approved.

5. Review of the October 27, 2022 Meeting Minutes

A motion was made by Mr. Robinson and seconded by Dr. Timins to approve the October 2022 minutes as written. By a majority vote (5 in favor, 0 opposed and 1 abstention (Mr. Manger was not present at the meeting)), the minutes were approved, since all five members who were at the October 2022 and February 2023 meetings voted in favor of approving the minutes.

6. Chairperson's Report

There was no report.

7. Program Evaluation Committee Report

There was no report. Mr. Orlandi stated that on January 27, 2023 the New Jersey Educators in Radiologic Imaging (NJERI) submitted a letter regarding on-line instruction and examination proctoring. Mr. Robinson and Ms. Dixon were notified. Since the Committee could not schedule a meeting prior to the Board meeting, it was agreed to have NJERI discuss its letter under Public Comments

8. Credentials Committee Report

Dr. Timins reported that the Committee met on January 24, 2023 and reviewed two radiologic technology license applications. The Committee's findings and recommendations follow:

a. John Farrar- Initial Diagnostic Radiologic Technology License Application- Moral Conduct Review:

Mr. Farrar applied for an initial license in diagnostic radiologic technology. A review of Mr. Farrar's application revealed that he meets all requirements for a license, except being of good moral character as required by N.J.A.C. 7:28-19.6(a)2. According to court documents, in 1998 Mr. Farrar was convicted in New York of seven crimes, five of which involved felony robbery. In 2017, all court ordered sentences were completed.

Mr. Farrar submitted a personal statement in which he explains his past convictions. Additionally, two professional references were submitted. Both letters speak to Mr. Farrar's good work ethic, knowledge as a radiologic technologist, and good moral character.

After careful consideration of Mr. Farrar's application, the Rehabilitated Convicted Offenders Act, and 2020 N.J.S.N. 942, although in 1998, Mr. Farrar was convicted of crimes involving moral turpitude, all court ordered sentences related to these convictions have been satisfied. After reviewing evidence of rehabilitation and professional references, the Committee found that Mr. Farrar is

currently of good moral character and recommended to the Board that Mr. Farrar's license application be approved. The Committee's findings and recommendation were unanimously approved. Details can be obtained in the Committee's report saved as avo-10981.

b. Carlisle Wydner – License Renewal Application – Moral Conduct Review

Ms. Wydner has been a licensed dental radiologic technologist since 2014. In December 2022, Ms. Wydner signed her paper license renewal application stating that she has been convicted of a crime. According to court information from Pennsylvania, in June 2022 Ms. Wydner was convicted of Criminal Use of Communication Facility and was sentenced to probation for 1 year.

Based on past Board practices, since Ms. Wydner's renewal was submitted prior to the expiration of her 2022 license and only the Board can deny an application, a license was issued with an expiration date of December 31, 2024.

On December 28, 2022, the Bureau called and emailed Ms. Wydner requesting detailed information regarding her convictions by January 12, 2023. No response was received. Additional requests for information were made, but responses were not received.

After careful consideration of Ms. Wydner's application and failure to submit information regarding her criminal conviction and evidence of rehabilitation, the Committee found that Ms. Wydner was convicted of crimes involving moral turpitude in violation of N.J.A.C. 7:28-19.9(e) and recommended to the Board that Ms. Wydner's license renewal application be denied. The Committee's findings and recommendation were unanimously approved. Mr. Orlandi stated that Ms. Wydner's license status will be changed to expired. Details can be obtained in the Committee's report saved as avo-10981.

9. Technologist Education and Licensing Section Report

The following issues were presented to the Board by Ms. Patterson and Mr. Orlandi. Details regarding each issue are contained in the report. This report is saved as avo-10974.

a. Program Changes:

The Board was provided with six program updates not requiring a vote.

b. Technologist Licensure Update:

As of January 25, 2023, there were 19,129 radiologic technologists and 840 nuclear medicine technologists (19,969 total technologists) licensed in New Jersey. In Calendar Year 2022: 1,107 initial licenses were issued.

c. 2023- 2024 License Renewal Update:

On December 31, 2022, 23,281 radiologic technology and nuclear medicine technology licenses expired. Technologists had the option to either renew on-line using the Department's Business Portal or mail the invoice with payment to the Department of Treasury. As of January 26, 2023, 19,337 (83%) licenses have been renewed. Ninety percent (90%) were renewed on-line.

Although the percent of licenses renewed is consistent with past renewal cycles, 2022 marks the highest use of the Online Business Portal since its start in 2010. 3,944 licenses were not renewed. Technologists found working with expired licenses and their employers will be subject to monetary penalties. Additional analysis is available upon request.

d. Technologist Licensure Enforcement Activity Report:

In Calendar Year 2022: 6,467 licenses were verified, of which 39 individuals were found to have been working with either an expired license (15) or no license (24). Additionally, the Bureau conducted 35 licensure investigations. This included the following notable investigation conducted, since the Board's last meeting: In October 2022, a dental assisting school in Paterson was found teaching dental radiography without being accredited by the Board. An Administrative Order and Notice of Prosecution were issued. The school stopped teaching dental radiography.

e. Update of Sanctioned Technologists:

An update was provided on all technologists with an active Board issued license sanction.

10. Old Business

Mr. Orlandi reported the following:

a. Board of Medical Examiners (BME) adoption of regulations authorizing radiologist assistants to practice in New Jersey:

On January 3, 2023, the BME adopted its rule that creates a scope of practice for radiologist assistants. Now that a scope of practice has been adopted, the Bureau is in the process of updating its website to include the June 2020 radiologist assistant licensure regulations.

b. Gonadal Shielding:

The Commission on Radiation Protection at its December 2022 meeting approved the process for a medical facility to petition for an exemption from N.J.A.C. 7:28-15-9(a)3, thus, permitting the exempted facility from providing gonadal shielding to patients during radiographic procedures of the abdomen and pelvis, provided that the facility complies with the conditions of the exemption. The Bureau has posted on its webpage the exemption process and conditions. The web address is www.xray.nj.gov and on the right click "Gonadal Shielding Exemption Request".

c. Medicare Access to Radiology Care Act (MARCA) Update:

HR3657 and S2641 were not passed in the 117th (2021-2022) Session of Congress. These Bills would have amended Title XVIII of the Social Security Act to assure that full Medicare reimbursement is provided regardless of the location where radiology service is being performed by a radiologist assistant. These Bills will need to be introduced into the 118th Session of Congress. If introduced, they can be tracked at www.congress.gov

11. New Business

a. 2022 ARRT Examination Results:

Regarding diagnostic general radiography programs: Of the 212 students that graduated in 2022 from Board approved schools of diagnostic radiologic technology, 191 individuals passed and 21 failed on their first attempt. New Jersey's mean score was 84.0 and the passing percentage was 90.1%. New Jersey's first-time mean score and passing percentage continue to be above the ARRT's national values for the 20th consecutive year. Two schools had a passing percentage below the Board's Standard of 75%. Additional examination analysis is available upon request.

Regarding radiation therapy programs: Of the 22 students that graduated in 2022 from Board approved schools of radiation therapy technology, all passed on their first attempt. New Jersey's mean score was 83.7 and the passing percentage was 100%. New Jersey's first-time mean score and passing percentage continue to be above the ARRT's national values for the 4th consecutive year. No school had a passing percentage below the Board's Standard of 75%. Additional examination analysis is available upon request.

b. 2022 Dental Assisting National Board's Radiation Health and Safety (RHS) Examination Results:

Of the 335 examinees that graduated in 2022 from Board approved schools of dental radiologic technology, 283 passed and 52 failed on their first attempt. New

Jersey's mean score was 437 and the passing percentage was 83%. A score of 400 is needed to pass the examination. New Jersey's first-time mean score and passing percentage continue to be above the DANB's national values for the 8th consecutive year. Two schools had a passing percentage below the Board's standard of 75%. Additional examination analysis is available upon request.

12. Public Comments

Prologue to Public Comments: In an effort to allow schools to continue teaching the didactic portions of the Board's curricula during the COVID-19 pandemic, the Board at its May 2020 meeting voted to temporarily allow on-line didactic instruction and on-line proctoring of quizzes and tests without prior Board approval provided that certain conditions were met. Schools were informed that continued use of on-line instruction and examination proctoring beyond this temporary allowance would need Board approval.

The Board at its October 27, 2022 meeting voted to end this temporary use of on-line instruction and examination proctoring without Board approval effective February 1, 2023. If a school wants to continue using online instruction and examination proctoring, the school must petition the Board for approval at the Board's February 1, 2023 meeting. One item required, in the petition, is to submit four recorded presentations for the course to be reviewed by the Bureau before the Board grants approval for the program to go on-line. The Board also set requirements for the petition. All schools were informed of the Board's action by email on October 28, 2022.

Mr. Frank Preston, President of Advantage Career Institute's dental radiography program, expressed concern regarding the petition process that requires the submission of four on-line presentations. ACI did submit a petition that was deemed incomplete, since no presentations were submitted.

Ms. Robin Schild, RT(R) presented a letter from NJERI regarding the petition process that contained questions relating to why the Board is exceeding JRCERT requirements of on-line instruction and the petition review process. Ms. Dixon referred the letter to the Program Evaluation Committee for response.

The Board was not willing to extend the temporary allowance on-line instruction without a school obtaining Board approval.

13. Closed Session

Ms. Dixon read a resolution allowing the Board to enter into closed session to discuss the license renewal application of Ms. Heather Hyland. The resolution was unanimously passed and the Board remained in closed session from 11:20 am to 11:26 am.

Dr. Timins stated that while in closed session the Credentials Committee discussed its report regarding Ms. Heather Hyland's diagnostic radiologic technology license renewal application.

The Committee recommended approval of Ms. Hyland's renewal application. The Committee also recommended to the Board that it recommends to the Commission on Radiation Protection that Ms. Hyland's license be sanctioned. Under this sanction, Ms. Hyland would be allowed to retain her license provided that she follows the conditions set forth in the renewal notice. The Committee's findings and recommendations were unanimously passed.

14. Adjournment

A motion was made by Dr. Timins and seconded by Mr. Robinson to adjourn at 11:30 a.m. This motion was unanimously approved. The next regular meeting of the Board will be held on May 11, 2023. Board members and guests will be permitted to attend in-person or attend via TEAMS.


for _____
Albert V. Orlandi, Secretary
Radiologic Technology Board of Examiners

10/26/2023

Date

My signature indicates that the above minutes of the February 1, 2023 Board meeting are reflective of the activities of such meeting and were approved by majority vote at a subsequent meeting of the Board as indicated by the date above.

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