

House Professional Licensure Committee

Public Hearing on HB 1344, PN 1663

February 26, 2018

1:00 p.m.

Room G-50 – Irvis Building

Written Testimony of Peter Speaks, Deputy Secretary for Regulatory Programs

Pennsylvania Department of State

Thank you, Chairman Mustio, Minority Chairman Readshaw and members of the Professional Licensure Committee for allowing the Department of State to submit written comments for the record on HB 1344, PN 1663, which would establish the State Board of Medical Physicists. The Department, through its Bureau of Professional Occupations and Affairs (“Bureau”) administers and enforces practice requirements for the professional licensure of 29 professional boards and commissions, effectively regulating roughly 255 different license classifications, and one million licensees. The Pennsylvania State Board of Medicine is responsible for oversight of 93,276 active licensees across 36 different licensee classes, and issued 11,577 new licenses in 2017.

I. Department of State Position Statement Regarding HB 1344 PN 1663

The Department recognizes Representative Readshaw’s concern that the practice of medical physics by unqualified individuals is a threat to public safety. However, in deciding whether to support licensure for either a new board, or within an existing board, the Department must consider the following:

1. Whether licensure will support the health, safety and well-being of its’ citizens;
2. The cost of regulating the profession;
3. The effect on the availability of practitioners of the profession
4. The need for minimum standards and continuing education; and
5. Whether less burdensome alternatives to licensure exist.

Upon review of the proposed legislation, the Administration and the Department of State must oppose the proposed legislation as drafted. Most notable in the Department’s review was the fact that only four other states require licensure of medical physicists, while twenty-seven (27) others require only registration. (Only one (1) state, New York, appears to license medical physicists through a Board which is not directly associated with the governmental agency that also inspects and regulates the machinery emitting the radiation.) Additionally, the anticipated population of licensees (approximately 1,000-2,000) would make the implementation of a 30th licensing board for such a small population extremely cost prohibitive.

A. Requirements Under HB 1344, PN 969

There are currently no provisions in the Medical Practice Act pertaining specifically to Medical Physicists. HB 1344 PN 1663 would establish a State Board of Medical Physicists. This

Board will provide oversight of the profession. Its duties and powers are outlined in the legislation as are fees and funding. The legislation establishes qualifications for licensure, including testing requirements, provides for related definitions, establishes the State Board of Medical Physicists as the administrative board overseeing qualifications of applicants and continuing education requirements for licensees, as well as promulgating regulations to enforce the provisions contained within the Act.

B. Departmental Concerns and Suggested Amendments for HB 1344, PN 1663

The American Association of Physicists in Medicine (AAPM) notes that the scope of practice for a medical physicist includes “establishment of adequate protocols to ensure accurate patient dosimetry; the measurement and characterization of radiation; the determination of delivered dose; ... compliance with applicable federal and state regulations...,” as well as “investigate equipment performance, ... design radiation installations, and control radiation hazards.”

Four states presently license medical physicists (Florida, Hawaii, Texas and New York) while 27 states require some sort of registration, most with their respective Department of Health, Department of Environmental Protection or Department of Natural Resources. (For example, Maryland does not have a registry of medical physicists, but does have a Radiation Control Advisory Board within its Department of the Environment that monitors and regulates the certification and registration of radiological machines.) Here, the Department of Environmental Protection, Bureau of Radiation Protection, already licenses and inspects users of radioactive materials as part of an agreement with the U.S. Nuclear Regulatory Commission. The BRP also licenses and registers all radiation-producing machines in Pennsylvania and sets standards for training of operators.

If placed at BPOA, the State Board of Medical Physicists would require initial expenditure from the Professional Licensure Augmentation Account (PLAA) of all costs associated with establishing an additional occupational licensing board including board administration, legal office, inspection and investigation, and so forth. This would include staffing, physical plant, equipment and associated supplies. These funds would be required to be repaid to the PLAA within 3 years. Currently, BPOA does not have sufficient staff, facilities or equipment necessary to implement a 30th licensing board. Fees would have to be set high enough to repay the initial cost of implementation and operations, as well as current expenditures, given the requirement to borrow from the PLAA until regulations are promulgated establishing fees, licenses are issued and those fees are collected. While estimating the number of expected licensees has proved challenging, it is anticipated that the licensee population could be as few as 1,000 – 2,000. According to the AAPM, there are 340 members of their organization with Pennsylvania addresses, however, AAPM notes that not all practicing medical physicists may be members of their organization, and some members residing in the Commonwealth may not be actively practicing or may practice in another (contiguous) state. Therefore, it is likely that even an estimate of 1,000 licensees may be high. A separate board for such a small number of licensees would be cost prohibitive.

Thank you for allowing us to provide these comments for your review. Please let the Department know if you have any additional questions or concerns.