

**SENATE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2245
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 27

1 On page 6 of the printed B-engrossed bill, line 29, after “school” insert “or has otherwise met
2 the examination requirements and policies of a credentialing organization in a medical imaging
3 modality recognized by the board”.

4 On page 8, line 11, after “physician” insert “, a licensed nurse practitioner or a licensed physi-
5 cian assistant”.

6 On page 30, after line 25, insert:

7 **“SECTION 34. If Senate Bill 177 becomes law, section 30 of this 2009 Act (amending ORS
8 433.443) is repealed and ORS 433.443, as amended by section 40, chapter __, Oregon Laws 2009
9 (Enrolled Senate Bill 177), is amended to read:**

10 “433.443. (1) As used in this section:

11 “(a) ‘Covered entity’ means:

12 “(A) The Children’s Health Insurance Program;

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

14 “(C) A health insurer that is an insurer as defined in ORS 731.106 and that issues health in-
15 surance as defined in ORS 731.162;

16 “(D) The state medical assistance program; and

17 “(E) A health care provider.

18 “(b) ‘Health care provider’ includes but is not limited to:

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

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

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

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

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

31 “(F) A speech-language pathologist or audiologist licensed under ORS chapter 681 or an em-
32 ployee of the speech-language pathologist or audiologist;

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

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

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

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

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

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

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

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

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

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

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

17 “(R) A funeral service practitioner licensed under ORS chapter 692 or an employee of the fu-
18 neral service practitioner;

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

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

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

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

23 “(W) A pharmacy as defined in ORS 689.005;

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

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

27 “(c) ‘Individual’ means a natural person.

28 “(d) ‘Individually identifiable health information’ means any oral or written health information
29 in any form or medium that is:

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

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

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

36 “(ii) The provision of health care to an individual; or

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

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

41 “(2)(a) During a public health emergency declared under ORS 433.441, the Public Health Direc-
42 tor may, as necessary to appropriately respond to the public health emergency:

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

1 “(B) After consultation with appropriate medical experts, create and require the use of diag-
2 nostic and treatment protocols to respond to the public health emergency and provide notice of
3 those protocols to health care providers, institutions and facilities;

4 “(C) Order, or authorize local public health administrators to order, public health measures ap-
5 propriate to the public health threat presented;

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

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

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

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

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

20 “(b) The authority of the Public Health Director to take administrative action, and the effec-
21 tiveness of any action taken, under paragraph (a)(A), (B), (D), (E) and (F) of this subsection termi-
22 nates upon the expiration of the proclaimed state of public health emergency, unless the actions are
23 continued under other applicable law.

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

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

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

34 “(B) Identify persons at risk;

35 “(C) Identify patterns of transmission;

36 “(D) Provide treatment; and

37 “(E) Take steps to control the disease.

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

42 “(c) Individually identifiable health information obtained by the Public Health Director or local
43 public health administrators under this subsection may not be disclosed without written authori-
44 zation of the identified individual except:

45 “(A) Directly to the individual who is the subject of the information or to the legal represen-

1 tative of that individual;

2 “(B) To state, local or federal agencies authorized to receive such information by state or fed-
3 eral law;

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

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

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

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

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

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

23 “**SECTION 35. If House Bill 2009 becomes law and House Bill 2058 and House Bill 2118 do**
24 **not become law, section 15 of this 2009 Act (amending ORS 688.545) is repealed and ORS**
25 **688.545, as amended by section 1092, chapter __, Oregon Laws 2009 (Enrolled House Bill**
26 **2009), is amended to read:**

27 “688.545. (1)(a) There is created [*in the Oregon Health Authority*] a Board of [*Radiologic Tech-*
28 *nology*] **Medical Imaging** consisting of [*nine*] **12** members who shall be appointed by the Governor.
29 Each member of the board [*shall*] **must** be a citizen of the United States and a resident of the State
30 of Oregon. Each appointed member is entitled to vote.

31 “(b) Of the members of the board:

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

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

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

35 “**(A) Four must be licensed physicians who represent different medical specialties. At**
36 **least one physician shall be a radiologist and at least one physician shall be a licensed med-**
37 **ical imaging specialist;**

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

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

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

45 “(3) The term of office of the members of the board [*shall be*] **is** three years and a member may

1 be reappointed to serve not more than two **consecutive** full terms.

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

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

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

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

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

17 “688.545. (1) There is created a Board of [*Radiologic Technology*] **Medical Imaging**. The board
18 consists of [*nine*] **12** members appointed by the Governor and subject to confirmation by the Senate
19 in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident
20 of this state. Of the members of the board:

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

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

23 “**(a) Four must be licensed physicians who represent different medical specialties. At**
24 **least one physician shall be a radiologist and at least one physician shall be a licensed med-**
25 **ical imaging specialist;**

26 “[*(c) (b) Five must be [licensed] practicing [radiologic technologists, one of whom must be a ra-*

27 *diation therapist] medical imaging licensees, including one from each of the medical imaging*
28 **modalities listed in ORS 688.405; and**

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

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

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

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

37 “[*(A) a professional organization representing [limited permit holders, if the vacancy is in a*

38 *limited permit holder position;*] **medical imaging licensees.**
39 “[*(B) A professional organization representing radiation therapists, if the vacancy is in the radi-*

40 *ation therapist position; or]*
41 “[*(C) A professional organization representing radiologic technologists, if the vacancy is in a*

42 *radiologic technologist or radiation therapist position.]*
43 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
44 tation on the board according to:

45 “(A) Geographic areas of this state; and

1 “(B) Ethnic group.

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

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

8 “(b) A board member shall be removed immediately from the board if, during the member’s term,
9 the member:

10 “(A) Is not a resident of this state;

11 “(B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
12 cused;

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

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

21 “[*E*] *Is not a licensed practicing radiation therapist or a retired radiation therapist who was a*
22 *licensed radiation therapist in good standing at the time of retirement, if the board member was ap-*
23 *pointed to serve on the board as a radiation therapist.]*

24 “(5) Members of the board are entitled to compensation and expenses as provided in ORS
25 292.495. The board may provide by rule for compensation to board members for the performance of
26 official duties at a rate that is greater than the rate provided in ORS 292.495.

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

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

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

36 “**SECTION 37. If House Bill 2118 becomes law and House Bill 2009 and House Bill 2058 do**
37 **not become law, section 15 of this 2009 Act (amending ORS 688.545) is repealed and ORS**
38 **688.545, as amended by section 69, chapter __, Oregon Laws 2009 (Enrolled House Bill 2118),**
39 **is amended to read:**

40 “688.545. (1) There is created a Board of *[Radiologic Technology]* **Medical Imaging**. The board
41 consists of *[nine]* **12** members appointed by the Governor and subject to confirmation by the Senate
42 in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident
43 of this state. Of the members of the board:

44 “[*a*] *One must be a radiologist;]*

45 “[*b*] *At least one must be a limited permit holder;]*

1 “(a) **Four must be licensed physicians who represent different medical specialties. At**
2 **least one physician shall be a radiologist and at least one physician shall be a licensed med-**
3 **ical imaging specialist;**

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

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

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

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

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

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

17 “[(B)] A professional organization representing radiation therapists, if the vacancy is in the radi-
18 ation therapist position; or]

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

21 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
22 tation on the board according to:

23 “(A) Geographic areas of this state; and

24 “(B) Ethnic group.

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

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

30 “(5) Members of the board are entitled to compensation and expenses as provided in ORS
31 292.495.

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

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

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

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

45 “688.545. (1) There is created a Board of [Radiologic Technology] **Medical Imaging.** The board

1 consists of *[nine]* **12** members appointed by the Governor and subject to confirmation by the Senate
2 in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident
3 of this state. Of the members of the board:

4 “*[(a) One must be a radiologist;]*

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

6 “**(a) Four must be licensed physicians who represent different medical specialties. At**
7 **least one physician shall be a radiologist and at least one physician shall be a licensed med-**
8 **ical imaging specialist;**

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

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

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

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

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

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

22 “*[(B) A professional organization representing radiation therapists, if the vacancy is in the radi-*
23 *ation therapist position; or]*

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

26 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
27 tation on the board according to:

28 “(A) Geographic areas of this state; and

29 “(B) Ethnic group.

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

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

36 “(b) A board member shall be removed immediately from the board if, during the member’s term,
37 the member:

38 “(A) Is not a resident of this state;

39 “(B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
40 cused;

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

45 “(D) Is not a *[licensed practicing radiologic technologist]* **medical imaging licensee** or a retired

1 [radiologic technologist] **medical imaging licensee** who was a [licensed radiologic technologist]
2 **medical imaging licensee** in good standing at the time of retirement, if the board member was ap-
3 pointed to serve on the board as a [radiologic technologist; or] **medical imaging licensee.**

4 “[E] Is not a licensed practicing radiation therapist or a retired radiation therapist who was a
5 licensed radiation therapist in good standing at the time of retirement, if the board member was ap-
6 pointed to serve on the board as a radiation therapist.]

7 “(5) Members of the board are entitled to compensation and expenses as provided in ORS
8 292.495. The board may provide by rule for compensation to board members for the performance of
9 official duties at a rate that is greater than the rate provided in ORS 292.495.

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

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

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

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

22 “688.545. (1)[a] There is created [in the Oregon Health Authority] a Board of [Radiologic Tech-
23 nology consisting of nine members who shall be appointed by the Governor.] **Medical Imaging. The**
24 **board consists of 12 members appointed by the Governor and subject to confirmation by the**
25 **Senate in the manner provided in ORS 171.562 and 171.565.** Each member of the board [shall be
26 a citizen of the United States and a resident of the State of Oregon. Each appointed member is entitled
27 to vote] **must be a resident of this state.**

28 “[b] Of the members of the board:

29 “[A] One shall be a radiologist;]

30 “[B] At least one shall be a lay person;]

31 “[C] At least one shall be a limited permit holder; and]

32 “[D] At least five shall be licensed practicing radiologic technologists, one of whom shall be a
33 radiation therapist.]

34 “(a) **Four must be licensed physicians who represent different medical specialties. At**
35 **least one physician shall be a radiologist and at least one physician shall be a licensed med-**
36 **ical imaging specialist;**

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

39 “(c) **Three must be members of the public. A public member appointed under this para-**
40 **graph may not be:**

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

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

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

1 organization representing medical imaging licensees.

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

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

5 **“(B) Ethnic group.**

6 “[2] (3) The section manager of the Radiation Protection Services Section of the Oregon Health
7 Authority, or a person appointed by the section manager, [shall be] is an advisory member of the
8 board for the purpose of providing counsel and [shall not be] is not entitled to vote.

9 “[3] (4)(a) The term of office of the members of the board [shall be] is three years [and a
10 member may be reappointed to serve not more than two full terms.], **but a member serves at the**
11 **pleasure of the Governor. The terms must be staggered so that no more than four terms end**
12 **each year. A member is eligible for reappointment.**

13 **“(b) A board member shall be removed immediately from the board if, during the mem-**
14 **ber’s term, the member:**

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

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

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

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

24 “[4] (5) Members of the board [shall be] are entitled to compensation and expenses as provided
25 in ORS 292.495. **The board may provide by rule for compensation to board members for the**
26 **performance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

27 “[5] (6) The board shall annually elect a board chairperson and a vice chairperson from the
28 **voting** members of the board.

29 “[6] (7) For the purpose of transacting its business, the board [shall] **must** meet at least once
30 every three months at times and places designated by resolution. Special meetings may also be held
31 at such times as the board may elect or at the call of the chairperson. Notification of the time, place
32 and purpose of any special meeting [shall] **must** be sent to all members of the board at least 15 days
33 before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

34 “[7] (8) [Five] **Seven** members of the board [shall] constitute a quorum for the transaction of
35 business at any meeting. [Five] **Seven** affirmative votes [shall be] are required to take action.

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

39 **“688.545. (1) There is created a Board of Medical Imaging. The board consists of 12 members**
40 **appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS**
41 **171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of**
42 **the board:**

43 **“(a) Four must be licensed physicians who represent different medical specialties. At least one**
44 **physician shall be a radiologist and at least one physician shall be a licensed medical imaging spe-**
45 **cialist;**

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

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

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

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

8 “(2)(a) Board members required to be medical imaging licensees may be selected by the Gover-
9 nor from a list of three to five nominees for each vacancy, submitted by a professional organization
10 representing medical imaging licensees.

11 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
12 tation on the board according to:

13 “(A) Geographic areas of this state; and

14 “(B) Ethnic group.

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

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

21 “(b) A board member shall be removed immediately from the board if, during the member’s term,
22 the member:

23 “(A) Is not a resident of this state;

24 “(B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
25 cused;

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

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

32 “(5) Members of the board are entitled to compensation and expenses as provided in ORS
33 292.495. The board may provide by rule for compensation to board members for the performance of
34 official duties at a rate that is greater than the rate provided in ORS 292.495.

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

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

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

44 “**SECTION 41.** If House Bill 2009 and House Bill 2118 become law and House Bill 2058 does
45 not become law, ORS 688.545, as amended by section 1092, chapter ___, Oregon Laws 2009 (Enrolled

1 House Bill 2009), and section 101, chapter ___, Oregon Laws 2009 (Enrolled House Bill 2118), is
2 amended to read:

3 “688.545. (1) There is created a Board of [*Radiologic Technology*] **Medical Imaging**. The board
4 consists of [*nine*] **12** members appointed by the Governor and subject to confirmation by the Senate
5 in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident
6 of this state. Of the members of the board:

7 “[*(a) One must be a radiologist;*]

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

9 **“(a) Four must be licensed physicians who represent different medical specialties. At
10 least one physician shall be a radiologist and at least one physician shall be a licensed med-
11 ical imaging specialist;**

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

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

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

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

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

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

25 “[*(B) A professional organization representing radiation therapists, if the vacancy is in the radi-
26 ation therapist position; or]*

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

29 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
30 tation on the board according to:

31 “(A) Geographic areas of this state; and

32 “(B) Ethnic group.

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

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

38 “(5) Members of the board are entitled to compensation and expenses as provided in ORS
39 292.495.

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

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

1 before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

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

4 “**SECTION 42.** If House Bill 2009, House Bill 2058 and House Bill 2118 become law and House
5 Bill 2129 does not become law, ORS 688.545, as amended by section 1092, chapter ___, Oregon Laws
6 2009 (Enrolled House Bill 2009), is amended to read:

7 “688.545. (1)[(a)] There is created [*in the Oregon Health Authority*] a Board of [*Radiologic Tech-*
8 *nology consisting of nine members who shall be appointed by the Governor.*] **Medical Imaging. The**
9 **board consists of 12 members appointed by the Governor and subject to confirmation by the**
10 **Senate in the manner provided in ORS 171.562 and 171.565.** Each member of the board [*shall be*
11 *a citizen of the United States and a resident of the State of Oregon. Each appointed member is entitled*
12 *to vote*] **must be a resident of this state.**

13 “[*b*] Of the members of the board:

14 “[*A*] *One shall be a radiologist;*]

15 “[*B*] *At least one shall be a lay person;*]

16 “[*C*] *At least one shall be a limited permit holder; and*]

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

19 “(a) **Four must be licensed physicians who represent different medical specialties. At**
20 **least one physician shall be a radiologist and at least one physician shall be a licensed med-**
21 **ical imaging specialist;**

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

24 “(c) **Three must be members of the public. A public member appointed under this para-**
25 **graph may not be:**

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

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

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

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

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

35 “(B) **Ethnic group.**

36 “[*2*] (3) The section manager of the Radiation Protection Services Section of the Oregon Health
37 Authority, or a person appointed by the section manager, [*shall be*] **is** an advisory member of the
38 board for the purpose of providing counsel and [*shall not be*] **is not** entitled to vote.

39 “[*3*] (4)(a) The term of office of the members of the board [*shall be*] **is** three years [*and a*
40 *member may be reappointed to serve not more than two full terms.*], **but a member serves at the**
41 **pleasure of the Governor. The terms must be staggered so that no more than four terms end**
42 **each year. A member is eligible for reappointment.**

43 “(b) **A board member shall be removed immediately from the board if, during the mem-**
44 **ber’s term, the member:**

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

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

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

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

9 “[(4)] (5) Members of the board [shall be] are entitled to compensation and expenses as provided
10 in ORS 292.495. **The board may provide by rule for compensation to board members for the**
11 **performance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

12 “[(5)] (6) The board shall annually elect a board chairperson and a vice chairperson from the
13 **voting** members of the board.

14 “[(6)] (7) For the purpose of transacting its business, the board [shall] **must** meet at least once
15 every three months at times and places designated by resolution. Special meetings may also be held
16 at such times as the board may elect or at the call of the chairperson. Notification of the time, place
17 and purpose of any special meeting [shall] **must** be sent to all members of the board at least 15 days
18 before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

19 “[(7)] (8) [Five] **Seven** members of the board [shall] constitute a quorum for the transaction of
20 business at any meeting. [Five] **Seven** affirmative votes [shall be] are required to take action.

21 “**SECTION 43. If House Bill 2059 becomes law, section 23 of this 2009 Act (amending ORS**
22 **688.605) is repealed and ORS 688.605, as amended by section 21, chapter __, Oregon Laws 2009**
23 **(Enrolled House Bill 2059), is amended to read:**

24 “688.605. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health
25 information prohibit disclosure, any [radiologic technologist, or any person licensed by the Board of
26 Radiologic Technology,] **person issued a license or permit by the Board of Medical Imaging or**
27 **any employer of a licensee or permittee** shall report to the board any suspected violation of ORS
28 688.405 to 688.605 or any rule adopted by the board.

29 “(b) Unless state or federal laws relating to confidentiality or the protection of health informa-
30 tion prohibit disclosure, [a radiologic technologist or] any person [licensed] **issued a license or**
31 **permit** by the board who has reasonable cause to believe that a licensee of another board has en-
32 gaged in prohibited conduct as defined in section 1, **chapter __, Oregon Laws 2009 (Enrolled**
33 **House Bill 2059)**, [of this 2009 Act] shall report the prohibited conduct in the manner provided in
34 section 1, **chapter __, Oregon Laws 2009 (Enrolled House Bill 2059)** [of this 2009 Act].

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

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

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

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

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

5 In line 26, delete “34” and insert “44”.

6
