



TEXAS
Health and Human
Services

Texas Department of State
Health Services

**Department of State Health Services (DSHS) First Quarter 2019
Program Report to the Texas Radiation Advisory Board (TRAB)
Consumer Protection Division**

February 22, 2019

Business Filing and Verification Section

Radioactive Material Unit – Karl Von Ahn, Manager

We are almost complete with splitting up certain General License Acknowledgements (GLA) so that only one use site is on a single GLA certificate. We are doing this to comply with the revised GLA rule needed to maintain compatibility with the NRC rules. We have contacted the affected GLA certificate holders to inquire how they want to proceed prior to making the GLA changes.

We are resuming updating additional rule guides and application guides for office and public use.

Radiation Machine Source Unit – Jo Turkette, Manager

The Agency's Accreditation Body (AB) initiated an Additional Mammography Review (AMR) of mammograms performed by Medical Associates of Brownsville, PA due to an onsite MQSA inspection that resulted in numerous violations.

The Agency's Image Review Board (IRB), American College of Radiology(ACR) has revealed serious deficiencies with the clinical image quality and determined that the facility poses a "serious risk to human health". The Agency's Certifying Body has suspended the MQSA certificate until the facility completes all corrective actions.

Radiation Surveillance Section-Radiation Unit

Radioactive Materials Inspection Group – Eric Skotak, Manager

We have implemented a new process for documenting activities and submitting reports to make data entry more efficient and accurate.

We have received portable instruments capable of measuring neutron dose rate to more precisely assess public, occupational, and environmental dose, and enhance our capabilities for responding to incidents, emergencies, and security threats, and are in the process of distributing the instruments to the inspectors.

Mammography and Remote Inspections Group – Trae Windham, Manager

The Food and Drug Administration (FDA) has decided that repeat violations of the Enhancing Quality Using the Inspection Program (EQUIP) initiative will result in an automatic 2 case image review by the facility's accrediting body. Notifications to all facilities with registered e-mails in the state have been sent out.

The Mammography Group's nominee for the Mammography Quality Standards Act (MQSA) inspector installation in region 11 was accepted. The nominee has completed the first phase of certification. Complete certification is expected by early summer of 2019. This region is currently being inspected by two inspectors from other regions. This installation will enable more efficient inspections, with less strain on state resources.

The remote inspections program is currently working on an updated procedure manual that will enable senior reviewers to train new hires more efficiently. It will also bring the manual in-line with the current regulations, and policies.

X-Ray Group – Shannon Quinn and Joann Harthcock, Managers

The x-ray program conducted over 4700 onsite inspections in 2018.

Four new inspectors were signed off to solo inspect basic modalities in January. Three are in Region 6 and one is in Region 11. The inspectors will start the second phase of their training in March, which will include training on CT and fluoroscopy inspections.

One new inspector started in Region 7 in January. The inspector has completed initial didactic training and is working to complete required onsite inspections training.

Environmental Monitoring Group – Bob Free, Manager

On December 13, 2018, the Agency was notified by the licensee's radiation safety officer (RSO) that on November 29, 2018, they had delivered a 5.9 curie iridium – 192 source in a QSA 880D exposure device to FedEx in Tampa, Florida, for delivery to the company's Corpus Christi, Texas, location. On Monday, December 10, 2018, the Texas licensee contacted FedEx and asked for the location of the source. The RSO stated FedEx told them it was held up on the east coast. On Thursday December 13, 2018, the licensee again contacted FedEx, but this time they were told the package could not be located. On December 21, 2018, the licensee notified the Agency that they had received the exposure device in Corpus Christi and would provide additional information after they completed their investigation. The Agency notified the NRC and the Florida and Tennessee programs. On January 16, 2019, the licensee reported that FedEx did not provide an explanation for the delay in delivery. There was a statement made by FedEx early in the event that there may have been multiple bar codes on the box. No violations were cited.

On December 2, 2018, the licensee's radiation safety officer notified the Agency that access to two restrooms at their facility would be restricted for greater than twenty-four hours due to radioactive material contamination. A patient came into their emergency department for treatment and staff learned the patient had received an iodine(I)-131 treatment on November 29, 2018, at another licensee's facility. Contamination surveys were conducted. No contamination was found on staff but there was contamination on several items, several floor tiles, and two toilets. Contaminated items and floor tiles

were removed and access was restricted to two restrooms until December 10, 2018, when replacement of toilets was complete. The licensee reported that it followed its procedures and contamination was quickly identified and access restricted to prevent its spread. The licensee will meet with its departments and upper management to determine if any changes to current policies and procedures regarding the handling of known radioactive patients is warranted. No violations were cited.

South Texas Project:

DSHS participated in Medical training on January 24th, 2019 for emergency room staff that will be participating in the Matagorda Regional Medical Center (MRMC) FEMA evaluated exercise on September 12th, 2019 in Bay City. The drill will test the medical center's ability to treat an injured patient that is contaminated with radioactive materials.

DSHS will participate in Reception Center training on February 21, 2019 and a FEMA evaluated reception center exercise on March 28, 2019.

Comanche Peak:

DSHS participated in Medical training on August, 28th, 2018 for emergency room staff that will be participating in the Lake Granbury Medical Center (LGMC) FEMA evaluated exercise on September 12th, 2018 in Granbury. The drill will test the medical center's ability to treat an injured patient that is contaminated with radioactive materials.

The Cleburne Reception Center has been removed from the Comanche Peak (CP) Off-Site Emergency Response Plan (ERP) as of September 1st, 2018. CP has revised the EAS messages for the counties and notified the County Judges and Public Information Officers. At this time, Stephenville and Benbrook are the only Reception Centers available to CP. In addition, as of September 30th, Stephenville will be dropping their agreement with CP and Meridian/Bosque County will be added as a new Reception Center location. CP is currently scheduling Reception Center training with Meridian/Bosque County to bring them into Off-Site ERP.

Waste Isolation Pilot Plant:

In October, WIPP program staff members conducted and participated in two "Full Scale" WIPP Transportation Exercises with the City of Fort Worth Emergency Management. The exercise was conducted at the Bob Bolin Public Safety Complex in Fort Worth.

In November 2018, a Radiological First Responder class was provided for the Hudson Oaks Fire Department. 6 students successfully completed the course.

A total of 13 Radiological Emergency Response instrument sets were calibrated and updated for emergency response officials in Gregg and Van Zandt Counties.

Pantex:

Planning has begun for DSHS participation in a national level exercise to be hosted by Pantex in April of 2019. Participants include the Department of Defense, Department of Energy (DOE), FBI, EPA and several other government entities. As a result, DSHS will be conducting training in the coming months with our Agreement In Principle (AIP) and DOE partners to prepare for the exercise.

DSHS continues to support local emergency responders who are trained to respond to events at Pantex Plant. Twenty-one radiation detection instruments were calibrated including some owned by the City of Amarillo, Amarillo Fire Department and Amarillo Bomb Squad by DSHS personnel.

Environmental samples (soil, water and vegetation) from the area around the Pantex plant were taken and were sent for analysis. These samples are taken to satisfy requirements in the AIP grant from the Department of Energy.

Compliance Section

Environmental and Radiation Control Unit – Alyson Henry

From December 2018 – January 2019, the Compliance Section issued 85 Orders against individuals and companies that were found to have violated the Texas Regulations for Control of Radiation (25 Texas Administrative Code §§289.201 – 302). These Orders have resulted in the assessment of \$97,180.00 in administrative penalties. 24 X-ray registrations were revoked as a result of failing to terminate or timely notify the Department of changes that would render the information contained in the certificate of registration inaccurate. These facilities are typically no longer in business.

On October 31, 2018, the State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) issued a Proposal for Decision (PFD) on a case heard before SOAH on August 8, 2018. The PFD upheld the Department's allegation that the Respondent was in violation of §289.227 related to entrance exposure and was assessed a penalty in the amount of \$8,000. The Commissioner of DSHS issued a Final Order related to this matter on December 21, 2018, adopting the PFD as written. No motion for rehearing was submitted by the Respondent and the time to appeal the Final Order has passed.

On November 7, 2018, a SOAH hearing was held related to the Department's allegation that the Respondent caused, suffered, allowed, or permitted a registrant to violate the Texas Regulations for Control of Radiation. On January 31, 2019, the ALJs issued a PFD finding in favor of the Respondent. The Department has filed exceptions, appealing the Judges' ruling.

Correction to the November 30, 2018 program report:

The statement, "On October 30, 2018, a SOAH hearing was held related to an enforcement case against an X-Ray registration site for failure to perform an Equipment Performance Evaluation, as required. The case is pending the Proposal For Decision by the Administrative Law Judge." should be disregarded as this is inaccurate. Accurate statements regarding the third quarter have been included in the update above.

Policy, Standards, and Quality Assurance Section

Radiation Unit – Brian Vamvakias, Manager

The following proposed x-ray rule was presented at the TRAB meeting on September 28, 2018. TRAB recommended forwarding the rule for approval by the Health and Human Services Executive Council.

The proposed x-ray rule packet includes:

§289.232 concerning radiation control regulations for dental radiation machines

The HHSC Executive Council reviewed the proposed rule at its meeting on December 6, 2018. The proposed rule was published in the *Texas Register* as well as on the radiation program website for a 30-day comment period. The comment period ended on February 11, 2019. A staffing to review the comments we received is scheduled for Monday, February 25, 2019, at 10:00 a.m. in Room N-220 of the Exchange Building in Austin, Texas.