

Enrolled
House Bill 4008

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care for the Oregon Board of Medical Imaging)

CHAPTER

AN ACT

Relating to medical imaging; creating new provisions; amending ORS 688.415, 688.455 and 688.520; repealing section 33, chapter 833, Oregon Laws 2009; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 33, chapter 833, Oregon Laws 2009, is repealed.

SECTION 2. ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, is amended to read:

688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical imaging modality if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of application:

(a) Is at least 18 years of age;

[(b) Has graduated from an approved school or has otherwise met the examination requirements and policies of a credentialing organization in a medical imaging modality recognized by the board;]

[(c) Holds a credential issued by a credentialing organization in a medical imaging modality recognized by the board;]

(b) Satisfies one of the following requirements:

(A) Has graduated from an approved school;

(B) No later than December 31, 2010, passed the examination of the American Registry of Radiologic Technologists after being sponsored for the examination by the State of Oregon;

(C) Was initially licensed by the Board of Radiologic Technology before 1980 and held an active license from the Board of Medical Imaging on July 1, 2010; or

(D) Meets the requirements for licensing under ORS 688.495;

[(d)] (c) Has undergone a background check to the satisfaction of the board as established in rules adopted by the board;

[(e)] (d) Has not had a license of any type revoked by this state or any state, territory of the United States or nation;

[(f)] (e) Has not had a credential revoked by any credentialing organization; and

[(g)] (f) Meets the standards of ethical conduct established in the professional standards of the corresponding credentialing organization or a medical imaging modality's professional society; and].

[(h) Meets the requirements for licensing as described in ORS 688.495.]

(2) All applicants for a license are subject to the examination policies of their respective credentialing organizations.

(3)(a) The board may consider issuing a new license to a person whose revoked credential has been reinstated by a credentialing organization or whose license of any type has been reinstated by another state.

(b) The board shall consider issuing a new license under this subsection on a case by case basis and shall adopt rules governing issuance of a new license.

SECTION 3. ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, and section 2 of this 2012 Act, is amended to read:

688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical imaging modality if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of application:

(a) Is at least 18 years of age;

(b) Satisfies one of the following requirements:

[*(A) Has graduated from an approved school;*]

(A) Holds a credential issued by a credentialing organization in a medical imaging modality recognized by the board;

(B) No later than December 31, 2010, passed the examination of the American Registry of Radiologic Technologists after being sponsored for the examination by the State of Oregon;

(C) Was initially licensed by the Board of Radiologic Technology before 1980 and held an active license from the Board of Medical Imaging on July 1, 2010; or

(D) Meets the requirements for licensing under ORS 688.495;

(c) Has undergone a background check to the satisfaction of the board as established in rules adopted by the board;

(d) Has not had a license of any type revoked by this state or any state, territory of the United States or nation;

(e) Has not had a credential revoked by any credentialing organization; and

(f) Meets the standards of ethical conduct established in the professional standards of the corresponding credentialing organization or a medical imaging modality's professional society.

(2) All applicants for a license are subject to the examination policies of their respective credentialing organizations.

(3)(a) The board may consider issuing a new license to a person whose revoked credential has been reinstated by a credentialing organization or whose license of any type has been reinstated by another state.

(b) The board shall consider issuing a new license under this subsection on a case by case basis and shall adopt rules governing issuance of a new license.

SECTION 4. ORS 688.415 is amended to read:

688.415. (1) A person may not:

(a) Practice any of the medical imaging modalities, use X-ray equipment or purport to be a medical imaging licensee or a limited X-ray machine operator if the person is not licensed in accordance with the provisions of ORS 688.455 or is not the holder of a limited X-ray machine operator permit issued under ORS 688.515;

(b) Practice any medical imaging modality or as a limited X-ray machine operator under a false or assumed name;

(c) Knowingly employ any person for the purpose of practicing any medical imaging modality or as a limited X-ray machine operator if that person is not licensed or does not hold a valid permit in accordance with the provisions of ORS 688.405 to 688.605;

(d) Obtain or attempt to obtain a license or permit or a renewal of a license or permit by bribery or fraudulent representation; or

(e) Knowingly make a false statement on an application for a license or permit or a renewal for a license or permit.

(2) [*After January 1, 2010,*] A person may not practice a medical imaging modality or purport to be a medical imaging licensee unless the person is licensed in accordance with the provisions of ORS 688.405 to 688.605 or holds a permit issued by the Board of Medical Imaging.

[3) After January 1, 2014, the Board of Medical Imaging may not issue a license to a person unless the person has been awarded a credential by a credentialing organization in a medical imaging modality recognized by the board.]

SECTION 5. ORS 688.520 is amended to read:

688.520. (1) The Board of Medical Imaging may grant inactive status to a person who holds a license or a limited X-ray machine operator permit who notifies the board of the person's:

(a) Intent not to practice a medical imaging modality or subspecialty or as a limited X-ray machine operator; and

(b) Desire to retain the right to reinstate the license or permit subject to board rules.

(2) Only medical imaging licensees who hold a credential issued by a credentialing organization or limited X-ray machine operators in good standing may retain the right to reinstate an inactive license.

(3) The board may, in certain disciplinary circumstances, issue a provisional license or provisional permit that identifies:

(a) The specific provisions of the license and terms of converting the license from provisional status to active status;

(b) The length of issuance; and

(c) The specific issues that resulted in provisional status.

(4) The board may issue a restricted license for the purpose of performing hybrid imaging using a modality for which the medical imaging licensee does not hold either a primary or secondary credential if:

(a) The person holds a credential in one or more of the medical imaging modalities or subspecialties; and

(b) Receives appropriate training in the limited aspects of the other modality as required by the board by rule.

(5) The board may issue an additional license to a person who:

(a) Holds a license issued by the board in one of the primary medical imaging modalities;

(b) Holds and continues to maintain a primary credential issued by a credentialing organization recognized by the board in one of the primary medical imaging modalities; and

(c) Holds and continues to maintain an additional credential issued by a credentialing organization recognized by the board in the secondary medical imaging modality for which a license is sought.

(6)(a) The board may issue a student license to a person enrolled in an approved school for the purpose of allowing the person to complete clinical training requirements.

(b) An applicant for a student license must meet *[all general licensing requirements as provided in]* **the requirements of ORS 688.455 (1)(a) and (c) to (f)**.

(c) The board shall process student applications and shall issue student licenses at reduced fees as provided in rules adopted by the board.

(d) A student license is valid only while the student is enrolled in an approved school.

(7)(a) The board may issue a temporary license or permit upon satisfactory application and payment of a registration fee established by the board by rule.

(b) Medical imaging license applicants, students and graduates may be issued temporary licenses pertaining to a specific modality or subspecialty without examination for a limited time period as determined by the board by rule.

(c) Limited X-ray machine operator permit applicants may be issued temporary permits for the purpose of completing clinical education requirements under the supervision of a licensed physician:

(A) Upon successful completion of the core module examination;

(B) For an initial period of six months; and

(C) For a single six-month renewal period, at the discretion of the board.

(8) The board may issue licenses and permits for periods other than 24 months. The fee for a license or permit issued for any period other than 24 months shall be prorated on a monthly basis.

SECTION 6. Notwithstanding ORS 688.455, the Board of Medical Imaging may issue a license to a person to practice diagnostic medical sonography, magnetic resonance imaging or nuclear medicine technology, or renew a license issued under this section, if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of the application:

(1) Practices diagnostic medical sonography, magnetic resonance imaging or nuclear medicine technology; and

(2) Satisfies the requirements of ORS 688.455 (1)(a) and (c) to (f).

SECTION 7. The amendments to ORS 688.455 by section 3 of this 2012 Act become operative on January 1, 2014.

SECTION 8. Section 6 of this 2012 Act applies to:

(1) Applications for new licenses submitted on or after July 1, 2010, and on or before June 30, 2011.

(2) Applications for renewal of a license issued under section 6 of this 2012 Act submitted on or after July 1, 2010.

SECTION 9. Section 6 of this 2012 Act is repealed on January 1, 2014.

SECTION 10. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Passed by House February 6, 2012

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate February 20, 2012

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2012

Approved:

.....M.,....., 2012

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2012

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Kate Brown, Secretary of State