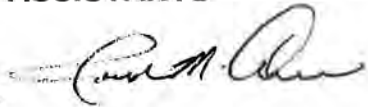


DIRECTOR'S REPORT ON THE PROPOSAL TO LICENSE RADIOLOGIC PRACTITIONER ASSISTANTS

From: Joseph M. Acierno, M.D., J.D. 
Acting Chief Executive Officer
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

To: The Speaker of the Nebraska Legislature
The Chairperson of the Executive Board of the Legislature
The Chairperson and Members of the Legislative Health and Human Services Committee

Date: December 22, 2014

Introduction

The Regulation of Health Professions Act (as defined in Neb. Rev. Stat., Section 71-6201, et. seq.) is commonly referred to as the Credentialing Review Program. The Department of Health and Human Services Division of Public Health administers the Act. As Director of this Division, I am presenting this report under the authority of this Act.

Description of the Issue under Review

The applicant group is seeking to license Radiologic Practitioner Assistants (RPAs) in Nebraska.

Summary of Technical Committee and Board of Health Recommendations

The technical review committee members recommended approval of the applicants' proposal. The technical review committee members also recommended that the proposal be administered by the Board of Medicine and Surgery if it were to pass.

The Board of Health recommended approval of the applicants' proposal.

The Director's Recommendations on the Proposal

Criterion one: Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.

A proposal has been made that the services provided by RPAs are unregulated in Nebraska and that there is a need to regulate this profession to better serve the needs of Nebraskans. However, after review of the information, I find the presumption that these

services are unregulated to be inaccurate. All radiological services in our state are heavily regulated, not only at the professional level, but at the institutional level as well. It is true that RPAs, per se, are not regulated, but that does not mean that the radiological services defined in the applicants' proposal are unregulated. Furthermore, I do not find that the absence of regulation for RPAs constitutes a source of harm or danger to the public health and welfare. No evidence was presented to indicate that the current situation of RPAs is a source of harm or danger to the public.

The applicants have argued that there are access to care issues in radiological health in remote rural areas of our state. They argued that their proposal would enable them to address these access to care issues by allowing RPAs to work under general supervision so they can provide outreach services to patients in remote rural areas of our state. However, the applicants did not provide documentation to support their contentions regarding such access to care concerns. Their arguments were based entirely on anecdotal information.

Criterion two: Regulation of the profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest.

I have seen nothing to indicate that any other health professionals would be harmed by this proposal. During the review representatives of radiologists argued that the proposal would put radiologists out of work and/or make it less likely that hospitals would employ radiologists. However, the applicants clarified in an amendment to their proposal that RPAs must be supervised by radiologists and that no more than two RPAs can be supervised by any given radiologist. This clarifies to me that the proposal not only would not harm radiology in Nebraska, but that it might actually improve the employment situation of the members of this profession in Nebraska if it were to pass.

Additionally, available information indicates that only three persons would be licensed under the proposal, at least initially. For Nebraska to incur the costs associated with establishing a regulatory process for three persons would not be a responsible way to spend tax payer dollars.

Criterion three: The public needs assurance from the state of initial and continuing professional ability.

There is no realistic scenario whereby unqualified persons could call themselves RPAs and then seek to provide services as an RPA. The technological and institutional framework of the hospital community within which such services must be provided makes such unqualified practice highly unlikely. Therefore, illegal or unauthorized practice associated with the services of RPA's is not likely.

Criterion four: The public cannot be protected by a more effective alternative.

I have seen no evidence indicating that there is an access to care problem pertinent to

radiological services in Nebraska. Nor is there any evidence indicating that the public is being harmed by the current unregulated status of RPAs. Additionally, the small number of potential RPA licensees makes it unlikely that licensing this group would have a significant impact on the provision of radiological services in our state. Therefore, I do not recommend approval of this proposal.