Medical Physics Licensure Update

Jeffrey P. Limmer
Chairman,
Joint Medical Physics Licensure Subcommittee
(AAPM and ACMP)

Why Licensure?

- We believe that the level of complexity involved in medical imaging and radiation therapy is such, that it is necessary that physicists with special training, education, and experience must be a part of the team providing these procedures.

- We believe it is the role of the physicist to oversee the measurement of dose, the calibration of equipment, the evaluation of equipment, the estimate of risk, the design of imaging and radiation therapy protocols and procedures, and the planning, implementation where applicable for diagnostic imaging and radiation therapy.
• We believe that Medical Physics is the profession meeting those goals.

• For the benefit of patients and the general public, it is essential that the profession of Medical Physics be both defined and protected by law.

AAPM and ACMP Response

• In 2006, the ACMP merged its Medical Physics Licensure efforts with the AAPM’s Medical Physics licensure efforts into the Joint Medical Physics Licensure Subcommittee (JMPSC)

JMPSC

• Reports to:
  – ACMP: Commission on Credentials
  – AAPM: Clinical Professional Committee

Charge

The charge of this joint subcommittee is to make available resources to aid the adoption of Medical Physics professional licensure* in the United States of America.

*to bring about standards and guidance for qualifying medical physicists to practice (with or without CARE) through licensure or through a similar mechanism
Charge

- Coordinate the efforts of the AAPM and the ACMP toward a common position and strategy
- Develop recommended minimum standards for state licensure laws.
- Develop recommendations containing background information, suggested strategy, and a suggested Medical Physics Licensure Act and Rules, for use by medical physicists and others engaged in promoting the passage of medical physics licensure laws

Aim / Goal

- To have State rules where Medical Physics services are performed only by qualified individuals.

Axiom for this effort

- It is important to patients and our profession that we work toward this aim/goal, independently of the CARE Bill.

At the helm of our own ship

- The CARE Bill is only a foot in the door, it doesn’t spell out “what we do”; this would be the job of the individual states.
- We would rather have an input than have others decide for us.
- States can start this process any time, independent of the CARE Bill.
- Work with the Conference of Radiation Control Program Directors (CRCPD) for definitions of a Qualified Medical Physicist.
Our Regulatory Goals

- Establish some form of Licensure for Medical Physicists in as many as possible, if not all, states.
- Legally define a Qualified Medical Physicist.
- Define duties which require a Qualified Medical Physicist.
- Define Supervisory Roles as well as Authority and Responsibility.

Overview of process

We are here

- Attain Joint Charge from ACMP and AAPM
- Review of present State regulations (Licensure and Registrations)
- Recommend a template for States to use when writing legislation
- Help develop or recommend development of specific tools / guidelines / handbooks / support for State adoption of regulations
- Identify target states and lobbyists

The current state of affairs

- 4 states have licensure defining most aspects of Medical Physics
- The NRC has defined an Authorized Medical Physicist for Gamma Stereotactic Radiosurgery, HDR, and Teletherapy
- The FDA has defined a Mammography Physicist
- Many states require a registration of physicists.
  - Many require certification or other demonstration of education and experience in order to be registered.
  - Registration may not apply in all areas of Medical Physics

Licensure States

<table>
<thead>
<tr>
<th>State</th>
<th>Accept Boards?</th>
<th>Fee</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>FL</td>
<td>Yes</td>
<td>$500</td>
<td>2 yrs</td>
</tr>
<tr>
<td>HI</td>
<td>Yes</td>
<td>$30</td>
<td>2 yrs</td>
</tr>
<tr>
<td>NY</td>
<td>Yes</td>
<td>$450</td>
<td>2 yrs</td>
</tr>
<tr>
<td>TX</td>
<td>Yes</td>
<td>$250</td>
<td>2 yrs</td>
</tr>
</tbody>
</table>
All Other States

- Some registration for Diagnostic and Therapy
- Some registration for only Diagnostic OR Therapy
- The rest: little or nothing

Jmplsc’s General Overview

- Phase I –
  - Review initial conditions
  - Determine project needs
  - Review existing legislative structures
  - Coordinate AAPM and ACMP’s efforts

Phase II

- Develop a foundation
- Determine type of licensure to seek
- Develop language to propose as a codification template
- Involve government agencies and lobbyists as appropriate

Phase III

- Implement / sustain the plan
- Refine / evaluate as necessary
Phase One – Completed Tasks

- Develop a budget.
- Begin an educational campaign for ACMP and AAPM membership.
- Review and record the process for each state that has attained licensure for Medical Physics.

Phase One - Completed Tasks

- Work with the AAPM website to provide a map which lists the present status of every state with regard to licensure or registration. The goal is to eventually have a link for each states regulations, qualifications, related fees, forms, etc.
- Keep current (ongoing task as well)
Phase One - Completed Tasks

- Investigate feasibility of reciprocity – should the state regulations have reciprocity with other states, or is that not politically feasible due to the expected variation in implementation (registration, licensure, etc.)?
  - Result: Reciprocity is NOT a goal
    - Not a common professional licensure model
    - A major divergence of our resources to attempt this

- Develop a joint AAPM/ACMP commentary and supporting statement which conveys the organization’s commitment to licensure.
  - Now being reviewed by the ACMP Board of Chancellors and the AAPM Board of Directors

- Explore the pros and cons of coordinating efforts with Conference of Radiation Control Program Directors (CRCPD) e.g., creation of model regulations, using regulations to further our goal, etc.
  - Recommendation to pursue working through CRCPD for defining Qualified Medical Physicists and Qualified Expert and appropriate job duties
  - Define the scope of practice for clinical Medical Physicists through SSRs (Suggested State Regulation for Control of Radiation).
Need for CRCPD help

• Typically, over the last 30 yrs, the catch-all term “Qualified Expert” was used to define the individual who was responsible to calibrate equipment, measure exposure, design radiation shielding, etc.

• Examples of other terms used include Medical Physicist for one who does mammography physics, Authorized Medical Physicist as defined by the NRC, and Radiation Therapy Physicist for those physicists working in Radiation Therapy.

Need for CRCPD help

• Trying to redefine “Qualified Expert” to include language similar to:
  “…for example, individuals certified in the appropriate field by the American Board of Radiology, or the American Board of Health Physics, or the American Board of Medical Physics, or those having equivalent qualifications.”

Phase One – Completed Tasks

• Review and record all present legislative language for the states that have licensure or registration for Medical Physics (TX, FL, NY, and HI).

• Describe the current viable mechanisms for licensure vs. regulatory method – e.g., NJ registration and HI licensure (through Radiation Protection division) vs. TX, FL and NY (licensure through a professional licensing board).
Phase One – Completed Tasks

- Develop categories and pros and cons for each approach, making a recommendation for the most ideal approach (results)
  - Establish a true license for each Qualified Medical Physicist
    - Individual state licensure board (e.g. not under an RTT board)
      - States retain control, but expenses and manpower needs are the greatest, greatest public protection
  - Establish Licensure by Recognition
    - Medical Physicists licensed by another state would be recognized by another state as “licensed”
      - States lose control of licensure language but have less state expense and manpower needs. Perhaps more suitable for smaller states.

Phase Two - Completed Tasks

- Assist and support HQ in the hiring of the State Legislative and Regulatory Affairs Specialist
  - Hired Amanda Potter in February 2008
- Work with AAPM government relations staff to develop infrastructure, resource allocation procedure, and communication architecture needed to move forward; looking at state regulations, Medical Physicists in the state, and state lobbyists

Phase Two - Ongoing Tasks

- Coordinate efforts with GRAC.
- Look into mechanisms that allow states and institutions to easily and reliably verify credentials and licensure status for Medical Physicists.

Phase Two - Ongoing Tasks

- Draft a generic template for all states that provides recommended suggested language for a state to use in developing legislative language.
  - In drafting stages now – subcommittee members are currently identifying what an ideal bill would look like…
    …knowing that states WILL change it
Phase Two - Ongoing Tasks

• Develop a process and criteria surrounding the identification of states to work with, including: interest, political viability, identifying key State contacts, and core groups of Medical Physicists

• Establish a formal comprehensive grassroots program.

Phase Two - Ongoing Tasks

• States are being identified and categorized according to “Criteria for Success” (low hanging fruit first)
  – Influence with state radiological society
  – Influence with state legislators
  – Support of state regulatory agencies
  – Willingness to serve
    • As a point person
    • On a state committee
  – Number of medical physicists in that state

Phase Two - Ongoing Tasks

• Some states have been identified at the Jmplsc Meeting on July 26, 2008 to apply the criteria to determine if licensure could be possible
  – Kansas - Ohio
  – Kentucky - Michigan
  – Minnesota - Wisconsin
  – Missouri - Washington
  – Pennsylvania
Phase Two - Ongoing Tasks

- AAPM HQ staff identified which state radiological societies have a state lobbyist under contract or retainer.
  - The lobbyists that are currently retained by state radiological societies will be contacted regarding potentially representing AAPM (these lobbyists would already have some understanding of the Medical Physics profession).

- AAPM has retained the services of a government relations firm (Stateside Associates) to identify other potential lobbyists within the selected states.
  - The firm will provide background reports, clean conflict of interest checks and a preliminary cost analysis. (we want the biggest bang for our buck)

Potential lobbyists are needed to have the most favorable outcome

- There are many “on the scene” tasks and “in the moment” tasks that need the attention of a lobbyist
  - once the bill is introduced, they help make sure it is picked up and passed... keeping it on the calendar

- Retaining the lobbyists will begin in 2008
  - The first sweep of licensure bills will be introduced in the 2009 legislative sessions
  - Most legislative sessions begin in January

Letters to AAPM chapter officers were sent in June to notify the members of possible legislation to be introduced in their state.
- There was an introduction to the licensure issue and a brief outline of future expectations as the licensure efforts come to their state

- Information was also introduced at the Chapter Leadership Breakfast this morning
Phase Two - Ongoing Tasks

• A Grassroots “How-To” Manual is currently in the drafting stages
  • Will be made available to all AAPM members

Moving Forward

• Goals and estimated time-table:
  – Final recommended template for State licensure by end of October, ready for AAPM and ACMP approval
  – Draft Grassroots manual by end of September
  – Expect approval of, or recommended changes to, the expanded licensure policy by ACMP and AAPM - soon
  – Ongoing communication with ACMP and AAPM membership (Newsletters, email, Website, Chapter meetings, etc.)

Moving Forward

• Goals and estimated time-table:
  – “Passion and Process” presentations to Chapters and states as requested/needed
  – Identifying the target states based on the “Criteria for Success”
  – Hiring lobbyists for the 2009 legislative sessions by Nov-Dec
  – Identifying member supporters for the targeted states

We are asking that you become actively involved in assisting licensure legislation to become law in your state.
Grassroots Network

- Grassroots “broader” than just licensure, will be used for research dollars, regulatory issues, educational outreach, responding to “malevolent events”, etc.
- Working on a Grassroots Handbook

Grassroots Network

- It is imperative that the entire medical physics community be organized to advocate on behalf of the medical physics profession.
- Grassroots advocacy means promoting the profession’s interests and issues by communicating with elected officials or regulators in an effective and efficient manner.

Getting Involved is Easy!

- Grassroots involvement rarely takes up much of your time yet a few moments spent could have a huge impact.
- If you have a phone or if you’ve ever sent an email, you can be an active part of the process.
- It is AAPM’s recommendation that each chapter (state) have a grassroots manager.
  - A primary point-of-contact for both the chapter and Headquarters for questions and information

Key Contacts

AAPM Government Relations Staff
- Lynne Fairbent, Legislative and Regulatory Affairs Manager
  lynne@AAPM.org / 301-209-3364
- Amanda Potter, State Legislative and Regulatory Affairs Specialist
  amanda@AAPM.org / 301-209-3358
- Noel Crisman-Fillhart, Government Relations Administrative Assistant
  noel@AAPM.org / 301-209-3334

AAPM Government and Regulatory Affairs Committee (GRAC)
- Doug Pfeiffer, GRAC Chairman
dpfeiffer@bch.org / 720-854-7515

AAPM Joint Medical Physicists Licensure Subcommittee (JMPLSC)
- Jeffrey Limmer, JMPLSC Chairman
  jetli@aspirus.org / 715-647-3565
JMPLSC Members

- Frank J. Bova (Florida legislative experience)
- Mark C. Brels (Former ACMP Licensure Committee Member)
- Sudarshan N. Chakruri (Member)
- Lynne Farnbent (Legislative and Regulatory Affairs Manager (ex officio, nonvoting))
- Martin W. Fraser (AAPM CP committee vice chair)
- David Lee Goff (ACMP Licensure Committee Member)
- Per K. Hoverson (Chair, AAPM CP Committee)
- Michael G. Herman (Consultant (ex officio, nonvoting))
- David J. Keys (AAPM Government and Regulatory Affairs Committee and ACMP Licensure Committee Member)
- Roy E. Landrie, Jr. (Former ACMP Licensure Committee member)
- Danny J. Landry (ACMP Licensure Committee Member)
- Jeffrey P. Limmer (Chair)
- Robert W. Luftmann (Member)
- Mary Ellen Masterson-McGary (Member - Consultant (ex officio, nonvoting))
- Herbert W. Moree (Member - Consultant (ex officio, nonvoting))
- Youn M. Nymann (Member - Former ACMP Licensure Committee member, New York State experience)
- Robert Pascuito (ACMP Licensure Committee Member)
- Amanda Potter (Legislative and Regulatory Affairs Specialist (ex officio, nonvoting))

Joint Medical Physics Licensure Subcommittee Volunteers

- Max Amurao
- Brad Barhorst
- Tewfik Bichay
- Libby Brailean
- Jay Burmeister
- Jessica B. Clements
- William Davros
- D. Jay Freedman
- David L. Goff
- Sam Rhoades
- Chuck Wissachek
- Marilyn Wexler
- Lee Anne Zarger

Thank you for your time