

**The New York Times**

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears next to any article. Visit [www.nytreprints.com](http://www.nytreprints.com) for samples and additional information. [Order a reprint of this article now.](#)

**January 27, 2010****THE RADIATION BOOM**

## **They Check the Medical Equipment, but Who Is Checking Up on Them?**

**By [WALT BOGDANICH](#) and KRISTINA REBELO**

In the eyes of those who hired him, Norman Fenton was a model medical physicist — diligently protecting patients from the hazards of too much medical radiation or too little.

For nearly three decades, Mr. Fenton inspected radiological equipment, developed safety procedures, drew up shielding plans for X-ray rooms and taught other professionals.

His work was so valued, he assembled a list of 200 clients in five mid-Southern states, including 24 hospitals, 33 doctors' offices, a psychiatric center, 51 dentists, 4 jails, chiropractors, and clinics for sports, pain, women and lithotripsy.

Government regulators and hospitals praised his work. "I can say without reservation that Mr. Fenton is the most proficient physicist I have ever met," one hospital official said.

Mr. Fenton also helped the government prosecute a man who used fake credentials to pose as a medical physicist at more than 50 medical facilities, including Washington's most prestigious hospitals, the [Food and Drug Administration](#), the [Nuclear Regulatory Commission](#), state health departments — even a [C.I.A.](#) medical clinic.

Then, one day in 2007, the United States attorney who had used Mr. Fenton to help prosecute the imposter, Perry Beale, got a surprise call. Mr. Fenton, it turned out, had bought an undergraduate degree from a diploma mill he found on the Internet.

"It was the craziest thing," said the prosecutor, John L. Brownlee, now in private practice. "I've been prosecuting cases for a long time, and this is the only time this ever happened."

While the cases are hardly the same — Mr. Fenton was widely respected by clients for his knowledge of medical physics, and Mr. Beale sometimes charged for inspections he never did — they show the loose regulation of medical physicists.

"I'm a limited-government guy, but when it comes to these kinds of things, clearly the states need

to do a better job of certifying, checking and double-checking,” Mr. Brownlee said. Both men were sentenced to more than four years in prison. Neither man inspected the more technologically advanced machines, like linear accelerators or CT scanners.

Mr. Beale altered his college transcript to show that he had taken science and physics courses, and he submitted a professional certificate in which the real name had been “whited-out” and replaced with his, the government said.

Les Foldesi, who directs the Virginia Division of Radiological Health, said he thought Mr. Beale’s fraud was a fluke. But after the second case, he said, “I became paranoid.”

In fact, the region has seen similar frauds. At one point, Mr. Beale worked for a company run by a man who was later convicted of using a fabricated certificate of accreditation — required under a federal law for companies performing mammograms, Mr. Foldesi said. Mr. Beale, who was not implicated in that fraud, could not be reached for comment.

Mr. Fenton, in an interview from prison, said he helped expose several other frauds while working as a medical physicist. “I just always had a belief that that was your responsibility,” he said.

Mr. Fenton got into trouble because federal law required that he be certified by those states in which he inspected mammography machines. Although he said he had taken more than 700 hours of classroom instruction over 25 years, he never formally got his undergraduate degree, so he bought a fake one. Mr. Fenton received the same prison sentence as Mr. Beale largely because he perjured himself in court when testifying about his credentials.

“Do I have some culpability in this — yes, because I am stupid and naïve,” Mr. Fenton said. “Every time a new state agency said, ‘yeah, you are fine, your credentials are checked,’ and I thought hell’s bells, I must be fine.”

Mr. Foldesi, the Virginia regulator, said he agreed that Mr. Fenton was knowledgeable. “I heard from my staff that Norm did know the nuts and bolts of the job,” he said. But that did not excuse him for lying to employers, he added.

Mr. Foldesi said Virginia made two changes in response to the fraud cases. A bachelor’s degree is now required for placement on the state’s approved list of medical physicists; a high school diploma was required before. Virginia also demanded to see everyone’s credentials. As a result, the state’s approved list suddenly dropped to 100 from 200.

Mr. Foldesi speculated that most dropouts had simply become inactive or lived in other states. Was it possible that some dropouts had fake credentials?

“It wouldn’t surprise me,” he said.

*Rob Harris contributed reporting.*

[Copyright 2010 The New York Times Company](#)

[Privacy Policy](#) | [Terms of Service](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)

---