

NCS

NC SYSTEMS, INC.
NUCLEAR CARDIOLOGY SYSTEMS
5660 AIRPORT BLVD., SUITE 101
BOULDER, CO 80301

27th April, 2007

Fed Ex

Mr. Bryan Parker
US Nuclear Regulatory Commission
Sam Nunn Atlanta Federal Center
61 Forsyth St., S.W.
Suite 23T85
Atlanta, GA 30303-3415

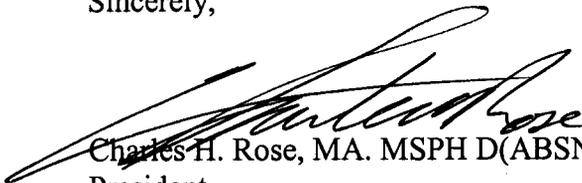
Dear Bryan;

Thank you for your telephone assistance yesterday in reference to 45-30953-01. As I indicated to you at that time, I had assumed that I was the RSO at the facility and I did carry out, with the knowledge of the facility, actions related to that assumption.

I have enclosed my letter to the site and copies of some of the important documents, for your records.

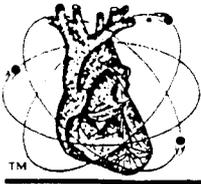
If you have any questions, please feel free to call me at 1-800-548-4024.

Sincerely,


Charles H. Rose, MA. MSPH D(ABSNM)
President

enclosures

2007 JUN -8 AM 11:00
RECEIVED
REGION I



NCS

NC SYSTEMS, INC.
NUCLEAR CARDIOLOGY SYSTEMS
5660 AIRPORT BLVD., SUITE 101
BOULDER, CO 80301

27th April, 2007

Fed Ex 3d

Woodbridge Cardiovascular Center
14904 Jefferson Davis Highway #101
Woodbridge, VA 22191
Dr. Chutuape, M.D.

Dear Dr. Chutuape;

Thank you for taking a few minutes with me, on the telephone yesterday. As a result of that conversation, I confirm that I resign as RSO for your facility.

As a recap of the situation, your facility was notified on 1st November, 2006 that I was resigning as RSO because of radiation safety/communication concerns. You and I then talked on 2nd November 2006 concerning the situation and you later called and asked me to remain as the RSO, and I agreed.

In December, 12/06/06 I requested as RSO a series of documents from your site. You provided the request to your technologist who responded by sending the requested information. I assumed I was the RSO.

On 19th February, 2007 I faxed you a request for a meeting to go over safety issues. Your response was that things are going well and a meeting was not necessary. I assumed I was the RSO.

On 1st March, 2007, I authorized the shipment of a ⁵⁷Cobalt source to your facility. I notified you, Siri and Alisung of my actions as the RSO. I assumed I was the RSO as there was no response to the written notifications concerning the source.

In the above written statements I again requested adequate communication as the RSO, with no response I assumed I was the RSO.

On 19th April, 2007 I requested a telephone conference with you and the other AU. The purpose was to discuss safety issues. You responded on the 24th of April, 2007 with the suggested time for such a call. I assumed I was the RSO.

On 20th April, 2007 I requested information concerning the operation for a pre-site inspection review. I assumed I was the RSO as this was a follow up on information provided after an earlier request.

On 25th April, 2007 I received, apparently due to an error of the sender (Mid-Atlantic Radiation Physics), a copy of my confidential letter to you, of 1st November 2006 and a copy of a 3rd November, 2006 letter to the NRC, signed by Rasamita Sengupta of Mid Atlantic, requesting Dr. Quion to be listed as the "backup" radiation safety officer. The fax was intended for HCI.

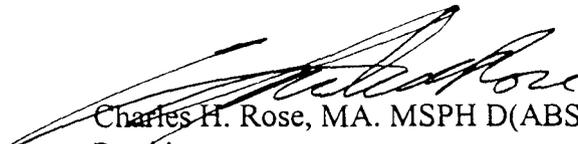
I then called you, and left the message to immediately get back to me. I then called the NRC and learned that, per Bryan Parker, Dr. Quion was placed on the license as RSO in December of 2006 and now an individual by the name If Latimore is to replace Dr. Quion. I received a return call from you, I expressed my frustration and very eisnificant professional concerns. I made you aware of the reason for the request for the meeting on 19th April, 2007 involving ALARA issues. I also expressed the fact that I assumed I was the RSO until 25th of April, 2007, acted on behalf as the RSO including taking actions, with your knowledge, that can only be done by the RSO.

You and I agreed that the saga is over and I wished you, very sincerely, the best.

Because of non compliance that I created assuming I was the RSO and because the confidential communication I have provided you is not confidential, Mid Atlantic Radiation Physics, HCI, NRC etal, I am enclosing a set for your records and forwarding a set to Mr. Parker.

My very best to you and your associates and my sincere wish for a safe and profitable imaging venture.

Sincerely,



Charles H. Rose, MA. MSPH D(ABSNM)
President

enclosures

MID-ATLANTIC RADIATION PHYSICS
7233-D HANOVER PARKWAY • (301) 345-6803 • GREENBELT, MD 20770

November 3, 2006

Licensing Assistant Section
U.S. Nuclear Regulatory Commission, Region I
Division of Nuclear Materials Safety
475 Allendale Road
King of Prussia, PA 19406-1415

RE: Update on NRC Radioactive Materials License Number 45-30953-01 for
Woodbridge Cardiovascular Center, P.L.C.

To Whom It May Concern:

Please update your records for the radioactive materials license referenced above. Charles H. Rose, the radiation safety officer for this license has resigned from the facility. Jun Anthony V. Quion, M.D. will be the backup radiation safety officer for licensed activities conducted under this license. Dr. Quion is listed as an authorized user and radiation safety officer on NRC license number 45-30909-01. This documentation is enclosed for your reference. An amendment for change in radiation safety officer will be filed as soon as we find a permanent radiation safety officer.

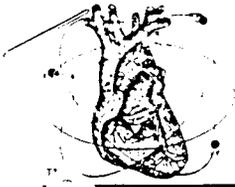
At this time we are submitting this letter on behalf of our customer to update your records on the radioactive materials license referenced above. Should you have any questions, please contact me at your convenience.

Sincerely,

Paramita Sengupta
Paramita Sengupta, M.S.
Medical Health Physicist
Mid Atlantic Radiation Physics
Ph: (301) 345-6803
Fax: (301) 345-6804

Enclosures

APR 25 2007
FAX RECEIVED
GREENBELT
MST
7:50 AM



NCS

NC SYSTEMS, INC.
NUCLEAR CARDIOLOGY SYSTEMS
5660 AIRPORT BLVD., SUITE 101
BOULDER, CO 80301

20 April 2007

Certified Mail
7005 1160 0002 3640 7798
Fax: (703) 491-6782

Dr. P. Siriprakorn, MD/COO
Woodbridge Cardiology Center, P.C.
14904 Jefferson Davis Highway
Suite 101
Woodbridge, VA 22191

Dear Dr. Siriprakorn:

As we proceed into the New Year, I need to have you provide the following information concerning the operation:

1. Copies of the December 2006 film badge reports and the notice to each employee of their annual exposure.
2. Copies of the January through March 2007 film badge reports.
3. Reports of any spills or contamination for January through March 2007.
4. Reports of any patient doses that varied by more than 10% from the prescribed dose for January through March 2007.

I would also like to suggest that a switch to our, NCS, film badge service would not only be cost effective, save Woodbridge Cardiology money, but would make it easier for me to monitor.

Do you and your associates see the Client Newsletter that is sent to your site each month with records of any service performed? There are usually items in that newsletter that are of clinical/professional interest to each of the participating physicians.

I look forward to the receipt of the information.

Sincerely,


Charles H. Rose, MA, MSPH, D(ABSNM)
ROSE

cc: Jun Anthony Quion, MD, AU
Dr. Chutuape, MD, AU

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Sent To

Dr. Siri.

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4



NC Systems, Inc.

Institute For Nuclear Medical Education, Inc.

5000 Airport Blvd., Suite 101, Boulder, Colorado 80301
Phone: (800) 548-4024 • (303) 541-0044 • FAX: (303) 641-0066

Standard Urgent

Total Pages: 1

Stamp Date, Time and Number in This Area



From: C. Rose, MA, MSPH, D(ABSNM) To: Dr. Chutuape, MD Date: 4-19-07
FAX Phone: 703-730-8025 Phone: 703-730-8002 Location: Woodbridge, VA

Reference:

Dr. Chutuape:

You and I need to have a telephone conversation, it will require about 10 minutes of your time.

We may need to follow up with a conference call involving the other AU and yourself.
IMPORTANT - does not involve the technologist.

Sincerely,

Charles H. Rose, MA, MSPH, D(ABSNM)

Dear Chuck,
I'm interested in your time, since we're both very busy. It will be better to just set up conference call. Best time around 5 PM for us (2 your time). Thanks
M. CHUTUAPE
703 730-8002

Sender

1078 OFFICE-CO FAX 08

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone and return the original message to us at the address above via the U.S. Postal service. Thank you.



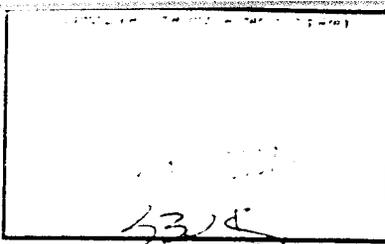
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5660 Airport Blvd., Suite 101, Boulder, Colorado 80301
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Standard Urgent

Total Pages 1



From: C. Rose, MA, MSPH, D(ABSNM) To: Dr. Chutuape, MD Date: 4-19-07

FAX Phone: 703-730-8025 Phone: 703-730-8002 Location: Woodbridge VA

Reference:

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You and I need to have a telephone conversation, it will require about 10 minutes of your time.

We may need to follow up with a conference call involving the other AU and yourself.

IMPORTANT - does not involve the technologist.

Sincerely,

Charles H. Rose, MA, MSPH, D(ABSNM)

Sender _____



NC Systems, Inc.
Institute For Nuclear Medical Education, Inc.

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 Phone: (800) 548-4024 • (303) 541-0044 • FAX: (303) 541-0066

Standard Urgent Total Pages: 1

NAME DATE TIME AND SENDER IN THIS AREA

Mar 1 2007
 5:00 AM

From: C. Rose, RSO To: Dr. Chutuape Date: 3-1-07

FAX Phone: 703-492-4506 Phone: _____ Location: Woodbridge, VA

Reference:

As RSO, I authorized the shipping of a 57Cobalt source to your facility. The source will be used for 1 day during service and returned to NCS.

Please understand that calls to each one of you and the technologist were not answered. The technologist left in the late AM, EST, and was not further available.

We will be evaluating the floods and bars done this week pre and post initial service. I will then respond as to the appropriate nature of the camera quality for the examinations performed earlier in the week.

The other issue is, AGAIN, communication and the need to have a valid line of communication. Doctors, this could have been an emergency, medical/radiological, and as RSO I would have been SOL.

Sincerely,
 Charles H. Rose, MA, MSPH, D(ABSNM)
 RSO

Sender _____ 1078 OFFICE-00 Fax 00



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Standard Urgent

Total Pages: 1

MAR 01 2007

4528

From: C. Rose, RSO To: Dr. Alisuag Date: 3-1-07

FAX Phone: 703-369-5097 Phone: _____ Location: Woodbridge, VA

Reference:

As RSO, I authorized the shipping of a 57Cobalt source to your facility. The source will be used for 1 day during service and returned to NCS.

Please understand that calls to each one of you and the technologist were not answered. The technologist left in the late AM, EST, and was not further available.

We will be evaluating the floods and bars done this week pre and post initial service. I will then respond as to the appropriate nature of the camera quality for the examinations performed earlier in the week.

The other issue is, AGAIN, communication and the need to have a valid line of communication. Doctors, this could have been an emergency, medical/radiological, and as RSO I would have been SOL.

Sincerely,

Charles H. Rose, MA, MSPH, D(ABSNM)
RSO

Sender _____



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Standard Urgent

Total Pages: 1

FAX RECEIVED

MARCH 9 2007

by

From: C. Rose, MA, MSPH, D(ABSNM) To: Dr. Chutuape, MD Date: 2-19-07

FAX Phone: 703-730-8025 Phone: 703-730-8002 Location: Woodbridge, VA

Reference: Site Visit - Confidential

Dear Dr. Chutuape:

Please fax me a schedule of possible dates in March/April 2007 that the group would be available for a doctor's meeting - not technologist.

Sincerely,

Charles H. Rose, MA, MSPH, D(ABSNM)

Dear Chuck,

*Everything going well. No need
for you to fly in Virginia for*

me

Yours

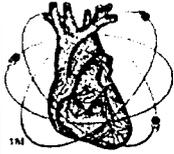
M. CHUTUAPE

703 730-8002

Sender

1078 OFFICE-GO Fax 02

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message.



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From: C. Rose, MA, MSPH, D(ABSNM) To: Dr. Chutuape, MD Date: 2-19-07

FAX Phone: 703-730-8025 Phone: 703-730-8002 Location: Woodbridge, VA

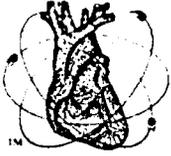
Reference: Site Visit - Confidential

Dear Dr. Chutuape:

Please fax me a schedule of possible dates in March/April 2007 that the group would be available for a doctor's meeting - not technologist.

Sincerely,
Charles H. Rose, MA, MSPH, D(ABSNM)

Sender _____ 1078 OFFICE-CO Fax 02



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Total Pages: 1

Stamp Date, Time and Sender in This Area

From: C. Rose, MA, MSPH, D(ABSNM) To: Dr. Chutuape, MD Date: 12/6/06

FAX Phone: 703-730-8025 Phone: 703-730-8002 Location: Woodbridge, VA

Reference:

Dear Dr. Chutuape:

The best wishes to you and your family in this Holiday season.

I. Will you please request that Randee fax me the following documents, if not Randee, whoever is in charge of "running" the site:

1. Film badge reports for the 2006 YTD.
2. A list of any (all) new employees hired in 2006 and their duties.
3. Copies of the Instruction To Workers' for any new employees that:
 - a) Handle/transport patients.
 - b) Assist/participate in the stress test.
 - c) Assist/participate in other procedures related to the patient post injection.
4. Copies of the daily floods and weekly bars for:

September 18-22; October 23-27; November 27-1 December
5. Copies of the daily exposure surveys, and weekly contamination surveys for:

September 11-15; October 9-13; November 6-10

II. CONFIDENTIALLY - Has the group resolved the January 2007 issue of ownership/participation I previously mentioned?

Please have Randee give the information ot you, if you wish, then have your office fax to me.

Sincerely,

Charles H. Rose, MA, MSPH, D(ABSNM)
President

Sender _____ 1078 OFFICE-CO Fax 02

2 November 2006

Federal Express
9021 6045 0961

Dr. Chutuape, MD
2010-B Optiz Blvd.
Woodbridge, VA 22191

Dear Dr. Chutuape:

Thank you for taking time yesterday to discuss the disturbing situation at Woodbridge Cardiology. To recap the important aspects of that conversation, from my perspective and with grave concern for the professional, financial radiological and legal implications on the members of the group.

1. There has been no response to any of my concerns and my resignation which was effective yesterday.
2. It is required by law that the site notify the NRC of my resignation as RSO. In addition to numerous serious non-compliance issues, the site has, due to no action, placed itself and the owners in a position of significant risk. Just to make the point clear, technically your site cannot operate and has been operating in non-compliance with the Federal law. There is the potential for litigation, fines, closure and if that is not enough, return of Medicare/Medicaid as well as other provider funds.
3. The refusal to address the operational issues and the lack of honesty, credibility, also undermines all actions of the facility. However, if I was a member of the group, I would be livid that my integrity and reputation has been impugned. Again, to make my point, if someone lies on your behalf or if their actions cause actions that will become known not only to my professional colleagues but to the community at large (i.e., news media), I personally suffer, professionally and economically.
4. As the Authorized User, you have more exposure in this mess than others. The AU, as you are aware, is the medical physician who is medically responsible. This means that you are the prescribing doctor, of record, and thus when a procedure is to be performed, this is YOUR patient and you are responsible. This, of course, combines the responsibility of your medical practice license, and NRC license. Your associates may request a procedure, order it at the facility, but you are responsible for the appropriateness of the order, the prescription, administration and interpretation as well as the other medical aspects of the procedure.

Dr. Chutuape, MD
2 November 2006
Page Two

5. In regards to the January Stark laws, they have been proposed and “in the works” for some time. I am glad that you are seeking a solution and would only caution you that there are solutions and perhaps it will provide an opportunity for the group to reorganize in a professional manner that addresses other issues.
6. As has been stated, many times, we can provide the assistance you need to have a fully professional imaging center. We have expertise in licensing, radiation safety, etc. and will continue to provide the calibration of the survey meter, the calculations for the information provided on the dose calibrator, linearity and accuracy and leak tests. We perform these and other services for hundreds of facilities and there is not management fee or other costs to our contract customers. I am not aware of any of our sites that use “outside” management organizations. There is simply nothing else that needs to be done. Technologists, with benefits, full-time 40 hours per week, “cost” 50,000-75,000 per year. If the technologist cannot or will not perform all of the necessary tasks for the operation of the facility, they are replaced.
7. Your site needs to do the following, NOW:
 - a) Delete me from the license as RSO as I cannot carryout those responsibilities because the licensee will not comply with the law. I must be copied with that request and I must receive a copy of the amended license.
 - b) Add a RSO to the license as you CANNOT OPERATE without a RSO, this is also the law.

Dr. Chutuape, I have again taken the time to outline the situation and to hopefully give you a clear insight that will assist your group in resolving this mess. My concern is that the other doctors do not have a clue about the medical regulatory and legal implications of this situation. I do not know what else I can do to get their attention.

It is also my concern that the new RSO, logically, should be you. If you assume that role, it is required that you have the financial and managerial support to carry out your responsibilities. I suggest that you get it, in writing, upfront. The daily operations will require none of your time as others will then do the work for you and if not done right, you will terminate them, under the law. This may be the best solution for the group and remember, we can provide you with the technical support necessary to assist you in your RSO duties.

Dr. Chutuape, MD
2 November 2006
Page Three

If the group wants your technologist or management group to be the RSO, I would VERY STRONGLY object. To lock your license and operation into a technologist or management group is a VERY BAD idea. If you try to remove them as RSO from your license they can claim discrimination and/or violation of 10CFR 19. If they screw up, they can always claim you did not cooperate, give them authority, finances, communication, etc. The RSO can close you down and/or cause irreparable damage to the owners, facility and reimbursement.

Dr. Chutuape, as I said on the telephone, I do not think the doctors understand what is going on or the implications. I have tried, begged, and to no avail. This is not a normal situation and, as I stated on the telephone, it is totally unique, and now a disaster. For your legal information, I have enclosed another copy of the package previously sent to all members of the group. I would treat all of this with care because if it was in the hands of HHS or NRC, you would be at significant risk,

Very sincerely,

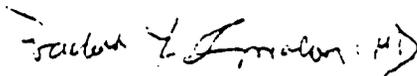
Charles H. Rose, MA, MSPH, D(ABSNM)
RSO – Resigned

Enclosure: Previous Documentation

8/3/04

**Memo To: Radiation Safety Officer
From : Chief Operation Officer
Subject: Delegation of Authority**

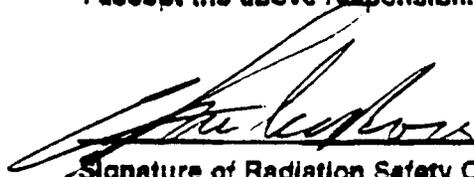
You, Charles H. Rose have been appointed Radiation Safety Officer and are responsible for ensuring the safe use of radiation. You are responsible for managing the radiation protection program: identifying radiation protection problems; initiating, recommending or providing corrective actions; verifying implementation of corrective actions; stopping unsafe activities; and ensuring compliance with regulations. You are hereby delegated the authority necessary to meet those responsibilities, including prohibiting the use of radioactive material by employees who do not meet the necessary requirements and shutting down operations where justified by radiation safety. You are required to notify management of situations where staff are not cooperating and addressing radiation safety issues. In addition, you are free to raise issues with the Nuclear Regulatory Commission or the State of Virginia Department of Health, Radiological Health branch at any time. You will directly manage the radiation safety program and be physically present at this facility (and any other use locations listed in the Radioactive Materials License) whatever time as may be necessary to ensure that the radiation protection activities are performed.



Prachak T. Siriprakorn, M.D./ COO

Signature of Management Representative / Print or Type Name / Title

I accept the above responsibilities,



Charles H. Rose, MA, MSPH D(ABSNM)

8/17/04

Signature of Radiation Safety Officer / Print or type name

DATE