

**Radiation-generating Equipment Committee (REC)**

**March 17, 2009**

**Minutes**

**MEMBERS PRESENT**

Lawrence Osher, Chair  
Sally Baden  
Ruth Hackworth

**ODH ATTENDEES**

Margie Wanchick  
James Castle  
David Lipp  
Robert Owen  
Stephen Helmer

**MEMBERS ABSENT**

Kerry Krugh  
Richard Dehner  
Thomas Hangartner  
Jack Dukes  
Brenda Johnson  
Mary Ann Hargrove  
Chuck Wissuchek  
Teresa Yates  
Nina Kowalczyk

**VISITORS**

Rick Sites, OHA  
Kathryn Gardner, RAC

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The Radiation-generating Equipment Committee (REC) meeting was called to order by the chairperson, Larry Osher, at 10:10 a.m. The meeting was held at the Ohio Department of Health (ODH) in the 5<sup>th</sup> Floor Conference Room at 246 N. High Street, Columbus, Ohio. The Sign-in Sheet serves as the Roll Call and official record of attendance.

**Past Minutes:** The committee reviewed the February 13, 2009 minutes. Sally Baden made a motion to accept the minutes with one noted edit; Ruth Hackworth seconded it, and the members present unanimously approved the motion.

**Old Business:**

Review 1<sup>st</sup> Draft Definitions Rule 66-01 - Margie Wanchick provided a copy of the first draft of the edited rule based on decisions made during the last REC meeting. The language for “individual responsible for radiation protection” and “interventional procedure” was discussed, but the members decided to leave the language as is and determine after public comment if anything should be changed. Sally Baden made a motion to put the Definitions rule out for public comment without edits; Ruth Hackworth seconded it. The members present unanimously approved the motion.

Review Public Comments for the Draft Inspection Rule 3701:1-38-04 – In response to the members request, Robert Owen distributed budget information for the Bureau’s programs and a copy of a memo he sent to the Director regarding the impact of the fee increase. He explained the rationale for the fee increases being presented for review and responded to members’ questions. Four comments were received and reviewed: Tami Graham, Adams County Regional Medical Center; Victoria Morris, University of Cincinnati; Richard Doan, Barnesville Hospital; and Michelle Bone-Minor, Berger Health System. Generally, the comments reflected opposition to the increase primarily due to the smaller hospitals already having increased financial burdens due to the economic downturn and increased unemployment in their areas, thus cause a greater impact to the rural hospitals. The following cogent arguments guided the committee’s ultimate decision: a) there had not been an inspection fee increase since 2005 (9% at that time); (b) the bureau had sought a 20% increase in

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revenues from the Governor prior to the mandate; (c) all monies generated by the increase must be applied to bureau use by statute 3748; (d) radiation programs are totally funded by fees; and (e) the bureau could not continue to meet its regulatory mission at the current level of quality. Although committee members recognized that times are difficult, not allowing the increase and jeopardizing the radiation programs was simply untenable. However, the members concluded that: Since there had not been an inspection fee increase since 2005, and although these are difficult times for everyone, not allowing the increase in the inspection fees could put the radiation programs in jeopardy as they are totally funded by fees. Discussion continued regarding ways to more equitably apportion the fees based on the amount of time and services, including the idea of adjusting the fee schedules for smaller hospitals, and analyzing the differences in time and efforts the registration staff provide to registrants with many x-ray units. Currently all registrants pay the same biennial registration fee regardless of the number of x-ray units. BRP agreed to study these options and report back to the committee with potential solutions which could be addressed in the future following the adoption of the new language in the governor's budget bill. Sally Baden made a motion to provide RAC a recommendation to approve the fee increase and forward the rule to PHC for adoption, but also noting that the advisory group wants ODH to commit to an analysis of costs to determine if disparities to smaller entities can be relieved in the future. Ruth Hackworth seconded the motion. The members present unanimously approved the motion.

**Future Meeting Dates:**

**May 1, 2009** – to finish review of the General Administration (GA) rule 3701:1-66-02

**July 10, 2009** – to review public comments for the GA rule

**Adjourn:** The meeting was adjourned at approximately 12:05 p.m.