



**TO:** The Professional Practice Committee

**FROM:** Douglas E. Lentivech

**SUBJECT:** Proposed Amendment to Sections 52.31, 79-8.5 and 79-8.6 of the Regulations of the Commissioner of Education Relating to the Requirements for Medical Physics Education Programs and Eligibility for a Limited Permit in a Specialty Area of Medical Physics

**DATE:** May 11, 2015

**AUTHORIZATION(S):**

## SUMMARY

### Issue for Decision

Should the Board of Regents amend section 52.31 of the Regulations of the Commissioner of Education relating to the requirements for medical physics education programs, amend section 79-8.5 of the Regulations of the Commissioner of Education relating to the eligibility requirements for a limited permit in a specialty area of medical physics, and repeal section 79-8.6 of the Regulations of the Commissioner of Education to remove obsolete regulatory provisions relating to the licensure of medical physicists?

### Reason for Consideration

Review and clarification of policy.

### Proposed Handling

The proposed amendment will be presented to the Professional Practice Committee for recommendation and to the Full Board for adoption at the May 2015 meeting of the Board of Regents. A copy of the proposed amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary of the Board of Regents.

## **Procedural History**

The proposed amendment was discussed by the Professional Practice Committee at the February 2015 Board of Regents meeting. A Notice of Proposed Rule Making was published in the State Register on March 11, 2015 for a 45-day public comment period. The Department received two separate comments, both of which supported the proposed amendment. An Assessment of Public Comment is attached. No changes to the proposed amendment are recommended at this time.

## **Background Information**

Section 8702 (1) of the Education Law defines the practice of the profession of medical physics as the use and application of accepted principles and protocols of physics in a clinical setting to assure the correct quality, quantity and placement of radiation during the performance of a radiological procedure, so as to protect the patient and other persons from harmful, excessive or misapplied radiation. A medical physicist's responsibilities include, but are not limited to, protecting patients and others from unsafe and unnecessary exposure to radiation; obtaining high quality images; and delivering the proper dose of radiation to the specified area. The proposed amendments to sections 52.31 and 79-8.5 of the Regulations of the Commissioner of Education are necessary to revise the regulations to reflect recent changes in the national accreditation requirements for medical physics education programs.

There are four licensed specialties within the profession of medical physics: diagnostic radiological physics; medical nuclear physics; therapeutic radiological physics, and medical health physics. An individual seeking licensure in New York State in any of these medical physics specialties must meet requirements for education, supervised experience and examination that are acceptable to the Department. In order to meet the clinical experience requirements in New York State, an applicant for licensure in each of the above-referenced specialties currently needs a limited permit from the Department.

Although all of these medical physics specialties have the same educational and experience requirements, each of them has somewhat different examination requirements. The Commission on Accreditation of Medical Physics Education Programs (CAMPEP) is the nationally recognized organization that accredits education programs and residencies in medical physics. The American Board of Radiology (ABR) offers accreditation examinations that are recognized for New York State licensure purposes for three of the four medical physics specialties (diagnostic radiological, medical nuclear, and therapeutic radiological). As of January 1, 2014, all applicants for licensure for these three specialties must successfully complete a CAMPEP accredited or approved educational program and a CAMPEP accredited residency in order to sit for the licensing examinations. For medical health physics, all applicants for licensure must successfully complete an examination offered by the American Board of Medical Physics (ABMP).

Presently, under section 52.31(b) of the Regulations of the Commissioner of Education, a supervised clinical experience is a required component of a medical physics education program. Additionally, pursuant to section 8706(1)(b) of the

Education Law, a medical physics student enrolled in a graduate or post-graduate curriculum approved by the Department is eligible to obtain a limited permit from the Department in order to meet the clinical experience requirements for licensure. However, in January 2014, CAMPEP changed its licensing examination qualification requirements for applicants for licensure by requiring CAMPEP accredited programs to provide access and training on medical physics related equipment, instead of requiring such programs to include activities directly related to the diagnosis and/or treatment of human ailments. Since the access and training required of CAMPEP accredited programs is not directly related to the treatment and/or diagnosis of human ailments, students in these programs tend not to apply for limited permits from the Department, despite the fact that they are currently required to do so.

This situation has created confusion among New York State medical physics students. Many of these students are completing their education in New York State without obtaining a limited permit because directly treating and/or diagnosing patients is not part of their nationally accredited medical physics education programs. When these students complete their New York State education programs without evidence of being issued a limited permit from the Department, their pathway to New York State licensure is unnecessarily complicated. Typically, when such students apply to the Department for a residency permit, their applications are denied because without evidence of a limited permit, their education is deemed to not meet New York State standards. This causes some of these students to complete their residencies outside of New York State, which results in some of them establishing their careers and practices in other states, instead of in New York State. Thus, it appears that requiring students in these programs to obtain limited permits from the Department may not be warranted.

The proposed amendment to section 52.31(b) of the Regulations of the Commissioner of Education would revise the regulation to reflect the aforementioned changes in the national accreditation standards for medical physics education programs by requiring New York State registered medical physics education programs to offer instruction in the clinical applications of medical physics and/or a supervised clinical experience, instead of only permitting them to offer a supervised clinical experience that involves the direct treatment and/or diagnosis of patients. Clinical application instruction will appropriately require that medical physics students be educated in the clinical applications of the profession, but will not require them to engage in supervised clinical experiences that involve activities directly related to treatment and/or diagnosis of patients.

The proposed amendment to section 79-8.5(a)(2) of the Regulations of the Commissioner of Education changes the eligibility requirements for limited permits for medical physics students by clarifying that a limited permit is only required for those students who are both enrolled in a graduate program at the master's degree level or above approved by the Department and participating in clinical practice as defined in section 8701(1) of the Education Law. In addition to clarifying that a limited permit is not required for all medical physics students, the amendment leaves the limited permit option in-place for those students who may require a permit because their specific educational option warrants a supervised clinical experience that involves direct contact with patients.

The proposed amendment would also repeal certain regulatory provisions relating to medical physicist licensure in section 79-8.6 of the Regulations of the Commissioner of Education, as those provisions no longer have any application.

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That subdivision (b) of section 52.31 and paragraph (2) of subdivision (a) of section 79-8.5 of the Regulations of the Commissioner of Education are amended, and section 79-8.6 of the Regulations of the Commissioner of Education is repealed, as submitted, effective June 3, 2015.

### **Timetable for Implementation**

If adopted at the May 2015 Regents meeting, the proposed amendment will take effect on June 3, 2015.

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 8701, 8705, and 8706 of the Education Law

1. Subdivision (b) of section 52.31 of the Regulations of the Commissioner of Education is amended, effective June 3, 2015, to read as follows:

§52.31 Medical physics.

(a) ...

(b) In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure in a specialty of medical physics as defined in section 8701 of the Education Law, the program shall be offered by a college or university accredited by an acceptable accrediting agency or an equivalent institution, as determined by the department, and shall be a master's or doctoral degree program in medical physics, physics, another physical science, mathematics, engineering or an equivalent field, containing at least 10 semester hours, or the equivalent, of coursework which includes but is not limited to: radiation protection, radiation biology, dosimetry, instrumentation, and the clinical applications thereof and/or a supervised clinical experience, as such coursework and experience pertain to such medical physics specialty.

2. Paragraph (2) of subdivision (a) of section 79-8.5 of the Regulations of the Commissioner of Education is amended, effective June 3, 2015, to read as follows:

§79-8.5 Limited permits.

(a) The following persons shall be eligible for a limited permit in a specialty area of medical physics:

(1) ...

(2) a student who is enrolled in a graduate program at the master's degree level or above approved by the department. Such permit shall only be required for students participating in clinical practice as defined in section 8701(1) of the Education Law.

3. Section 79-8.6 of the Regulations of the Commissioner of Education is repealed, effective June 3, 2015.

8 NYCRR §§52.31, 79-8.5 and 79-8.6

ASSESSMENT OF PUBLIC COMMENT

Since the publication of a Notice of Proposed Rule Making in the March 11, 2015 State Register, the State Education Department received the following comments:

1. COMMENT:

A radiological and medical physics society expressed support for the amendment of 8 NYCRR §§52.31 and 79-8.5. This commenter stated that replacing the current requirement that medical physics education programs offer a supervised clinical experience with the requirement that such programs provide their students with instruction in the clinical applications of medical physics is consistent with the current Commission on Accreditation of Medical Physics Education Program requirements. This commenter further stated that the amendment will permit “graduates from programs that do not include direct patient contact as part of the academic education, to be eligible for licensure in NY State.” The commenter also stated that it has no objection to the repeal of 8 NYCRR §79-8.6 because its licensing provisions became obsolete after August 25, 2004.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to medical physics services to New Yorkers.

2. COMMENT:

Another radiological society expressed its support of the amendment of 8 NYCRR §52.31 because it eliminates the requirement that medical physics education programs offer a supervised clinical experience in order for their students to be eligible for licensure in New York State and instead permits such programs to offer instruction in the clinical applications of medical physics. This commenter further stated that this

amendment reflects current Commission on Accreditation of Medical Physics Education Program requirements, which do not include clinical experience. This commenter asserted that by eliminating the supervised clinical experience requirement, the amendment removes an impediment to New York State licensure for students who attend programs that do not offer clinical experience that involves direct patient contact.

In addition, the commenter supports the amendment of 8 NYCRR §79-8.5 because it only requires a limited permit in a specialty area of medical physics for students enrolled in programs that offer clinical experience that involves direct patient contact, which is consistent with the amendment of 8 NYCRR §52.31.

This commenter also stated that it has no objection to the repeal of 8 NYCRR §79-8.6 because, inter alia, it has no application to current applicants for licensure in New York State.

#### DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to medical physics services to New Yorkers.