

NOV 16 1989

In Reply Refer To:
License: 35-09206-02
Docket: 30-00441
EA: 89-224

Hillcrest Medical Center
ATTN: John Goldthorpe, CEO
1120 South Utica
Osa, Oklahoma 74104

Gentlemen:

This refers to our inspection of your activities August 1, 1989, and our subsequent letter and Notice of Violation (NOV) dated August 22, 1989, as they relate to your license amendment application dated October 3, 1989, in which Hillcrest Medical Center requested that Tim Less, Ph.D., be authorized as the Radiation Safety Officer (RSO) for its radiation safety program. This also refers to the review of the Hillcrest Medical Center's files specific to submittals regarding the positions of the RSO and the Teletherapy Physicist, both past and present, performed by Ms. Vivian Campbell of my staff between October 25 and November 9, 1989.

As a result of the review of amendment request submitted by the October 3, 1989 letter, the NRC staff became aware of an additional concern not addressed in our letter and NOV of August 22, 1989. During a telephone discussion between Dr. Less and Ms. Campbell, Dr. Less indicated that he was not only serving as the RSO, but also as the Teletherapy Physicist for Hillcrest Medical Center. The information which had been provided in the October 3 letter was insufficient in that Ms. Campbell was unable to determine Dr. Less's practical experience specific to a medical institution.

Dr. Less then provided additional information in a letter received by the NRC October 31, 1989. However, our review of that information indicates that although Dr. Less qualifies to hold these positions by virtue of his formal education, he does not meet the experience requirements specified in in Subpart J of 10 CFR Part 35. Subsequently, Mr. R. J. Everett telephoned you on October 31 and requested a complete delineation of Dr. Less's training and experience pertinent to the positions of RSO and Teletherapy Physicist at a medical institution.

In a letter dated November 1, 1989, Dr. Less acknowledged that his qualifications did not meet the requirements specified in Subpart J and requested that Terry D. Powell, M.D., be appointed RSO and that an exemption from the training and experience requirements (for Dr. Less) be reviewed by the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Thereupon, Mr. Charles L. Cain of my staff discussed telephonically on November 1 with Terry D. Powell, M.D., Head of the Radiation Therapy Department, the possible alternatives to be exercised in the interim until Dr. Less's qualifications could be reviewed by the Advisory Committee.

*Previously concurred

RIV:NMLS
*VHCampbell
11/14/89

RIV:NMLS
*RJEverett
11/14/89

RIV:NMIS
*CLCain
11/14/89

EG
*GSanborn
11/ /89

D:DSS
ABBeach
11/16/89

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Based on this conversation, it was decided that Hillcrest Medical Center would immediately appoint a qualified individual to serve as RSO and Teletherapy Physicist. It is our understanding that the letter dated November 3, 1989, requesting that Terry D. Powell, M.D. be approved as RSO and that David Anderson, Ph.D. be authorized as Teletherapy Physicist, replaces the initial amendment request. We also understand that this arrangement will afford Dr. Less the opportunity to obtain supervised experience in lieu of a review of his current experience record by the ACMUI.

Additionally, a review of Hillcrest's docket file and current submittals indicated that the Hillcrest Medical Center license has not been amended as required on three occasions specific to the positions of RSO and Teletherapy Physicist. 10 CFR 35.13(c) requires, in part, the licensee to amend its license prior to changing the RSO or Teletherapy Physicist. The first occasion was noted in the letter received October 31, 1989, in which Dr. Less stated that Dr. Myron Goede left Hillcrest Medical Center November 23, 1984. The licensee should have amended its license to identify a qualified individual as RSO/Teletherapy Physicist at that time. However, the NRC received no amendment request.

Our current reviews indicate that this discrepancy was noted by NRC staff involved in an unrelated amendment request submitted by Micheal Sanders, Ph.D. After the discrepancy was identified, Mr. Cain then wrote a letter to Hillcrest Medical Center dated November 12, 1985, indicating that a person not identified on your license had completed the source change survey. Mr. Cain recognized that Dr. Sanders had been designated as the RSO for the nuclear medicine license and indicated that an experience and qualification statement should be provided to the NRC if Dr. Sanders was to be designated RSO for the teletherapy license. Subsequently, in a letter dated November 22, 1985, you requested Micheal E. Sanders, Ph.D. be approved as RSO for your teletherapy license. Consequently, Dr. Sanders was identified as RSO and teletherapy Physicist in License Condition 25 on Amendment No. 12 issued January 31, 1986.

A second occasion was identified during the telephone conversation on November 1, 1989, between Dr. Less and Mr. Cain. It was stated that Dr. Sanders left the institution in July 1987. We currently understand that Dr. David Gooden assumed the duties of RSO/Teletherapy Physicist at this time. However, again, Hillcrest Medical Center failed to notify the NRC and the license was not amended.

A third occasion occurred when Dr. Less assumed the duties of RSO and Teletherapy Physicist on December 22, 1987. Hillcrest Medical Center should have amended its license designating the new RSO/Teletherapy Physicist. Instead, the NRC identified the violation during the most recent inspection conducted August 1, 1989, which resulted in the amendment application dated October 3, 1989, requesting that Dr. Less be designated RSO.

10 CFR 35.22(b)(2) requires, in part, that the Radiation Safety Committee (RSC) review and approve or disapprove, on the basis of safety and with regard to training and experience, any individual who is to be listed as RSO or Teletherapy Physicist. Considering the explicit requirements specified for the RSO and Teletherapy Physicist in 10 CFR 35.900 and 35.961, respectively, and

based on our review of records, we feel that the RSC review process at Hillcrest has been deficient. This weakness resulted in an individual who did not meet all of the NRC qualification requirements for RSO and Teletherapy Physicist positions assuming responsibility for those positions at Hillcrest Medical Center for almost two years. It is imperative that the RSC adequately review the qualifications of the RSO and Teletherapy Physicist as they hold key positions in the radiation safety program. We must emphasize that the RSO is responsible for the overall program effectiveness and for compliance of the radiation safety program with the NRC's rules and regulations and the conditions of your license.

Therefore, as a result of these significant concerns, this letter also confirms the date and time for the conference as discussed in a telephone conversation between Mr. Cain and Ms. Georgianne Johnson, Vice President-Patient Services. We desire to conduct an enforcement conference on Tuesday, November 21, 1989, at 1:00 p.m. in our Arlington office. During this conference, we will address the repetitive failure on the part of Hillcrest Medical Center to amend its license as required when new individuals assume the positions of RSO and Teletherapy Physicist and our concern that the hospital's RSC is not fulfilling its responsibility to review the qualifications of these individuals. Please be prepared to discuss the reason for the recurring problem as it is your opportunity to provide additional information that may not be reflected in this letter. The agenda is attached.

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

Original Signed By

A. B. Beach, Director
Division of Radiation Safety
and Safeguards

Enclosure:
Proposed Enforcement Conference Agenda

bcc:
DMB - Original (IE-07)
RDMartin
ABBeach
LAYandell
LShea, RM/ALF (AR-2015)
CLCain
RJEverett
VHCampbell
NMIS
MIS System
RIV Files (2)
RSTS Operator
REHall, URFO
GFSanborn
JLieberman
NMIS Inspectors (4)

PROPOSED ENFORCEMENT CONFERENCE AGENDA

HILLCREST MEDICAL CENTER

November 24, 1989 - 1 p.m.

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| I. | INTRODUCTION AND PURPOSE OF MEETING | A. B. BEACH |
| II. | NRC DISCUSSION OF APPARENT VIOLATIONS | |
| | A. FAILURE OF THE RADIATION SAFETY COMMITTEE TO ADEQUATELY REVIEW THE QUALIFICATION OF THE RSO/TELE THERAPY PHYSICIST | NRC Staff |
| | B. FAILURE OF THE LICENSEE TO AMEND THE LICENSEE TO IDENTIFY THE RSO/TELE THERAPY PHYSICIST ON 3 INCIDENTS. | NRC Staff |
| III. | LICENSEE COMMENTS AND RESPONSE | G. JOHNSON
T. EICHOR
T. POWELL
T. LESS |
| IV. | ENFORCEMENT POLICY | G. SANBORN |
| V. | CLOSING COMMENTS | A. B. BEACH |