

# Enrolled House Bill 2245

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Board of Radiologic Technology)

CHAPTER .....

## AN ACT

Relating to medical imaging; creating new provisions; amending ORS 31.740, 58.015, 67.005, 192.519, 433.443, 676.160, 688.405, 688.415, 688.425, 688.435, 688.445, 688.455, 688.480, 688.485, 688.495, 688.505, 688.515, 688.520, 688.525, 688.545, 688.555, 688.557, 688.560, 688.565, 688.585, 688.595, 688.600, 688.605, 688.915 and 746.600; repealing ORS 688.465 and 688.475; and prescribing an effective date.

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

**SECTION 1.** ORS 688.405 is amended to read:  
688.405. As used in ORS 688.405 to 688.605:

(1) [*“Approved school of radiologic technology” means a school of radiologic technology accredited by the Joint Review Committee on Education in Radiologic Technology or by a regional post-secondary accreditation body, whose graduates are qualified to sit for the American Registry of Radiologic Technologists examination*] **“Approved school” means a school accredited in one of the medical imaging modalities or subspecialties by a national post-secondary accreditation body and whose graduates are qualified to sit for a credentialing examination recognized by the Board of Medical Imaging in the graduate’s medical imaging modality or subspecialty.**

[*(2) “Board” means the Board of Radiologic Technology established by ORS 688.405 to 688.605.*]

[*(3) “Diagnostic radiologic technologist” means a person other than a licensed practitioner who actually handles X-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner.*]

[*(4) “Inactive status” means the status granted by the board to a licensee or limited permit holder who has notified the board of the intent not to practice radiologic technology and of the desire to retain the right to reinstate the license or limited permit subject to board rule.*]

**(2) “Clinical instructor” means an individual assigned to supervise students in a clinical setting who is:**

**(a) A licensed physician who routinely supervises the medical imaging modality being studied by a student; or**

**(b) An individual licensed by the board and credentialed by a credentialing organization in the medical imaging modality being studied by a student.**

**(3) “Credential” means the recognition awarded to an individual who meets the requirements of a credentialing organization.**

**(4) “Credentialing organization” means a nationally recognized organization that issues credentials through testing or evaluations that determine that a person meets defined standards for training and competence in a medical imaging modality.**

(5) **“Diagnostic medical sonography”** means the use of nonionizing high frequency sound waves with specialized equipment to direct the sound waves into areas of the human body to generate images for the assessment and diagnosis of various medical conditions.

(6) **“Graduate”** means an individual who has completed the didactic and clinical education at an approved school, including documented clinical proficiency, but who has not met all requirements for credentialing by a credentialing organization.

(7) **“Hybrid imaging or radiation therapy equipment”** means equipment that combines more than one medical imaging modality into a single device.

(8) **“Ionizing radiation”** means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons or other particles capable of producing ions. **“Ionizing radiation”** does not include radiation such as radiofrequency or microwaves, visible, infrared or ultraviolet light or ultrasound.

(9) **“License”** means a license issued by the board to practice one or more of the medical imaging modalities.

(10) **“Licensed physician”** means a physician or surgeon licensed in Oregon.

*[(5) “Licensed practitioner” means a person licensed or otherwise authorized by Oregon law to practice one of the healing arts.]*

*[(6) “License” means a license granted and issued by the board to practice radiologic technology.]*

*[(7) “Limited permit course of study” means a board approved set of didactical and clinical experience elements designed to prepare a student for obtaining practical experience and for passing the limited permit examination described in ORS 688.515.]*

*[(8) “Limited permit holder” means a person other than a radiation therapist or a diagnostic radiologic technologist who handles X-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner and who has met the requirements of ORS 688.515.]*

*[(9) “Radiation oncologist” means a physician who is either certified or eligible for certification in therapeutic radiology by the American Board of Radiology or its equivalent or who is certified in general radiology by the American Board of Radiology and who devotes all professional time to the investigation and management of neoplastic disorders inclusive of teaching such investigation and management.]*

(11) **“Limited X-ray machine operator”** means a person other than a licensed physician who performs diagnostic X-ray procedures under the supervision of a licensed physician using equipment that emits external ionizing radiation resulting in diagnostic radiographic images that are limited to select human anatomical sites.

(12) **“Limited X-ray machine operator course of study”** means a board-approved set of didactic and clinical experience elements designed to prepare a person for gaining practical experience and for passing the limited X-ray machine operator examination.

(13) **“Magnetic resonance imaging”** means the process by which certain nuclei, when placed in a magnetic field, absorb and release energy in the form of radio waves that are analyzed by a computer thereby producing an image of human anatomy and physiological information.

(14) **“Medical imaging”** means the use of specialized equipment for the production of visual representations of human anatomy, tissues or organs for use in clinical diagnosis and treatment and includes but is not limited to X-ray, single photon emission, positron emission technology, ultrasound, magnetic fields, visible light and radio waves.

(15) **“Medical imaging licensee”** means a person other than a licensed physician or a limited X-ray machine operator who holds a valid license and operates medical imaging equipment for diagnostic or therapeutic purposes under the supervision of a licensed physician.

(16) **“Medical imaging modality”** means:

- (a) Diagnostic medical sonography and all its subspecialties;
- (b) Magnetic resonance imaging and all its subspecialties;

- (c) Nuclear medicine technology and all its subspecialties;
- (d) Radiation therapy and all its subspecialties; or
- (e) Radiography and all its subspecialties.

(17) “Nuclear medicine technology” means the specialized equipment that measures radiation emitted by radionuclides, including counters and cameras that form medical images for interpretation by a physician, or assists in therapeutic use of radionuclides.

[(10) “Radiation therapist” means a person, other than a licensed practitioner, who handles ionizing radiation in the process of applying radiation on a human being for therapeutic purposes under the supervision of a licensed practitioner.]

[(11)] (18) “Radiation therapy” means the use of ionizing radiation [upon] on a human being for therapeutic purposes.

[(12)] (19) [“Radiologic technologist”] “Radiographer” means a person other than a licensed [practitioner who practices radiologic technology as a:] physician who performs a comprehensive set of diagnostic radiographic procedures under the supervision of a licensed physician using external ionizing radiation to produce radiographic, fluoroscopic or digital images.

[(a) Diagnostic radiologic technologist; or]

[(b) Radiation therapist.]

[(13)] (20) [“Radiologic technology”] “Radiography” means the use of ionizing radiation [upon a] to produce radiographic, fluoroscopic or digital images of human [being] anatomy for diagnostic [or therapeutic] purposes.

[(14) “Radiologist” means a person duly licensed to practice medicine in the State of Oregon and who is certified by the American Board of Radiology or by the American Osteopathic Board of Radiology.]

(21) “Radiologist” means a person licensed to practice medicine in the State of Oregon who is certified by or board eligible for certification by the American Board of Radiology, the American Osteopathic Association, the Royal College of Radiologists or the Royal College of Physicians and Surgeons of Canada.

(22) “Student” means an individual enrolled in:

(a) An approved school; or

(b) A limited X-ray machine operator course of study.

[(15)] (23) “Supervision” means the act of monitoring and reviewing the performance of [diagnostic X-ray technology] medical imaging licensees or limited X-ray machine operators through [periodic inspection] regular inspections of work produced, regardless of whether [or not] the supervising [licensed practitioner] individual is continuously physically present during the [performance of such diagnostic X-ray technology] use of medical imaging equipment or X-ray equipment.

**SECTION 2.** ORS 688.415 is amended to read:

688.415. (1) [No person shall] **A person may not:**

(a) Practice [radiologic technology] 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 [688.405 to 688.605] **688.455** or is not the holder of a **limited X-ray machine operator** permit issued under ORS 688.515;

(b) Practice [radiologic technology] 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 [radiologic technology] 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, 1979, no person shall]* **After January 1, 2010, a person may not practice [radiologic technology] a medical imaging modality or purport to be a [radiologic technologist] 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 *[Radiologic Technology]* **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 3.** ORS 688.425 is amended to read:

688.425. (1) A person licensed **in one of the medical imaging modalities** in accordance with the provisions of ORS 688.405 to 688.605 may use the *[title of “Licensed Radiologic Technologist” or the letters “LRT.” A person licensed as a radiologic technologist in the therapeutic field may use the title of “Licensed Radiation Therapy Technologist” or the letters “LRTT.”]* **identifying titles and initials of the person’s credentialing organization.**

*[(2) No person shall use these titles or any abbreviation of these titles or any title which is substantially the same as these titles unless the person is authorized under subsection (1) of this section.]*

(2) **A person who holds a permit as a limited X-ray machine operator issued under ORS 688.515 may use the title of “Limited X-ray Machine Operator” or the letters “LXMO.”**

(3) **A person may not use credential titles, abbreviations of credential titles or initials resembling credential titles unless the person is authorized as provided in this section.**

**SECTION 4.** ORS 688.435 is amended to read:

688.435. The provisions of ORS 688.405 to 688.605 *[shall]* **do not apply to the following persons:**

(1) Persons who operate dental X-ray equipment for the sole purpose of oral radiography.

*[(2) Students in approved schools of radiologic technology as defined in ORS 688.405 while practicing radiologic technology under the supervision of an instructor who is either a radiologist or a licensed radiologic technologist.]*

*[(3)]* (2) *[A licensed practitioner or students in approved schools leading to licensure as a practitioner of one of the healing arts]* **Students in approved schools, while practicing [radiologic technology] one of the medical imaging modalities or subspecialties** under the supervision of *[an]* **the school’s assigned clinical instructor** *[who is either a licensed practitioner or a licensed radiologic technologist].*

(3) **Specific licensed health care providers, other than physicians, who use sonographic equipment within their lawful scope of practice.**

(4) **Licensed physicians.**

**SECTION 5.** ORS 688.445 is amended to read:

688.445. (1) The Board of *[Radiologic Technology]* **Medical Imaging** shall issue:

(a) A license to practice *[as a radiologic technologist]* **a specified medical imaging modality** in the State of Oregon to each person who meets the qualifications for *[licensure]* **a license** as provided in ORS *[688.405 to 688.605. Such]* **688.455. The license shall [state] identify the [category or categories] modality or subspecialty** for which the qualifications have been met<sup>1</sup>, *[which include diagnostic radiologic technologist and radiation therapist].*

(b)(A) **A permit to practice as a limited X-ray machine operator in the State of Oregon to each person who meets the qualifications to hold that permit as provided in ORS 688.515. The permit shall identify the category for which the qualifications have been met.**

(B) **The categories are skull and sinuses, spine, chest, extremities, podiatric and bone densitometry.**

(2) **In order to remain active, a license or permit must be renewed every two years [on] prior to the first day [of the month of the anniversary date] of the licensee’s [birthday] birth month or as otherwise provided by the board by rule.**

(3) *[Any license]* **A license or permit** that is not renewed as provided in subsection (2) of this section expires. The board may renew an expired license **or permit** upon payment of a delinquent fee in an amount set by the board plus the biennial renewal fee. *[However, no such]*

(a) A late renewal may **not** be granted more than [*five*] **two** years after a license **or permit** has expired.

(b) A late renewal may **not be granted to any medical imaging licensee not credentialed by a credentialing organization.**

(4) [A license shall be renewed upon application to the board which is accompanied by a fee in an amount set by the board.] **The board shall renew the license or permit of a person who meets the requirements under ORS 688.455 or 688.515 upon receipt of:**

(a) **An application accompanied by a fee in an amount established by the board; and**

(b) **Supporting evidence of appropriate continuing education as defined by the board by rule.**

(5) A license [*which*] **or permit that** has been expired for more than [*five*] **two** years may be reissued only in the manner prescribed for an original license **or permit.**

**SECTION 6.** ORS 688.455 is amended to read:

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

[*1*] (a) Is at least 18 years of age;

[*2*] (b) Has [*successfully completed a four-year course of study in a secondary school approved by the board of education of the state in which the school is located or has passed an approved equivalency test; and*] **graduated from an approved school;**

(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;**

(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**

[*3*] (g) Meets the requirements for licensing as described in ORS [*688.465, 688.475 and*] 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 7.** ORS 688.455, as amended by section 6 of this 2009 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) **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;**

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

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

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

[(f)] **(g)** 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

[(g)] **(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 8.** ORS 688.480 is amended to read:

688.480. [(1) *Persons who operate computed tomography equipment not involving the use of radionuclides for diagnostic purposes must be certified by the American Registry of Radiologic Technologists.*]

[(2) *Persons who operate computed tomography equipment combined with a positron emission tomography imaging system for diagnostic purposes shall adhere to rules adopted by the Board of Radiologic Technology.*] **Persons who operate hybrid imaging or radiation therapy equipment incorporating more than one medical imaging modality shall:**

**(1) Hold a primary credential in at least one of the modalities in use.**

**(2) Be a medical imaging licensee in at least one of the modalities in use and have a restricted license in all other modalities incorporated into the hybrid imaging or radiation therapy equipment in accordance with rules adopted by the Board of Medical Imaging.**

**SECTION 9.** ORS 688.485 is amended to read:

688.485. (1) The Board of [*Radiologic Technology may conduct one or more*] **Medical Imaging shall oversee examinations given** each year [*at such times and places as the board may determine*] **for a limited X-ray machine operator permit.**

(2) [*An*] **A limited X-ray machine operator permit** applicant who fails to pass an examination may take additional examinations [*scheduled*] **as required** by the board **by rule.**

(3) [*A fee shall be charged for*] **The board shall charge a fee for oversight of limited X-ray machine operator permit** examinations [*as*] **in an amount** determined by the board **by rule.**

(4) **All limited X-ray machine operator permit applicants are subject to the rules of a board-approved testing agency including, but not limited to, testing schedules and frequency, fees, application procedures and conduct.**

**SECTION 10.** ORS 688.495 is amended to read:

688.495. The Board of [*Radiologic Technology*] **Medical Imaging** may license as a [*radiologic technologist*] **radiographer**, without examination, any person who:

(1) Applies for a license as provided in ORS 688.455; and

(2) On the date of making application is a [*radiologic technologist*] **radiographer** under the laws of any other state, territory of the United States or nation, if the requirements for licensure in that state, territory or nation are not less **stringent** than those required under ORS 688.405 to 688.605 and the applicant passed a written examination in that state, territory or nation that is comparable to the examination required in this state for the category or categories for which licensure is sought.

**SECTION 11.** ORS 688.505 is amended to read:

688.505. [*The Board of Radiologic Technology shall require each person holding a license or permit under ORS 688.405 to 688.605 to submit, at the time the person submits the biennial renewal fee, evidence of continuing education in radiologic technology pursuant to rules of the board. Continuing education must be pertinent to the subject area of radiologic technology for which the license or permit was issued. Evidence of current American Registry of Radiologic Technologists certification may be used as valid documentation of continuing education required by this section.*]

(1) At the time a biennial renewal fee is submitted, the Board of Medical Imaging shall require each licensee and permittee to submit evidence of continuing education pertinent to the license or permit.

(2) A holder of a limited X-ray machine operator permit shall submit evidence of satisfying the number of hours of continuing education as established by the board by rule.

(3) A holder of a license may submit evidence of a current credential issued by the credentialing organization if that organization requires continuing education for renewal of those credentials.

(4) A holder of a license with a credential from a credentialing organization that does not require continuing education for renewal shall submit evidence of continuing education equal to other medical imaging licensees as required by rule of the board.

**SECTION 12.** ORS 688.515 is amended to read:

688.515. (1) The Board of [*Radiologic Technology shall*] **Medical Imaging shall** issue a limited **X-ray machine operator** permit to an applicant to practice [*in a limited area of radiologic technology if such*] **under the supervision of a licensed physician, a licensed nurse practitioner or a licensed physician assistant if** the applicant meets the requirements [*for a limited permit*] as provided in this section. [*Such*] A limited **X-ray machine operator** permit shall state the category or categories for which the applicant has demonstrated competence and shall be limited to one of the categories listed below or as established by the board by rule:

[*(a) Upper extremities;*]

[*(b) Pelvis or lower extremities, or both;*]

**(a) Skull and sinuses;**

**(b) Spine;**

(c) Chest [*and ribs*];

**(d) Extremities;**

[*(d) Spine;*]

[*(e) Head;*]

[*(f) Abdomen; or*]

[*(g) Foot and ankle for podiatric use.*]

**(e) Podiatric; or**

**(f) Bone densitometry.**

(2) Limited **X-ray machine operator** permits [*shall*] **may not be issued for fluoroscopy, bony thorax studies, abdominal studies, contrast studies or special head studies such as tomography, radiation therapy or any of the other medical imaging modalities or subspecialties other than the categories listed in subsection (1) of this section or as established by the board by rule.**

(3) Each applicant for a limited **X-ray machine operator** permit shall:

(a) Make an application in writing;

(b) Pay an application fee in an amount set by the board;

(c) Be at least 18 years of age;

(d) Have successfully passed a board-approved course of instruction in radiation use and safety consisting of the number of hours of instruction required by the board by rule;

(e) Have successfully completed a course of instruction approved by the board and taught by a board-approved, licensed[, *registered radiologic technologist*] **radiographer** in laboratory practice specific to each category for which the applicant seeks a limited **X-ray machine operator** permit, with the instructor's certifying to the board that the applicant has completed the course in those categories applied for;

(f) Have successfully completed a practical experience program approved by the board, specific to each category for which the applicant seeks a limited **X-ray machine operator** permit. Such program shall include operation of an energized X-ray machine under the supervision of a [*registered radiologic technologist*] **radiographer**;

(g) Have paid the examination fee set by board rule to reflect the actual cost of the examination;  
[*and*]

(h) Have successfully passed an *[oral or written]* examination~~, or both, conducted by or~~ approved by the board in *[radiation use and safety]* **the core module as defined in rules adopted by the board**, and in those categories in which the applicant seeks a limited **X-ray machine operator** permit[.];

(i) **Have undergone a background check to the satisfaction of the board as established in rules adopted by the board;**

(j) **Not have had any type of license or permit revoked by this state or any state, territory of the United States or nation; and**

(k) **Meet the standards of ethical conduct established in the professional standards of a credentialing organization or a medical imaging modality's professional society.**

(4) Upon meeting the requirements of this section, the board shall issue a limited **X-ray machine operator** permit to the applicant. *[A] The limited X-ray machine operator permit [shall be renewed every two years on the first day of the month of the anniversary date of the permittee's birthday subject to ORS 688.505 and payment of a fee in an amount set by the board. Any limited permit that is not renewed as provided in this subsection expires. The board may renew any expired limited permit upon payment of a delinquent fee in an amount set by the board plus the biennial renewal fee] is subject to the renewal procedures described in ORS 688.445.*

(5) Every person issued a limited **X-ray machine operator** permit shall notify the board in writing of the name of each licensed *[practitioner]* **physician** supervising *[permittee's]* **the person's** performance of diagnostic *[X-ray technology]* **radiography** and *[shall]* **may** only perform diagnostic *[X-ray technology]* **radiography** while being supervised by a licensed *[practitioner]* **physician**. In the event *[permittee]* **the person** subsequently is supervised by a licensed *[practitioner]* **physician** other than the *[person]* **physician** whose name was initially furnished to the board, the *[board shall be immediately notified]* **person shall immediately notify the board** in writing.

*[(6) A temporary license or limited permit may be issued by the board without examination to a graduate of or a student enrolled in an approved school of radiologic technology or limited permit course of instruction upon application and payment of a registration fee in an amount set by the board if the person practices as a diagnostic radiologic technologist or radiation therapist under the supervision of a licensed practitioner. A temporary license or limited permit is valid for a period of six months and may be renewed by the board for one six-month period only.]*

*[(7) At the discretion of the board a temporary limited permit may be issued by the board without examination to a person upon application and payment of a registration fee in an amount set by the board if the person practices diagnostic radiologic technology under the supervision of a licensed practitioner and if the person is enrolled in an approved course of instruction in radiation use and safety. Such a temporary limited permit shall be valid for a period of three months and shall not be renewed by the board except as provided under subsection (6) of this section.]*

*[(8) In addition to the temporary license or limited permit authorized by this section, the board may authorize a permit authorizing its holder to be an X-ray bone densitometry operator. The operator must meet standards of training established by the board by rule. The applicant shall pay a nonrefundable fee fixed by the board and the permit may be issued for a period of two years and may be renewed upon payment of a fixed renewal fee.]*

**(6) Limited X-ray machine operators must meet the standards of ethical conduct equal to those of a licensed radiographer.**

**SECTION 13.** 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 ORS 688.455.

(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 [of *Radiologic Technology*] 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 14.** ORS 688.525 is amended to read:

688.525. (1) The Board of [*Radiologic Technology*] **Medical Imaging**, after notice of and hearing as required under the contested case procedures of ORS chapter 183, may refuse to **issue a license or permit to** any applicant, may refuse to renew the license [*or permit*] of any [*radiologic technologist*] **medical imaging licensee or the permit of a limited X-ray machine operator** or may suspend or revoke the license or permit of a person who:

(a) **Has been disciplined by a credentialing organization or a licensing board in this state or in another state, territory of the United States or nation for acts by the holder of a li-**

**cense or a permit that are similar to acts described in this subsection. A certified copy of the order of discipline constitutes conclusive evidence of the discipline.**

[(a)] **(b)** Is chemically dependent.

[(b)] **(c)** In the judgment of the board is guilty of unethical or unprofessional conduct in the practice of [radiologic technology] **a medical imaging modality or as a limited X-ray machine operator.**

[(c)] **(d)** Has been convicted of any crime [where the crime] **that bears a demonstrable relationship to the practice of [radiologic technology] a medical imaging modality or as a limited X-ray machine operator, or otherwise reflects adversely on fitness to practice.**

[(d)] **(e)** In the judgment of the board, [is guilty of] **has acted with** gross negligence in the practice of [radiologic technology] **a medical imaging modality or as a limited X-ray machine operator.**

[(e)] **(f)** Has been adjudged incompetent by a court of law and thereafter has not been [lawfully] declared competent.

[(f)] **(g)** Has undertaken to act as a [radiologic technologist] **medical imaging licensee or a limited X-ray machine operator** independently of the supervision of a [practitioner licensed by the State of Oregon to practice one of the healing arts] **licensed physician.**

[(g)] **(h)** Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 by fraud or material misrepresentation.

(2) Upon receipt of a complaint under ORS 688.405 to 688.605, the board shall conduct an investigation as described under ORS 676.165.

(3) Information that the board obtains as part of an investigation into licensee, **permittee** or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee, **permittee** or applicant conduct is confidential as provided under ORS 676.175.

**SECTION 15.** ORS 688.545 is amended to read:

688.545. (1)(a) There is created [in the Department of Human Services] a Board of [Radiologic Technology] **Medical Imaging** consisting of [nine] **12** members who shall be appointed by the Governor. Each member of the board [shall] **must** be a citizen of the United States and a resident of the State of Oregon. Each appointed member is entitled to vote.

(b) Of the members of the board:

[(A) One shall be a radiologist;]

[(B) At least one shall be a lay person;]

[(C) At least one shall be a limited permit holder; and]

**(A) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

**(B) Three persons shall be members of the general public; and**

[(D)] **(C)** [At least] Five shall be [licensed] practicing [radiologic technologists, one of whom shall be a radiation therapist.] **medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405.**

(2) The section manager of the Radiation Protection Services Section of the Department of Human Services, or a person appointed by the section manager, [shall be] **is** an advisory member of the board for the purpose of providing counsel and [shall not be] **is not** entitled to vote.

(3) The term of office of the members of the board [shall be] **is** three years and a member may be reappointed to serve not more than two **consecutive** full terms.

(4) Members of the board [shall be] **are** entitled to compensation and expenses as provided in ORS 292.495.

(5) The board shall annually elect a board chairperson and a vice chairperson from the **voting** members of the board.

(6) For the purpose of transacting its business, the board [shall] **must** meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place

and purpose of any special meeting [*shall*] **must** be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(7) [*Five*] **A simple majority of** members of the board [*shall*] constitute a quorum for the transaction of business at any meeting. [*Five*] **A simple majority of** affirmative votes [*shall be*] **are** required to take action.

**SECTION 16.** ORS 688.555 is amended to read:

688.555. (1) The Board of [*Radiologic Technology shall have the power to adopt such rules as may be*] **Medical Imaging shall adopt rules that are** necessary to carry out the provisions of ORS 688.405 to 688.605 **and 688.915.**

(2) In adopting rules, the board shall act with benefit of the advice of the Attorney General of the State of Oregon.

(3) The board may appoint and fix the compensation of an executive [*officer*] **director** subject to ORS 240.245 and include reimbursement for actual and necessary travel expenses incurred in the performance of the duties of the [*officer*] **director.**

**SECTION 17.** ORS 688.557 is amended to read:

688.557. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Board of [*Radiologic Technology*] **Medical Imaging** may require the fingerprints of a person who:

(1) Is applying for a license, or renewal of a license, under ORS 688.415;

(2)(a) Is employed or applying for employment by the board or provides services or seeks to provide services to the board as a contractor, vendor or volunteer; and

(b) Is, or will be, working or providing services in a position in which the person has or will have access to information that is confidential under state or federal laws, rules or regulations; or

(3) Is under investigation by the board pursuant to ORS 688.525.

**SECTION 18.** ORS 688.560 is amended to read:

688.560. The Board of [*Radiologic Technology*] **Medical Imaging** by rule shall establish and collect reasonable fees [*for the following services*] **for:**

(1) [*Administration*] **Oversight** of limited **X-ray machine operator** permit examinations.

(2) Special interpretation of examination results.

(3) Duplication of permits, **licenses** and wall certificates.

(4) Reproduction of records.

(5) **Application processing**, licensing and permitting.

(6) **Inspections of limited X-ray machine operator schools.**

**SECTION 19.** ORS 688.565 is amended to read:

688.565. (1) The Board of [*Radiologic Technology shall*] **Medical Imaging shall** approve programs of continuing education in [*radiologic technology*] **medical imaging modalities and for limited X-ray machine operators** to meet the requirements of ORS 688.505.

(2) **The board may seek volunteers from the various medical imaging modalities to review and assist in the approval of continuing education credits for their respective medical imaging modalities.**

(3) **Continuing education programs for limited X-ray machine operators shall be reviewed by a radiographer.**

**SECTION 20.** ORS 688.585 is amended to read:

688.585. (1) The Board of [*Radiologic Technology*] **Medical Imaging** Account is established in the State Treasury, separate and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, contributions and other moneys received by the Board of [*Radiologic Technology shall*] **Medical Imaging must** be paid into the State Treasury and credited to the account. All moneys in the account are continuously appropriated to the board to be used by the board for purposes of ORS 688.405 to 688.605. Any interest or other income from moneys in the account shall be credited to the account.

(2) The board shall keep a record of all moneys deposited in the account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program for which each withdrawal is charged.

**SECTION 21.** ORS 688.595 is amended to read:

688.595. The section manager of the Radiation Protection Services Section of the Department of Human Services shall enforce the provisions of ORS 688.405 to 688.605 and shall conduct, under the direction of the Board of [*Radiologic Technology*] **Medical Imaging**, inspections in furtherance of the purposes of ORS 688.405 to 688.605.

**SECTION 22.** ORS 688.600 is amended to read:

688.600. (1) Upon [*the complaint of any citizen of this state*] **receipt of a complaint**, or upon its own motion, the Board of [*Radiologic Technology*] **Medical Imaging** may investigate any alleged violation of ORS 688.405 to 688.605.

(2) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories; [*and*]

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation[.];

**(f) Require a person to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense when the board has reasonable grounds to believe that the person is or may be unable to practice a medical imaging modality with reasonable skill and safety or may constitute a risk to the public, with the results being reported to the board. The report may not be disclosed to the public but may be received into evidence in a proceeding between the board and the person when the mental, physical, chemical dependency or competency of the person is at issue, notwithstanding any claim of privilege by the person; and**

[(3)] **(g)** [*In exercising its authority under subsection (2) of this section, the board may*] Issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon.

**(3) For the purpose of disciplinary issues concerning scope of practice and standards of practice, the board may form temporary peer review committees in the relevant modality or subspecialty to advise the board of appropriate action. The composition, authority and responsibilities of a temporary committee must be defined in rules adopted by the board.**

**SECTION 23.** ORS 688.605 is amended to read:

688.605. (1) [*Any radiologic technologist,*] Any person [*licensed*] **issued a license or permit** by the Board of [*Radiologic Technology or any other organization representing radiologic technologists shall*] **Medical Imaging or any employer of a licensee or permittee shall**, and any other person may, report to the board any suspected violation of ORS 688.405 to 688.605 or any rule adopted pursuant to ORS 688.555.

(2) Any information that the board obtains as the basis of a complaint or in the investigation [*thereof*] **of a complaint** is confidential as provided under ORS 676.175.

(3) Any person who reports or provides information to the board and who does so in good faith [*shall not be*] **is not** subject to an action for civil damages as a result [*thereof*] **of reporting or providing information.**

(4) A claim of a violation of ORS 688.405 to 688.605 shall be reported to the board and shall be substantiated by satisfactory evidence. If the board finds that a violation has occurred, the board shall, subject to the conditions of ORS 676.175, report the violation to the Attorney General for prosecution.

**SECTION 24.** ORS 688.915 is amended to read:

688.915. (1) In addition to any other sanction authorized by law, the Board of [Radiologic Technology] **Medical Imaging** may impose a civil penalty not to exceed \$1,000 **per occurrence** for any violation of ORS 688.405 to 688.605, or of any rules [promulgated pursuant to] **adopted under** those provisions. The penalty may be imposed whether or not the person incurring the penalty has been licensed or been issued a permit under ORS 688.405 to 688.605, or has made application for a license or permit under those sections. A civil penalty may be imposed in lieu of a refusal to grant or renew a license or permit, or a suspension or revocation of a license or permit, under ORS 688.525.

(2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

(3) All penalties recovered under this section shall be credited to the Board of [Radiologic Technology] **Medical Imaging** Account established under ORS 688.585.

**SECTION 25.** ORS 676.160 is amended to read:

676.160. As used in ORS 676.165 to 676.180, "health professional regulatory board" means the:

- (1) State Board of Examiners for Speech-Language Pathology and Audiology;
- (2) State Board of Chiropractic Examiners;
- (3) State Board of Clinical Social Workers;
- (4) Oregon Board of Licensed Professional Counselors and Therapists;
- (5) Oregon Board of Dentistry;
- (6) Board of Examiners of Licensed Dietitians;
- (7) State Board of Massage Therapists;
- (8) State Mortuary and Cemetery Board;
- (9) Board of Naturopathic Examiners;
- (10) Oregon State Board of Nursing;
- (11) Board of Examiners of Nursing Home Administrators;
- (12) Oregon Board of Optometry;
- (13) State Board of Pharmacy;
- (14) Oregon Medical Board;
- (15) Occupational Therapy Licensing Board;
- (16) Physical Therapist Licensing Board;
- (17) State Board of Psychologist Examiners;
- (18) Board of [Radiologic Technology] **Medical Imaging**;
- (19) Oregon State Veterinary Medical Examining Board; and
- (20) Department of Human Services to the extent that the department certifies emergency medical technicians.

**SECTION 26.** ORS 31.740 is amended to read:

31.740. Punitive damages [shall] **may** not be awarded against a health practitioner if:

- (1) The health practitioner is licensed, registered or certified as:
  - (a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;
  - (b) An occupational therapist under ORS 675.230 to 675.300;
  - (c) A licensed clinical social worker under ORS 675.530, 675.540 to 675.560, 675.580 and 675.585;
  - (d) A physician under ORS 677.100 to 677.228;
  - (e) An emergency medical technician under ORS chapter 682;
  - (f) A podiatric physician and surgeon under ORS 677.820 to 677.840;
  - (g) A nurse under ORS 678.040 to 678.101;
  - (h) A nurse practitioner under ORS 678.375 to 678.390;
  - (i) A dentist under ORS 679.060 to 679.180;
  - (j) A dental hygienist under ORS 680.040 to 680.100;
  - (k) A denturist under ORS 680.515 to 680.535;
  - (L) An audiologist or speech-language pathologist under ORS 681.250 to 681.350;
  - (m) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;
  - (n) A chiropractor under ORS 684.040 to 684.105;
  - (o) A naturopath under ORS 685.060 to 685.110, 685.125 and 685.135;
  - (p) A massage therapist under ORS 687.021 to 687.086;

- (q) A physical therapist under ORS 688.040 to 688.145;
  - (r) A [*radiologic technician*] **medical imaging licensee** under ORS 688.445 to 688.525;
  - (s) A pharmacist under ORS 689.151 and 689.225 to 689.285; or
  - (t) A physician assistant as provided by ORS 677.505 to 677.525; and
- (2) The health practitioner was engaged in conduct regulated by the license, registration or certificate issued by the appropriate governing body and was acting within the scope of practice for which the license, registration or certificate was issued and without malice.

**SECTION 27.** ORS 58.015 is amended to read:

58.015. As used in this chapter, unless the context requires otherwise:

- (1) “Foreign professional corporation” means a professional corporation organized under laws other than the laws of this state.
- (2) “License” includes a license, certificate of registration, permit or other legal authorization required by law as a condition precedent to the rendering of professional service or services within this state.
- (3) “Oregon Business Corporation Act” has the same meaning given that term in ORS 60.951.
- (4) “Practicing medicine” has the meaning given that term in ORS 677.085.
- (5) “Professional” means:
  - (a) Accountants licensed under ORS 673.010 to 673.457 or the laws of another state;
  - (b) Architects licensed under ORS 671.010 to 671.220 or the laws of another state;
  - (c) Attorneys licensed under ORS 9.005 to 9.755 or the laws of another state;
  - (d) Chiropractors licensed under ORS chapter 684 or the laws of another state;
  - (e) Dentists licensed under ORS chapter 679 or the laws of another state;
  - (f) Landscape architects licensed under ORS 671.310 to 671.459 or the laws of another state;
  - (g) Naturopaths licensed under ORS chapter 685 or the laws of another state;
  - (h) Nurse practitioners licensed under ORS 678.010 to 678.410 or the laws of another state;
  - (i) Psychologists licensed under ORS 675.010 to 675.150 or the laws of another state;
  - (j) Physicians licensed under ORS chapter 677 or the laws of another state;
  - (k) Podiatrists licensed under ORS chapter 677 or the laws of another state;
  - (L) [*Radiologic technologists licensed*] **Medical imaging licensees** under ORS 688.405 to 688.605 or the laws of another state;
  - (m) Real estate appraisers licensed or certified under ORS chapter 674 or the laws of another state; and
  - (n) Other persons providing to the public types of personal service or services substantially similar to those listed in paragraphs (a) to (m) of this subsection that may be lawfully rendered only pursuant to a license.
- (6) “Professional corporation” or “domestic professional corporation” means a corporation organized under this chapter for the specific purpose of rendering professional service or services and for such other purposes provided under this chapter.
- (7) “Professional service” means personal service or services rendered in this state to the public which may be lawfully rendered only pursuant to a license by a professional.
- (8) “Regulatory board” means the governmental agency of the State of Oregon required or authorized by law to license and regulate the rendering of a professional service or services for which a professional corporation is organized.

**SECTION 28.** ORS 67.005 is amended to read:

67.005. As used in this chapter:

- (1) “Business” includes every trade, occupation, profession and commercial activity.
- (2) “Debtor in bankruptcy” means a person who is the subject of:
  - (a) An order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application; or
  - (b) A comparable order under federal, state or foreign law governing insolvency.
- (3) “Dissociated partner” means a partner with respect to whom an event specified in ORS 67.220 has occurred.

(4) "Distribution" means a transfer of money or other property from a partnership to a partner in the partner's capacity as a partner or to the partner's transferee.

(5) "Foreign limited liability partnership" means a partnership that:

(a) Is formed under laws other than the law of this state; and

(b) Has the status of a limited liability partnership under those laws.

(6) "Limited liability partnership" means a partnership that has registered under ORS 67.590, and has not registered or qualified in any other jurisdiction other than as a foreign limited liability partnership.

(7) "Partnership" means an association of two or more persons to carry on as co-owners a business for profit created under ORS 67.055, predecessor law, or comparable law of another jurisdiction. A partnership includes a limited liability partnership.

(8) "Partnership agreement" means the agreement, whether written, oral or implied, among the partners concerning the partnership, including amendments to the partnership agreement.

(9) "Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.

(10) "Partnership interest" or "partner's interest in the partnership" means all of a partner's interests in the partnership, including the partner's transferable interest and all management and other rights.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality or any other legal or commercial entity.

(12) "Professional" means:

(a) Accountants licensed under ORS 673.010 to 673.457 or the laws of another state;

(b) Architects licensed under ORS 671.010 to 671.220 or the laws of another state;

(c) Attorneys licensed under ORS 9.005 to 9.755 or the laws of another state;

(d) Chiropractors licensed under ORS chapter 684 or the laws of another state;

(e) Dentists licensed under ORS chapter 679 or the laws of another state;

(f) Landscape architects licensed under ORS 671.310 to 671.459 or the laws of another state;

(g) Naturopaths licensed under ORS chapter 685 or the laws of another state;

(h) Nurse practitioners licensed under ORS 678.010 to 678.410 or the laws of another state;

(i) Psychologists licensed under ORS 675.010 to 675.150 or the laws of another state;

(j) Physicians licensed under ORS chapter 677 or the laws of another state;

(k) Podiatrists licensed under ORS chapter 677 or the laws of another state;

(L) [*Radiologic technologists licensed*] **Medical imaging licensees** under ORS 688.405 to 688.605 or the laws of another state;

(m) Real estate appraisers licensed under ORS chapter 674 or the laws of another state; and

(n) Other persons providing to the public types of personal service or services substantially similar to those listed in paragraphs (a) to (m) of this subsection that may be lawfully rendered only pursuant to a license.

(13) "Professional service" means the service rendered by a professional.

(14) "Property" means all property, real, personal or mixed, tangible or intangible, or any interest therein.

(15) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Transfer" includes an assignment, conveyance, lease, mortgage, deed, encumbrance, creation of a security interest and any other disposition.

(17) "Transferable interest of a partner in the partnership" means the partner's share of the profits and losses of the partnership and the partner's right to receive distributions.

**SECTION 29.** ORS 192.519 is amended to read:

192.519. As used in ORS 192.518 to 192.529:

(1) "Authorization" means a document written in plain language that contains at least the following:

(a) A description of the information to be used or disclosed that identifies the information in a specific and meaningful way;

(b) The name or other specific identification of the person or persons authorized to make the requested use or disclosure;

(c) The name or other specific identification of the person or persons to whom the covered entity may make the requested use or disclosure;

(d) A description of each purpose of the requested use or disclosure, including but not limited to a statement that the use or disclosure is at the request of the individual;

(e) An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure;

(f) The signature of the individual or personal representative of the individual and the date;

(g) A description of the authority of the personal representative, if applicable; and

(h) Statements adequate to place the individual on notice of the following:

(A) The individual's right to revoke the authorization in writing;

(B) The exceptions to the right to revoke the authorization;

(C) The ability or inability to condition treatment, payment, enrollment or eligibility for benefits on whether the individual signs the authorization; and

(D) The potential for information disclosed pursuant to the authorization to be subject to redisclosure by the recipient and no longer protected.

(2) "Covered entity" means:

(a) A state health plan;

(b) A health insurer;

(c) A health care provider that transmits any health information in electronic form to carry out financial or administrative activities in connection with a transaction covered by ORS 192.518 to 192.529; or

(d) A health care clearinghouse.

(3) "Health care" means care, services or supplies related to the health of an individual.

(4) "Health care operations" includes but is not limited to:

(a) Quality assessment, accreditation, auditing and improvement activities;

(b) Case management and care coordination;

(c) Reviewing the competence, qualifications or performance of health care providers or health insurers;

(d) Underwriting activities;

(e) Arranging for legal services;

(f) Business planning;

(g) Customer services;

(h) Resolving internal grievances;

(i) Creating de-identified information; and

(j) Fundraising.

(5) "Health care provider" includes but is not limited to:

(a) A psychologist, occupational therapist, clinical social worker, professional counselor or marriage and family therapist licensed under ORS chapter 675 or an employee of the psychologist, occupational therapist, clinical social worker, professional counselor or marriage and family therapist;

(b) A physician, podiatric physician and surgeon, physician assistant or acupuncturist licensed under ORS chapter 677 or an employee of the physician, podiatric physician and surgeon, physician assistant or acupuncturist;

(c) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of the nurse or nursing home administrator;

(d) A dentist licensed under ORS chapter 679 or an employee of the dentist;

(e) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental hygienist or denturist;



(f) A speech-language pathologist or audiologist licensed under ORS chapter 681 or an employee of the speech-language pathologist or audiologist;

(g) An emergency medical technician certified under ORS chapter 682;

(h) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;

(i) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic physician;

(j) A naturopathic physician licensed under ORS chapter 685 or an employee of the naturopathic physician;

(k) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage therapist;

(L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct entry midwife;

(m) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical therapist;

(n) A [*radiologic technologist licensed*] **medical imaging licensee** under ORS 688.405 to 688.605 or an employee of the [*radiologic technologist*] **medical imaging licensee**;

(o) A respiratory care practitioner licensed under ORS 688.800 to 688.840 or an employee of the respiratory care practitioner;

(p) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;

(q) A dietitian licensed under ORS 691.405 to 691.585 or an employee of the dietitian;

(r) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral service practitioner;

(s) A health care facility as defined in ORS 442.015;

(t) A home health agency as defined in ORS 443.005;

(u) A hospice program as defined in ORS 443.850;

(v) A clinical laboratory as defined in ORS 438.010;

(w) A pharmacy as defined in ORS 689.005;

(x) A diabetes self-management program as defined in ORS 743A.184; and

(y) Any other person or entity that furnishes, bills for or is paid for health care in the normal course of business.

(6) "Health information" means any oral or written information in any form or medium that:

(a) Is created or received by a covered entity, a public health authority, an employer, a life insurer, a school, a university or a health care provider that is not a covered entity; and

(b) Relates to:

(A) The past, present or future physical or mental health or condition of an individual;

(B) The provision of health care to an individual; or

(C) The past, present or future payment for the provision of health care to an individual.

(7) "Health insurer" means:

(a) An insurer as defined in ORS 731.106 who offers:

(A) A health benefit plan as defined in ORS 743.730;

(B) A short term health insurance policy, the duration of which does not exceed six months including renewals;

(C) A student health insurance policy;

(D) A Medicare supplemental policy; or

(E) A dental only policy.

(b) The Oregon Medical Insurance Pool operated by the Oregon Medical Insurance Pool Board under ORS 735.600 to 735.650.

(8) "Individually identifiable health information" means any oral or written health information in any form or medium that is:

(a) Created or received by a covered entity, an employer or a health care provider that is not a covered entity; and

(b) Identifiable to an individual, including demographic information that identifies the individual, or for which there is a reasonable basis to believe the information can be used to identify an individual, and that relates to:

- (A) The past, present or future physical or mental health or condition of an individual;
  - (B) The provision of health care to an individual; or
  - (C) The past, present or future payment for the provision of health care to an individual.
- (9) "Payment" includes but is not limited to:
- (a) Efforts to obtain premiums or reimbursement;
  - (b) Determining eligibility or coverage;
  - (c) Billing activities;
  - (d) Claims management;
  - (e) Reviewing health care to determine medical necessity;
  - (f) Utilization review; and
  - (g) Disclosures to consumer reporting agencies.

(10) "Personal representative" includes but is not limited to:

(a) A person appointed as a guardian under ORS 125.305, 419B.370, 419C.481 or 419C.555 with authority to make medical and health care decisions;

(b) A person appointed as a health care representative under ORS 127.505 to 127.660 or a representative under ORS 127.700 to 127.737 to make health care decisions or mental health treatment decisions;

(c) A person appointed as a personal representative under ORS chapter 113; and

(d) A person described in ORS 192.526.

(11)(a) "Protected health information" means individually identifiable health information that is maintained or transmitted in any form of electronic or other medium by a covered entity.

(b) "Protected health information" does not mean individually identifiable health information in:

(A) Education records covered by the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g);

(B) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); or

(C) Employment records held by a covered entity in its role as employer.

(12) "State health plan" means:

(a) The state Medicaid program;

(b) The Oregon State Children's Health Insurance Program; or

(c) The Family Health Insurance Assistance Program established in ORS 735.720 to 735.740.

(13) "Treatment" includes but is not limited to:

(a) The provision, coordination or management of health care; and

(b) Consultations and referrals between health care providers.

**SECTION 30.** ORS 433.443 is amended to read:

433.443. (1)(a) During a public health emergency proclaimed under ORS 433.441, the Public Health Director may, as necessary to appropriately respond to the public health emergency:

(A) Adopt reporting requirements for and provide notice of those requirements to health care providers, institutions and facilities for the purpose of obtaining information directly related to the public health emergency;

(B) After consultation with appropriate medical experts, create and require the use of diagnostic and treatment protocols to respond to the public health emergency and provide notice of those protocols to health care providers, institutions and facilities;

(C) Order, or authorize local public health administrators to order, public health measures appropriate to the public health threat presented;

(D) Upon approval of the Governor, take other actions necessary to address the public health emergency and provide notice of those actions to health care providers, institutions and facilities, including public health actions authorized by ORS 431.264;

(E) Take any enforcement action authorized by ORS 431.262, including the imposition of civil penalties of up to \$500 per day against individuals, institutions or facilities that knowingly fail to

comply with requirements resulting from actions taken in accordance with the powers granted to the Public Health Director under subparagraphs (A), (B) and (D) of this paragraph; and

(F) The authority granted to the Public Health Director under this section:

(i) Supersedes any authority granted to a local public health authority if the local public health authority acts in a manner inconsistent with guidelines established or rules adopted by the director under this section; and

(ii) Does not supersede the general authority granted to a local public health authority or a local public health administrator except as authorized by law or necessary to respond to a public health emergency.

(b) The authority of the Public Health Director to take administrative action, and the effectiveness of any action taken, under paragraph (a)(A), (B), (D), (E) and (F) of this subsection terminates upon the expiration of the proclaimed state of public health emergency, unless the actions are continued under other applicable law.

(2) Civil penalties under subsection (1) of this section shall be imposed in the manner provided in ORS 183.745. The Public Health Director must establish that the individual, institution or facility subject to the civil penalty had actual notice of the action taken that is the basis for the penalty. The maximum aggregate total for penalties that may be imposed against an individual, institution or facility under subsection (1) of this section is \$500 for each day of violation, regardless of the number of violations of subsection (1) of this section that occurred on each day of violation.

(3)(a) During a proclaimed state of public health emergency, the Public Health Director and local public health administrators shall be given immediate access to individually identifiable health information necessary to:

- (A) Determine the causes of an illness related to the public health emergency;
- (B) Identify persons at risk;
- (C) Identify patterns of transmission;
- (D) Provide treatment; and
- (E) Take steps to control the disease.

(b) Individually identifiable health information accessed as provided by paragraph (a) of this subsection may not be used for conducting nonemergency epidemiologic research or to identify persons at risk for post-traumatic mental health problems, or for any other purpose except the purposes listed in paragraph (a) of this subsection.

(c) Individually identifiable health information obtained by the Public Health Director or local public health administrators under this subsection may not be disclosed without written authorization of the identified individual except:

- (A) Directly to the individual who is the subject of the information or to the legal representative of that individual;
- (B) To state, local or federal agencies authorized to receive such information by state or federal law;
- (C) To identify or to determine the cause or manner of death of a deceased individual; or
- (D) Directly to a health care provider for the evaluation or treatment of a condition that is the subject of a proclamation of a state of public health emergency issued under ORS 433.441.

(d) Upon expiration of the state of public health emergency, the Public Health Director or local public health administrators may not use or disclose any individually identifiable health information that has been obtained under this section. If a state of emergency that is related to the state of public health emergency has been declared under ORS 401.055, the Public Health Director and local public health administrators may continue to use any individually identifiable information obtained as provided under this section until termination of the state of emergency.

(4) As used in this section:

(a) "Covered entity" means:

- (A) The Children's Health Insurance Program;
- (B) The Family Health Insurance Assistance Program established under ORS 735.722;

(C) A health insurer that is an insurer as defined in ORS 731.106 and that issues health insurance as defined in ORS 731.162;

(D) The state medical assistance program; and

(E) A health care provider.

(b) "Health care provider" includes but is not limited to:

(A) A psychologist, occupational therapist, clinical social worker, professional counselor or marriage and family therapist licensed under ORS chapter 675 or an employee of the psychologist, occupational therapist, clinical social worker, professional counselor or marriage and family therapist;

(B) A physician, podiatric physician and surgeon, physician assistant or acupuncturist licensed under ORS chapter 677 or an employee of the physician, podiatric physician and surgeon, physician assistant or acupuncturist;

(C) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of the nurse or nursing home administrator;

(D) A dentist licensed under ORS chapter 679 or an employee of the dentist;

(E) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental hygienist or denturist;

(F) A speech-language pathologist or audiologist licensed under ORS chapter 681 or an employee of the speech-language pathologist or audiologist;

(G) An emergency medical technician certified under ORS chapter 682;

(H) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;

(I) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic physician;

(J) A naturopathic physician licensed under ORS chapter 685 or an employee of the naturopathic physician;

(K) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage therapist;

(L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct entry midwife;

(M) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical therapist;

(N) A *[radiologic technologist licensed]* **medical imaging licensee** under ORS 688.405 to 688.605 or an employee of the *[radiologic technologist]* **medical imaging licensee**;

(O) A respiratory care practitioner licensed under ORS 688.800 to 688.840 or an employee of the respiratory care practitioner;

(P) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;

(Q) A dietitian licensed under ORS 691.405 to 691.585 or an employee of the dietitian;

(R) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral service practitioner;

(S) A health care facility as defined in ORS 442.015;

(T) A home health agency as defined in ORS 443.005;

(U) A hospice program as defined in ORS 443.850;

(V) A clinical laboratory as defined in ORS 438.010;

(W) A pharmacy as defined in ORS 689.005;

(X) A diabetes self-management program as defined in ORS 743A.184; and

(Y) Any other person or entity that furnishes, bills for or is paid for health care in the normal course of business.

(c) "Individual" means a natural person.

(d) "Individually identifiable health information" means any oral or written health information in any form or medium that is:

(A) Created or received by a covered entity, an employer or a health care provider that is not a covered entity; and

(B) Identifiable to an individual, including demographic information that identifies the individual, or for which there is a reasonable basis to believe the information can be used to identify an individual, and that relates to:

- (i) The past, present or future physical or mental health or condition of an individual;
- (ii) The provision of health care to an individual; or
- (iii) The past, present or future payment for the provision of health care to an individual.

(e) "Legal representative" means attorney at law, person holding a general power of attorney, guardian, conservator or any person appointed by a court to manage the personal or financial affairs of a person, or agency legally responsible for the welfare or support of a person.

(5) All civil penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses.

(6) The Public Health Director may request assistance in enforcing orders issued pursuant to this section from state or local law enforcement authorities. If so requested by the Public Health Director, state and local law enforcement authorities, to the extent resources are available, shall assist in enforcing orders issued pursuant to this section.

(7) If the Department of Human Services adopts temporary rules to implement the provisions of this section, the rules adopted are not subject to the provisions of ORS 183.335 (6)(a). The department may amend temporary rules adopted pursuant to this subsection as often as necessary to respond to the public health emergency.

**SECTION 31.** ORS 746.600 is amended to read:

746.600. As used in ORS 746.600 to 746.690:

(1)(a) "Adverse underwriting decision" means any of the following actions with respect to insurance transactions involving insurance coverage that is individually underwritten:

- (A) A declination of insurance coverage.
- (B) A termination of insurance coverage.

(C) Failure of an insurance producer to apply for insurance coverage with a specific insurer that the insurance producer represents and that is requested by an applicant.

(D) In the case of life or health insurance coverage, an offer to insure at higher than standard rates.

(E) In the case of insurance coverage other than life or health insurance coverage:

(i) Placement by an insurer or insurance producer of a risk with a residual market mechanism, an unauthorized insurer or an insurer that specializes in substandard risks.

(ii) The charging of a higher rate on the basis of information that differs from that which the applicant or policyholder furnished.

(iii) An increase in any charge imposed by the insurer for any personal insurance in connection with the underwriting of insurance. For purposes of this sub-subparagraph, the imposition of a service fee is not a charge.

(b) "Adverse underwriting decision" does not mean any of the following actions, but the insurer or insurance producer responsible for the occurrence of the action must nevertheless provide the applicant or policyholder with the specific reason or reasons for the occurrence:

(A) The termination of an individual policy form on a class or statewide basis.

(B) A declination of insurance coverage solely because the coverage is not available on a class or statewide basis.

(C) The rescission of a policy.

(2) "Affiliate of" a specified person or "person affiliated with" a specified person means a person who directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(3) "Applicant" means a person who seeks to contract for insurance coverage, other than a person seeking group insurance coverage that is not individually underwritten.

(4) "Consumer" means an individual, or the personal representative of the individual, who seeks to obtain, obtains or has obtained one or more insurance products or services from a licensee that

are to be used primarily for personal, family or household purposes, and about whom the licensee has personal information.

(5) "Consumer report" means any written, oral or other communication of information bearing on a natural person's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living that is used or expected to be used in connection with an insurance transaction.

(6) "Consumer reporting agency" means a person that, for monetary fees or dues, or on a cooperative or nonprofit basis:

- (a) Regularly engages, in whole or in part, in assembling or preparing consumer reports;
- (b) Obtains information primarily from sources other than insurers; and
- (c) Furnishes consumer reports to other persons.

(7) "Control" means, and the terms "controlled by" or "under common control with" refer to, the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power of the person is the result of a corporate office held in, or an official position held with, the controlled person.

(8) "Covered entity" means:

- (a) A health insurer;
- (b) A health care provider that transmits any health information in electronic form to carry out financial or administrative activities in connection with a transaction covered by ORS 746.607 or by rules adopted under ORS 746.608; or
- (c) A health care clearinghouse.

(9) "Credit history" means any written or other communication of any information by a consumer reporting agency that:

- (a) Bears on a consumer's creditworthiness, credit standing or credit capacity; and
- (b) Is used or expected to be used, or collected in whole or in part, as a factor in determining eligibility, premiums or rates for personal insurance.

(10) "Customer" means a consumer who has a continuing relationship with a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes.

(11) "Declination of insurance coverage" or "decline coverage" means a denial, in whole or in part, by an insurer or insurance producer of an application for requested insurance coverage.

(12) "Health care" means care, services or supplies related to the health of an individual.

(13) "Health care operations" includes but is not limited to:

- (a) Quality assessment, accreditation, auditing and improvement activities;
- (b) Case management and care coordination;
- (c) Reviewing the competence, qualifications or performance of health care providers or health insurers;
- (d) Underwriting activities;
- (e) Arranging for legal services;
- (f) Business planning;
- (g) Customer services;
- (h) Resolving internal grievances;
- (i) Creating de-identified information; and
- (j) Fundraising.

(14) "Health care provider" includes but is not limited to:

- (a) A psychologist, occupational therapist, clinical social worker, professional counselor or marriage and family therapist licensed under ORS chapter 675 or an employee of the psychologist, occupational therapist, clinical social worker, professional counselor or marriage and family therapist;

(b) A physician, podiatric physician and surgeon, physician assistant or acupuncturist licensed under ORS chapter 677 or an employee of the physician, podiatric physician and surgeon, physician assistant or acupuncturist;

(c) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of the nurse or nursing home administrator;

(d) A dentist licensed under ORS chapter 679 or an employee of the dentist;

(e) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental hygienist or denturist;

(f) A speech-language pathologist or audiologist licensed under ORS chapter 681 or an employee of the speech-language pathologist or audiologist;

(g) An emergency medical technician certified under ORS chapter 682;

(h) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;

(i) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic physician;

(j) A naturopathic physician licensed under ORS chapter 685 or an employee of the naturopathic physician;

(k) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage therapist;

(L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct entry midwife;

(m) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical therapist;

(n) A [*radiologic technologist licensed*] **medical imaging licensee** under ORS 688.405 to 688.605 or an employee of the [*radiologic technologist*] **medical imaging licensee**;

(o) A respiratory care practitioner licensed under ORS 688.800 to 688.840 or an employee of the respiratory care practitioner;

(p) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;

(q) A dietitian licensed under ORS 691.405 to 691.585 or an employee of the dietitian;

(r) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral service practitioner;

(s) A health care facility as defined in ORS 442.015;

(t) A home health agency as defined in ORS 443.005;

(u) A hospice program as defined in ORS 443.850;

(v) A clinical laboratory as defined in ORS 438.010;

(w) A pharmacy as defined in ORS 689.005;

(x) A diabetes self-management program as defined in ORS 743.694; and

(y) Any other person or entity that furnishes, bills for or is paid for health care in the normal course of business.

(15) "Health information" means any oral or written information in any form or medium that:

(a) Is created or received by a covered entity, a public health authority, a life insurer, a school, a university or a health care provider that is not a covered entity; and

(b) Relates to:

(A) The past, present or future physical or mental health or condition of an individual;

(B) The provision of health care to an individual; or

(C) The past, present or future payment for the provision of health care to an individual.

(16) "Health insurer" means:

(a) An insurer who offers:

(A) A health benefit plan as defined in ORS 743.730;

(B) A short term health insurance policy, the duration of which does not exceed six months including renewals;

(C) A student health insurance policy;

(D) A Medicare supplemental policy; or

(E) A dental only policy.

(b) The Oregon Medical Insurance Pool operated by the Oregon Medical Insurance Pool Board under ORS 735.600 to 735.650.

(17) "Homeowner insurance" means insurance for residential property consisting of a combination of property insurance and casualty insurance that provides coverage for the risks of owning or occupying a dwelling and that is not intended to cover an owner's interest in rental property or commercial exposures.

(18) "Individual" means a natural person who:

(a) In the case of life or health insurance, is a past, present or proposed principal insured or certificate holder;

(b) In the case of other kinds of insurance, is a past, present or proposed named insured or certificate holder;

(c) Is a past, present or proposed policyowner;

(d) Is a past or present applicant;

(e) Is a past or present claimant; or

(f) Derived, derives or is proposed to derive insurance coverage under an insurance policy or certificate that is subject to ORS 746.600 to 746.690.

(19) "Individually identifiable health information" means any oral or written health information that is:

(a) Created or received by a covered entity or a health care provider that is not a covered entity; and

(b) Identifiable to an individual, including demographic information that identifies the individual, or for which there is a reasonable basis to believe the information can be used to identify an individual, and that relates to:

(A) The past, present or future physical or mental health or condition of an individual;

(B) The provision of health care to an individual; or

(C) The past, present or future payment for the provision of health care to an individual.

(20) "Institutional source" means a person or governmental entity that provides information about an individual to an insurer, insurance producer or insurance-support organization, other than:

(a) An insurance producer;

(b) The individual who is the subject of the information; or

(c) A natural person acting in a personal capacity rather than in a business or professional capacity.

(21) "Insurance producer" or "producer" means a person licensed by the Director of the Department of Consumer and Business Services as a resident or nonresident insurance producer.

(22) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model or other process that is based in whole or in part on credit history.

(23)(a) "Insurance-support organization" means a person who regularly engages, in whole or in part, in assembling or collecting information about natural persons for the primary purpose of providing the information to an insurer or insurance producer for insurance transactions, including:

(A) The furnishing of consumer reports to an insurer or insurance producer for use in connection with insurance transactions; and

(B) The collection of personal information from insurers, insurance producers or other insurance-support organizations for the purpose of detecting or preventing fraud, material misrepresentation or material nondisclosure in connection with insurance underwriting or insurance claim activity.

(b) "Insurance-support organization" does not mean insurers, insurance producers, governmental institutions or health care providers.

(24) "Insurance transaction" means any transaction that involves insurance primarily for personal, family or household needs rather than business or professional needs and that entails:

(a) The determination of an individual's eligibility for an insurance coverage, benefit or payment; or



(b) The servicing of an insurance application, policy or certificate.

(25) "Insurer" has the meaning given that term in ORS 731.106.

(26) "Investigative consumer report" means a consumer report, or portion of a consumer report, for which information about a natural person's character, general reputation, personal characteristics or mode of living is obtained through personal interviews with the person's neighbors, friends, associates, acquaintances or others who may have knowledge concerning such items of information.

(27) "Licensee" means an insurer, insurance producer or other person authorized or required to be authorized, or licensed or required to be licensed, pursuant to the Insurance Code.

(28) "Loss history report" means a report provided by, or a database maintained by, an insurance-support organization or consumer reporting agency that contains information regarding the claims history of the individual property that is the subject of the application for a homeowner insurance policy or the consumer applying for a homeowner insurance policy.

(29) "Nonaffiliated third party" means any person except:

(a) An affiliate of a licensee;

(b) A person that is employed jointly by a licensee and by a person that is not an affiliate of the licensee; and

(c) As designated by the director by rule.

(30) "Payment" includes but is not limited to:

(a) Efforts to obtain premiums or reimbursement;

(b) Determining eligibility or coverage;

(c) Billing activities;

(d) Claims management;

(e) Reviewing health care to determine medical necessity;

(f) Utilization review; and

(g) Disclosures to consumer reporting agencies.

(31)(a) "Personal financial information" means:

(A) Information that is identifiable with an individual, gathered in connection with an insurance transaction from which judgments can be made about the individual's character, habits, avocations, finances, occupations, general reputation, credit or any other personal characteristics; or

(B) An individual's name, address and policy number or similar form of access code for the individual's policy.

(b) "Personal financial information" does not mean information that a licensee has a reasonable basis to believe is lawfully made available to the general public from federal, state or local government records, widely distributed media or disclosures to the public that are required by federal, state or local law.

(32) "Personal information" means:

(a) Personal financial information;

(b) Individually identifiable health information; or

(c) Protected health information.

(33) "Personal insurance" means the following types of insurance products or services that are to be used primarily for personal, family or household purposes:

(a) Private passenger automobile coverage;

(b) Homeowner, mobile homeowners, manufactured homeowners, condominium owners and renters coverage;

(c) Personal dwelling property coverage;

(d) Personal liability and theft coverage, including excess personal liability and theft coverage; and

(e) Personal inland marine coverage.

(34) "Personal representative" includes but is not limited to:

(a) A person appointed as a guardian under ORS 125.305, 419B.370, 419C.481 or 419C.555 with authority to make medical and health care decisions;

(b) A person appointed as a health care representative under ORS 127.505 to 127.660 or 127.700 to 127.737 to make health care decisions or mental health treatment decisions;

(c) A person appointed as a personal representative under ORS chapter 113; and

(d) A person described in ORS 746.611.

(35) "Policyholder" means a person who:

(a) In the case of individual policies of life or health insurance, is a current policyowner;

(b) In the case of individual policies of other kinds of insurance, is currently a named insured;  
or

(c) In the case of group policies of insurance under which coverage is individually underwritten, is a current certificate holder.

(36) "Pretext interview" means an interview wherein the interviewer, in an attempt to obtain personal information about a natural person, does one or more of the following:

(a) Pretends to be someone the interviewer is not.

(b) Pretends to represent a person the interviewer is not in fact representing.

(c) Misrepresents the true purpose of the interview.

(d) Refuses upon request to identify the interviewer.

(37) "Privileged information" means information that is identifiable with an individual and that:

(a) Relates to a claim for insurance benefits or a civil or criminal proceeding involving the individual; and

(b) Is collected in connection with or in reasonable anticipation of a claim for insurance benefits or a civil or criminal proceeding involving the individual.

(38)(a) "Protected health information" means individually identifiable health information that is transmitted or maintained in any form of electronic or other medium by a covered entity.

(b) "Protected health information" does not mean individually identifiable health information in:

(A) Education records covered by the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g);

(B) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); or

(C) Employment records held by a covered entity in its role as employer.

(39) "Residual market mechanism" means an association, organization or other entity involved in the insuring of risks under ORS 735.005 to 735.145, 737.312 or other provisions of the Insurance Code relating to insurance applicants who are unable to procure insurance through normal insurance markets.

(40) "Termination of insurance coverage" or "termination of an insurance policy" means either a cancellation or a nonrenewal of an insurance policy, in whole or in part, for any reason other than the failure of a premium to be paid as required by the policy.

(41) "Treatment" includes but is not limited to:

(a) The provision, coordination or management of health care; and

(b) Consultations and referrals between health care providers.

**SECTION 32. ORS 688.465 and 688.475 are repealed.**

**SECTION 33. The amendments to ORS 688.455 by section 7 of this 2009 Act become operative on January 1, 2014.**

**SECTION 34. If Senate Bill 177 becomes law, section 30 of this 2009 Act (amending ORS 433.443) is repealed and ORS 433.443, as amended by section 40, chapter \_\_\_, Oregon Laws 2009 (Enrolled Senate Bill 177), is amended to read:**

433.443. (1) As used in this section:

(a) "Covered entity" means:

(A) The Children's Health Insurance Program;

(B) The Family Health Insurance Assistance Program established under ORS 735.722;

(C) A health insurer that is an insurer as defined in ORS 731.106 and that issues health insurance as defined in ORS 731.162;

(D) The state medical assistance program; and

(E) A health care provider.

(b) "Health care provider" includes but is not limited to:

(A) A psychologist, occupational therapist, regulated social worker, professional counselor or marriage and family therapist licensed or otherwise authorized to practice under ORS chapter 675 or an employee of the psychologist, occupational therapist, regulated social worker, professional counselor or marriage and family therapist;

(B) A physician, podiatric physician and surgeon, physician assistant or acupuncturist licensed under ORS chapter 677 or an employee of the physician, podiatric physician and surgeon, physician assistant or acupuncturist;

(C) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of the nurse or nursing home administrator;

(D) A dentist licensed under ORS chapter 679 or an employee of the dentist;

(E) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental hygienist or denturist;

(F) A speech-language pathologist or audiologist licensed under ORS chapter 681 or an employee of the speech-language pathologist or audiologist;

(G) An emergency medical technician certified under ORS chapter 682;

(H) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;

(I) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic physician;

(J) A naturopathic physician licensed under ORS chapter 685 or an employee of the naturopathic physician;

(K) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage therapist;

(L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct entry midwife;

(M) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical therapist;

(N) A [*radiologic technologist licensed*] **medical imaging licensee** under ORS 688.405 to 688.605 or an employee of the [*radiologic technologist*] **medical imaging licensee**;

(O) A respiratory care practitioner licensed under ORS 688.800 to 688.840 or an employee of the respiratory care practitioner;

(P) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;

(Q) A dietitian licensed under ORS 691.405 to 691.585 or an employee of the dietitian;

(R) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral service practitioner;

(S) A health care facility as defined in ORS 442.015;

(T) A home health agency as defined in ORS 443.005;

(U) A hospice program as defined in ORS 443.850;

(V) A clinical laboratory as defined in ORS 438.010;

(W) A pharmacy as defined in ORS 689.005;

(X) A diabetes self-management program as defined in ORS 743A.184; and

(Y) Any other person or entity that furnishes, bills for or is paid for health care in the normal course of business.

(c) "Individual" means a natural person.

(d) "Individually identifiable health information" means any oral or written health information in any form or medium that is:

(A) Created or received by a covered entity, an employer or a health care provider that is not a covered entity; and

(B) Identifiable to an individual, including demographic information that identifies the individual, or for which there is a reasonable basis to believe the information can be used to identify an individual, and that relates to:

(i) The past, present or future physical or mental health or condition of an individual;

- (ii) The provision of health care to an individual; or
- (iii) The past, present or future payment for the provision of health care to an individual.

(e) "Legal representative" means attorney at law, person holding a general power of attorney, guardian, conservator or any person appointed by a court to manage the personal or financial affairs of a person, or agency legally responsible for the welfare or support of a person.

(2)(a) During a public health emergency declared under ORS 433.441, the Public Health Director may, as necessary to appropriately respond to the public health emergency:

(A) Adopt reporting requirements for and provide notice of those requirements to health care providers, institutions and facilities for the purpose of obtaining information directly related to the public health emergency;

(B) After consultation with appropriate medical experts, create and require the use of diagnostic and treatment protocols to respond to the public health emergency and provide notice of those protocols to health care providers, institutions and facilities;

(C) Order, or authorize local public health administrators to order, public health measures appropriate to the public health threat presented;

(D) Upon approval of the Governor, take other actions necessary to address the public health emergency and provide notice of those actions to health care providers, institutions and facilities, including public health actions authorized by ORS 431.264;

(E) Take any enforcement action authorized by ORS 431.262, including the imposition of civil penalties of up to \$500 per day against individuals, institutions or facilities that knowingly fail to comply with requirements resulting from actions taken in accordance with the powers granted to the Public Health Director under subparagraphs (A), (B) and (D) of this paragraph; and

(F) The authority granted to the Public Health Director under this section:

(i) Supersedes any authority granted to a local public health authority if the local public health authority acts in a manner inconsistent with guidelines established or rules adopted by the director under this section; and

(ii) Does not supersede the general authority granted to a local public health authority or a local public health administrator except as authorized by law or necessary to respond to a public health emergency.

(b) The authority of the Public Health Director to take administrative action, and the effectiveness of any action taken, under paragraph (a)(A), (B), (D), (E) and (F) of this subsection terminates upon the expiration of the proclaimed state of public health emergency, unless the actions are continued under other applicable law.

(3) Civil penalties under subsection (2) of this section shall be imposed in the manner provided in ORS 183.745. The Public Health Director must establish that the individual, institution or facility subject to the civil penalty had actual notice of the action taken that is the basis for the penalty. The maximum aggregate total for penalties that may be imposed against an individual, institution or facility under subsection (2) of this section is \$500 for each day of violation, regardless of the number of violations of subsection (2) of this section that occurred on each day of violation.

(4)(a) During a proclaimed state of public health emergency, the Public Health Director and local public health administrators shall be given immediate access to individually identifiable health information necessary to:

(A) Determine the causes of an illness related to the public health emergency;

(B) Identify persons at risk;

(C) Identify patterns of transmission;

(D) Provide treatment; and

(E) Take steps to control the disease.

(b) Individually identifiable health information accessed as provided by paragraph (a) of this subsection may not be used for conducting nonemergency epidemiologic research or to identify persons at risk for post-traumatic mental health problems, or for any other purpose except the purposes listed in paragraph (a) of this subsection.

(c) Individually identifiable health information obtained by the Public Health Director or local public health administrators under this subsection may not be disclosed without written authorization of the identified individual except:

(A) Directly to the individual who is the subject of the information or to the legal representative of that individual;

(B) To state, local or federal agencies authorized to receive such information by state or federal law;

(C) To identify or to determine the cause or manner of death of a deceased individual; or

(D) Directly to a health care provider for the evaluation or treatment of a condition that is the subject of a proclamation of a state of public health emergency issued under ORS 433.441.

(d) Upon expiration of the state of public health emergency, the Public Health Director or local public health administrators may not use or disclose any individually identifiable health information that has been obtained under this section. If a state of emergency that is related to the state of public health emergency has been declared under ORS 401.055, the Public Health Director and local public health administrators may continue to use any individually identifiable information obtained as provided under this section until termination of the state of emergency.

(5) All civil penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses.

(6) The Public Health Director may request assistance in enforcing orders issued pursuant to this section from state or local law enforcement authorities. If so requested by the Public Health Director, state and local law enforcement authorities, to the extent resources are available, shall assist in enforcing orders issued pursuant to this section.

(7) If the Department of Human Services adopts temporary rules to implement the provisions of this section, the rules adopted are not subject to the provisions of ORS 183.335 (6)(a). The department may amend temporary rules adopted pursuant to this subsection as often as necessary to respond to the public health emergency.

**SECTION 35. If House Bill 2009 becomes law and House Bill 2058 and House Bill 2118 do not become law, section 15 of this 2009 Act (amending ORS 688.545) is repealed and ORS 688.545, as amended by section 1092, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2009), is amended to read:**

688.545. (1)(a) There is created [*in the Oregon Health Authority*] a Board of [*Radiologic Technology*] **Medical Imaging** consisting of [*nine*] **12** members who shall be appointed by the Governor. Each member of the board [*shall*] **must** be a citizen of the United States and a resident of the State of Oregon. Each appointed member is entitled to vote.

(b) Of the members of the board:

[(A) *One shall be a radiologist;*]

[(B) *At least one shall be a lay person;*]

[(C) *At least one shall be a limited permit holder; and*]

**(A) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

**(B) Three persons shall be members of the general public; and**

[(D)] **(C) [At least] Five shall be [licensed] practicing [radiologic technologists, one of whom shall be a radiation therapist.] medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405.**

(2) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or a person appointed by the section manager, [*shall be*] **is** an advisory member of the board for the purpose of providing counsel and [*shall not be*] **is not** entitled to vote.

(3) The term of office of the members of the board [*shall be*] **is** three years and a member may be reappointed to serve not more than two **consecutive** full terms.

(4) Members of the board [*shall be*] **are** entitled to compensation and expenses as provided in ORS 292.495.

(5) The board shall annually elect a board chairperson and a vice chairperson from the **voting** members of the board.

(6) For the purpose of transacting its business, the board *[shall]* **must** meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting *[shall]* **must** be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(7) *[Five]* **A simple majority** of members of the board *[shall]* constitute a quorum for the transaction of business at any meeting. *[Five]* **A simple majority** of affirmative votes *[shall be]* **are** required to take action.

**SECTION 36. If House Bill 2058 becomes law, section 15 of this 2009 Act (amending ORS 688.545) is repealed and ORS 688.545, as amended by section 27, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2058), is amended to read:**

688.545. (1) There is created a Board of *[Radiologic Technology]* **Medical Imaging**. The board consists of *[nine]* **12** members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of the board:

*[(a) One must be a radiologist;]*

*[(b) One must be a limited permit holder;]*

**(a) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

*[(c) (b) Five must be [licensed] practicing [radiologic technologists, one of whom must be a radiation therapist] medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and*

*[(d) (c) [Two] Three must be members of the public. A public member appointed under this paragraph may not be:*

*(A) Otherwise eligible for appointment to the board; or*

*(B) The spouse, domestic partner, child, parent or sibling of a [radiologist, limited permit holder or radiologic technologist] **person issued a license or permit by the board.***

*(2)(a) Board members required to be [limited permit holders or licensed practicing radiologic technologists] **medical imaging licensees** may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by[:]*

*[(A)] a professional organization representing [limited permit holders, if the vacancy is in a limited permit holder position;] **medical imaging licensees.***

*[(B) A professional organization representing radiation therapists, if the vacancy is in the radiation therapist position; or]*

*[(C) A professional organization representing radiologic technologists, if the vacancy is in a radiologic technologist or radiation therapist position.]*

*(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:*

*(A) Geographic areas of this state; and*

*(B) Ethnic group.*

*(3) The section manager of the Radiation Protection Services Section of the Department of Human Services, or a person appointed by the section manager, [shall be] **is** an advisory member of the board for the purpose of providing counsel and is not entitled to vote.*

*(4)(a) The term of office of the members of the board is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than [three] **four** terms end each year. A member is eligible for reappointment.*

*(b) A board member shall be removed immediately from the board if, during the member's term, the member:*

*(A) Is not a resident of this state;*

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a *[limited permit holder]* **licensed physician** or a retired *[limited permit holder]* **licensed physician** who was a *[limited permit holder]* **licensed physician** in good standing at the time of retirement, if the board member was appointed to serve on the board as a *[limited permit holder;]* **licensed physician; or**

(D) Is not a *[licensed practicing radiologic technologist]* **medical imaging licensee** or a retired *[radiologic technologist]* **medical imaging licensee** who was a *[licensed radiologic technologist]* **medical imaging licensee** in good standing at the time of retirement, if the board member was appointed to serve on the board as a *[radiologic technologist; or]* **medical imaging licensee.**

*[(E) Is not a licensed practicing radiation therapist or a retired radiation therapist who was a licensed radiation therapist in good standing at the time of retirement, if the board member was appointed to serve on the board as a radiation therapist.]*

(5) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

(6) The board shall annually elect a board chairperson and a vice chairperson from the **voting** members of the board.

(7) For the purpose of transacting its business, the board *[shall]* **must** meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting *[shall]* **must** be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(8) *[Five]* **Seven** members of the board constitute a quorum for the transaction of business at any meeting. *[Five]* **Seven** affirmative votes are required to take action.

**SECTION 37. If House Bill 2118 becomes law and House Bill 2009 and House Bill 2058 do not become law, section 15 of this 2009 Act (amending ORS 688.545) is repealed and ORS 688.545, as amended by section 69, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2118), is amended to read:**

688.545. (1) There is created a Board of *[Radiologic Technology]* **Medical Imaging**. The board consists of *[nine]* **12** members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of the board:

*[(a) One must be a radiologist;]*

*[(b) At least one must be a limited permit holder;]*

**(a) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

*[(c) (b) [At least] Five must be [licensed] practicing [radiologic technologists, one of whom must be a radiation therapist] medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and*

*[(d) (c) [At least one] Three must be [a member] members of the public. A public member appointed under this paragraph may not be:*

*(A) Otherwise eligible for appointment to the board; or*

*(B) The spouse, domestic partner, child, parent or sibling of a [radiologist, limited permit holder or radiologic technologist] person issued a license or permit by the board.*

*(2)(a) Board members required to be [limited permit holders or licensed practicing radiologic technologists] medical imaging licensees may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by[:]*

*[(A)] a professional organization representing [limited permit holders, if the vacancy is in a limited permit holder position;] medical imaging licensees.*

*[(B) A professional organization representing radiation therapists, if the vacancy is in the radiation therapist position; or]*

*[(C) A professional organization representing radiologic technologists, if the vacancy is in a radiologic technologist or radiation therapist position.]*

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3) The section manager of the Radiation Protection Services Section of the Department of Human Services, or a person appointed by the section manager, *[shall be]* **is** an advisory member of the board for the purpose of providing counsel and is not entitled to vote.

(4) The term of office of the members of the board is three years, but a member serves at the pleasure of the Governor. A member may be reappointed to serve not more than two full terms.

(5) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.

(6) The board shall annually elect a board chairperson and a vice chairperson from the **voting** members of the board.

(7) For the purpose of transacting its business, the board *[shall]* **must** meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting *[shall]* **must** be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(8) *[Five]* **Seven** members of the board constitute a quorum for the transaction of business at any meeting. *[Five]* **Seven** affirmative votes are required to take action.

**SECTION 38. If House Bill 2009, House Bill 2058 and House Bill 2129 become law, sections 15 and 36 of this 2009 Act (amending ORS 688.545) are repealed and ORS 688.545, as amended by section 27, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2058), and section 42, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2129), is amended to read:**

688.545. (1) There is created a Board of *[Radiologic Technology]* **Medical Imaging**. The board consists of *[nine]* **12** members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of the board:

*[(a) One must be a radiologist;]*

*[(b) One must be a limited permit holder;]*

**(a) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

*[(c)]* **(b) Five must be *[licensed]* practicing *[radiologic technologists, one of whom must be a radiation therapist]* medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and**

*[(d)]* **(c) *[Two]* Three must be members of the public. A public member appointed under this paragraph may not be:**

(A) Otherwise eligible for appointment to the board; or

(B) The spouse, domestic partner, child, parent or sibling of a *[radiologist, limited permit holder or radiologic technologist]* **person issued a license or permit by the board.**

(2)(a) Board members required to be *[limited permit holders or licensed practicing radiologic technologists]* **medical imaging licensees** may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by[:]

*[(A)]* a professional organization representing *[limited permit holders, if the vacancy is in a limited permit holder position;]* **medical imaging licensees.**

*[(B) A professional organization representing radiation therapists, if the vacancy is in the radiation therapist position; or]*



*[(C) A professional organization representing radiologic technologists, if the vacancy is in a radiologic technologist or radiation therapist position.]*

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or a person appointed by the section manager, *[shall be]* **is** an advisory member of the board for the purpose of providing counsel and is not entitled to vote.

(4)(a) The term of office of the members of the board is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than *[three]* **four** terms end each year. A member is eligible for reappointment.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a *[limited permit holder]* **licensed physician** or a retired *[limited permit holder]* **licensed physician** who was a *[limited permit holder]* **licensed physician** in good standing at the time of retirement, if the board member was appointed to serve on the board as a *[limited permit holder;]* **licensed physician; or**

(D) Is not a *[licensed practicing radiologic technologist]* **medical imaging licensee** or a retired *[radiologic technologist]* **medical imaging licensee** who was a *[licensed radiologic technologist]* **medical imaging licensee** in good standing at the time of retirement, if the board member was appointed to serve on the board as a *[radiologic technologist; or]* **medical imaging licensee.**

*[(E) Is not a licensed practicing radiation therapist or a retired radiation therapist who was a licensed radiation therapist in good standing at the time of retirement, if the board member was appointed to serve on the board as a radiation therapist.]*

(5) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

(6) The board shall annually elect a board chairperson and a vice chairperson from the **voting** members of the board.

(7) For the purpose of transacting its business, the board *[shall]* **must** meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting *[shall]* **must** be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(8) *[Five]* **Seven** members of the board constitute a quorum for the transaction of business at any meeting. *[Five]* **Seven** affirmative votes are required to take action.

**SECTION 39.** If House Bill 2009 and House Bill 2058 become law and House Bill 2118 and House Bill 2129 do not become law, ORS 688.545, as amended by section 1092, chapter \_\_\_\_, Oregon Laws 2009 (Enrolled House Bill 2009), is amended to read:

688.545. (1)*[(a)]* There is created *[in the Oregon Health Authority]* a Board of *[Radiologic Technology consisting of nine members who shall be appointed by the Governor.]* **Medical Imaging. The board consists of 12 members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.** Each member of the board *[shall be a citizen of the United States and a resident of the State of Oregon. Each appointed member is entitled to vote]* **must be a resident of this state.**

*[(b)]* Of the members of the board:

*[(A) One shall be a radiologist;]*

*[(B) At least one shall be a lay person;]*

*[(C) At least one shall be a limited permit holder; and]*

*[(D) At least five shall be licensed practicing radiologic technologists, one of whom shall be a radiation therapist.]*

**(a) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

**(b) Five must be practicing medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and**

**(c) Three must be members of the public. A public member appointed under this paragraph may not be:**

**(A) Otherwise eligible for appointment to the board; or**

**(B) The spouse, domestic partner, child, parent or sibling of a person issued a license or permit by the board.**

**(2)(a) Board members required to be medical imaging licensees may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing medical imaging licensees.**

**(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:**

**(A) Geographic areas of this state; and**

**(B) Ethnic group.**

*[(2)]* **(3) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or a person appointed by the section manager, *[shall be]* is an advisory member of the board for the purpose of providing counsel and *[shall not be]* is not entitled to vote.**

*[(3)]* **(4)(a) The term of office of the members of the board *[shall be]* is three years *[and a member may be reappointed to serve not more than two full terms.], but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than four terms end each year. A member is eligible for reappointment.***

**(b) A board member shall be removed immediately from the board if, during the member's term, the member:**

**(A) Is not a resident of this state;**

**(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;**

**(C) Is not a licensed physician or a retired licensed physician who was a licensed physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensed physician; or**

**(D) Is not a medical imaging licensee or a retired medical imaging licensee who was a medical imaging licensee in good standing at the time of retirement, if the board member was appointed to serve on the board as a medical imaging licensee.**

*[(4)]* **(5) Members of the board *[shall be]* are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

*[(5)]* **(6) The board shall annually elect a board chairperson and a vice chairperson from the voting members of the board.**

*[(6)]* **(7) For the purpose of transacting its business, the board *[shall]* must meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting *[shall]* must be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.**

*[(7)]* **(8) *[Five]* Seven members of the board *[shall]* constitute a quorum for the transaction of business at any meeting. *[Five]* Seven affirmative votes *[shall be]* are required to take action.**

**SECTION 40.** If House Bill 2009 and House Bill 2058 become law and House Bill 2129 does not become law, ORS 688.545, as amended by section 27, chapter \_\_\_, Oregon Laws 2009 (Enrolled House Bill 2058), and section 36 of this 2009 Act, is amended to read:

688.545. (1) There is created a Board of Medical Imaging. The board consists of 12 members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of the board:

(a) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;

(b) Five must be practicing medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and

(c) Three must be members of the public. A public member appointed under this paragraph may not be:

(A) Otherwise eligible for appointment to the board; or

(B) The spouse, domestic partner, child, parent or sibling of a person issued a license or permit by the board.

(2)(a) Board members required to be medical imaging licensees may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing medical imaging licensees.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3) The section manager of the Radiation Protection Services Section of the [*Department of Human Services*] **Oregon Health Authority**, or a person appointed by the section manager, is an advisory member of the board for the purpose of providing counsel and is not entitled to vote.

(4)(a) The term of office of the members of the board is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than four terms end each year. A member is eligible for reappointment.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed physician or a retired licensed physician who was a licensed physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensed physician; or

(D) Is not a medical imaging licensee or a retired medical imaging licensee who was a medical imaging licensee in good standing at the time of retirement, if the board member was appointed to serve on the board as a medical imaging licensee.

(5) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

(6) The board shall annually elect a board chairperson and a vice chairperson from the voting members of the board.

(7) For the purpose of transacting its business, the board must meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting must be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(8) Seven members of the board constitute a quorum for the transaction of business at any meeting. Seven affirmative votes are required to take action.

**SECTION 41.** If House Bill 2009 and House Bill 2118 become law and House Bill 2058 does not become law, ORS 688.545, as amended by section 1092, chapter \_\_\_, Oregon Laws 2009 (Enrolled House Bill 2009), and section 101, chapter \_\_\_, Oregon Laws 2009 (Enrolled House Bill 2118), is amended to read:

688.545. (1) There is created a Board of [*Radiologic Technology*] **Medical Imaging**. The board consists of [*nine*] **12** members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of the board:

[*(a) One must be a radiologist;*]

[*(b) At least one must be a limited permit holder;*]

**(a) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

[*(c) (b) [At least] Five must be [licensed] practicing [radiologic technologists, one of whom must be a radiation therapist] medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and*

[*(d) (c) [At least one] Three must be [a member] members of the public. A public member appointed under this paragraph may not be:*

(A) Otherwise eligible for appointment to the board; or

(B) The spouse, domestic partner, child, parent or sibling of a [*radiologist, limited permit holder or radiologic technologist*] **person issued a license or permit by the board.**

(2)(a) Board members required to be [*limited permit holders or licensed practicing radiologic technologists*] **medical imaging licensees** may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by[:]

[*(A) a professional organization representing [limited permit holders, if the vacancy is in a limited permit holder position;] medical imaging licensees.*

[*(B) A professional organization representing radiation therapists, if the vacancy is in the radiation therapist position; or*

[*(C) A professional organization representing radiologic technologists, if the vacancy is in a radiologic technologist or radiation therapist position.]*

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or a person appointed by the section manager, [*shall be*] **is** an advisory member of the board for the purpose of providing counsel and is not entitled to vote.

(4) The term of office of the members of the board is three years, but a member serves at the pleasure of the Governor. A member may be reappointed to serve not more than two full terms.

(5) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.

(6) The board shall annually elect a board chairperson and a vice chairperson from the **voting** members of the board.

(7) For the purpose of transacting its business, the board [*shall*] **must** meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting [*shall*] **must** be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(8) [*Five*] **Seven** members of the board constitute a quorum for the transaction of business at any meeting. [*Five*] **Seven** affirmative votes are required to take action.

**SECTION 42.** If House Bill 2009, House Bill 2058 and House Bill 2118 become law and House Bill 2129 does not become law, ORS 688.545, as amended by section 1092, chapter \_\_\_, Oregon Laws 2009 (Enrolled House Bill 2009), is amended to read:

688.545. (1)(a) There is created [*in the Oregon Health Authority*] a Board of [*Radiologic Technology consisting of nine members who shall be appointed by the Governor.*] **Medical Imaging. The board consists of 12 members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.** Each member of the board [*shall be a citizen of the United States and a resident of the State of Oregon. Each appointed member is entitled to vote*] **must be a resident of this state.**

(b) Of the members of the board:

(A) *One shall be a radiologist;*

(B) *At least one shall be a lay person;*

(C) *At least one shall be a limited permit holder; and*

(D) *At least five shall be licensed practicing radiologic technologists, one of whom shall be a radiation therapist.*

(a) **Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;**

(b) **Five must be practicing medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and**

(c) **Three must be members of the public. A public member appointed under this paragraph may not be:**

(A) **Otherwise eligible for appointment to the board; or**

(B) **The spouse, domestic partner, child, parent or sibling of a person issued a license or permit by the board.**

(2)(a) **Board members required to be medical imaging licensees may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing medical imaging licensees.**

(b) **In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:**

(A) **Geographic areas of this state; and**

(B) **Ethnic group.**

(2) (3) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or a person appointed by the section manager, [*shall be*] **is** an advisory member of the board for the purpose of providing counsel and [*shall not be*] **is not** entitled to vote.

(3) (4)(a) The term of office of the members of the board [*shall be*] **is** three years [*and a member may be reappointed to serve not more than two full terms.*], **but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than four terms end each year. A member is eligible for reappointment.**

(b) **A board member shall be removed immediately from the board if, during the member's term, the member:**

(A) **Is not a resident of this state;**

(B) **Has been absent from three consecutive board meetings, unless at least one absence is excused;**

(C) **Is not a licensed physician or a retired licensed physician who was a licensed physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensed physician; or**

(D) **Is not a medical imaging licensee or a retired medical imaging licensee who was a medical imaging licensee in good standing at the time of retirement, if the board member was appointed to serve on the board as a medical imaging licensee.**

[4] (5) Members of the board [*shall be*] **are** entitled to compensation and expenses as provided in ORS 292.495. **The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

[5] (6) The board shall annually elect a board chairperson and a vice chairperson from the **voting** members of the board.

[6] (7) For the purpose of transacting its business, the board [*shall*] **must** meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting [*shall*] **must** be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

[7] (8) [*Five*] **Seven** members of the board [*shall*] constitute a quorum for the transaction of business at any meeting. [*Five*] **Seven** affirmative votes [*shall be*] **are** required to take action.

**SECTION 43. If House Bill 2059 becomes law, section 23 of this 2009 Act (amending ORS 688.605) is repealed and ORS 688.605, as amended by section 21, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2059), is amended to read:**

688.605. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any [*radiologic technologist, or any person licensed by the Board of Radiologic Technology,*] **person issued a license or permit by the Board of Medical Imaging or any employer of a licensee or permittee** shall report to the board any suspected violation of ORS 688.405 to 688.605 or any rule adopted by the board.

(b) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, [*a radiologic technologist or*] any person [*licensed*] **issued a license or permit** by the board who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct as defined in section 1, **chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2059)**, [*of this 2009 Act*] shall report the prohibited conduct in the manner provided in section 1, **chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2059)** [*of this 2009 Act*].

(c) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any organization representing [*radiologic technologists*] **persons issued a license or permit by the board** shall report to the board any suspected violation of ORS 688.405 to 688.605 or any rule adopted by the board pursuant to ORS 688.405 to 688.605.

(d) Any person may report to the board any suspected violation of ORS 688.405 to 688.605 or any rules adopted by the board pursuant to ORS 688.555.

(2) Any information that the board obtains as the basis of a complaint or in the investigation [*thereof*] **of a complaint** is confidential as provided under ORS 676.175.

(3) Any person who reports or provides information to the board and who does so in good faith [*shall not be*] **is not** subject to an action for civil damages as a result [*thereof*] **of reporting or providing information.**

(4) A claim of a violation of ORS 688.405 to 688.605 shall be reported to the board and shall be substantiated by satisfactory evidence. If the board finds that a violation has occurred, the board shall, subject to the conditions of ORS 676.175, report the violation to the Attorney General for prosecution.

**SECTION 44. This 2009 Act takes effect on July 1, 2010.**

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**Passed by House June 25, 2009**

**Repassed by House June 29, 2009**

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Chief Clerk of House

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Speaker of House

**Passed by Senate June 29, 2009**

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President of Senate

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

.....  
Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State