



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs Region III

2443 Warrenville Road

Lisle IL 60532

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Contacts:

Viktoriya Mitlyng 630-829-9662

Prema Chandrathil 630-829-9663

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E-Mail: [opa3@nrc.gov](mailto:opa3@nrc.gov)

Web site: [www.nrc.gov](http://www.nrc.gov)

## **NRC TO HOLD ENFORCEMENT CONFERENCE JUNE 30 WITH DEPARTMENT OF VETERANS AFFAIRS**

The Nuclear Regulatory Commission will hold a predecisional enforcement conference June 30 in Lisle, Ill., with the Department of Veterans Affairs (DVA) to discuss apparent violations of NRC regulations associated with the performance of DVA medical centers providing prostate cancer treatment programs, the National Health Physics Program's oversight of these hospitals, and the DVA's identification and response to performance issues at these facilities.

The National Health Physics Program is a department inside DVA responsible for the oversight of the DVA's use of radioactive material, including following up on medical events that involve the use of nuclear material including inspections and enforcement actions.

After the discovery of multiple medical errors at the Veterans Affairs hospital in Philadelphia in May 2008, the NRC conducted in-depth inspections to understand the reasons for 116 medical treatments resulting in 97 medical errors. The NRC identified violations of NRC regulations at the DVA hospital in Philadelphia and issued a \$227,500 fine.

As medical errors were being identified at the Philadelphia facility, other DVA hospitals with prostate cancer treatment programs began to report similar medical errors. The NRC responded by launching additional inspections to determine if the problems identified at the DVA facility in Philadelphia existed at the other 13 DVA facilities with prostate cancer treatment programs. In addition, the NRC conducted a review of the effectiveness of the National Health Physics Program's response to the events at the Philadelphia facility and other DVA hospitals with similar programs.

Even though the NRC did not identify the same extent of problems at other DVA facilities as at the hospital in Philadelphia, they found three apparent violations of NRC regulations at these facilities: 1) failure to develop, implement and maintain written procedures to provide high confidence that each procedure was carried out in accordance with the physician's prescription; 2) failure to develop, implement, and maintain procedures to verify that each prostate implant adhered to the established treatment plan; and 3) failure to notify the NRC about a medical event by the next calendar day after its discovery.

In addition, NRC inspectors identified a number of concerns associated with the effectiveness of the National Health Physics Program's response to the problems at the Veterans Affairs hospital in Philadelphia and other facilities with prostate cancer treatment programs, such as failure to identify violations, the adequacy of enforcement actions, the overall quality of oversight of the hospital in Philadelphia, and others.

The NRC has asked the representatives of the Department of Veterans Affairs to address the NRC's concerns, as well as the apparent violations, during this predecisional enforcement conference.

The meeting, which will be open to public observation, will be at 1 PM (CDT), at the NRC Region III Office, 2443 Warrenville Road, in Lisle, Ill. Meeting participants have to go to the 2<sup>nd</sup> floor and register with the receptionist. Members of the public who wish to participate by using the NRC's toll-free phone line can contact Viktoria Mitlyng at 630/829-9662 to obtain further details. This conference is being held to obtain information to assist the NRC in making an enforcement decision. No final decisions will be made during this conference.

After the predecisional enforcement conference, the NRC will review the information received during the meeting and the conclusions of the inspections to determine what type of action, if any, will be taken against the Department of Veterans Affairs.

Special inspection reports and other documents associated with the Department of Veterans Affairs issue will be available through the NRC RIII Office of Public Affairs and at the NRC web site: <http://www.nrc.gov/reading-rm/adams/web-based.html>.

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