

House Bill 4008

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies requirements for licensure by Board of Medical Imaging.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical imaging; creating new provisions; amending ORS 688.415, 688.455 and 688.520;
3 repealing section 33, chapter 833, Oregon Laws 2009; and declaring an emergency.

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

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 Section 33, chapter 833, Oregon Laws 2009, is repealed.**

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

8 688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical
9 imaging modality if the person makes an application in writing and pays a fee in an amount estab-
10 lished by the board and if the person, at the time of application:

11 (a) Is at least 18 years of age;

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

14 *[(c) Holds a credential issued by a credentialing organization in a medical imaging modality re-*
15 *cognized by the board;]*

16 **(b) Satisfies one of the following requirements:**

17 **(A) Has graduated from an approved school;**

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

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

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

2 (2) All applicants for a license are subject to the examination policies of their respective cre-
3 dentialing organizations.

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

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

9 **SECTION 3.** ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, and section
10 2 of this 2012 Act, is amended to read:

11 688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical
12 imaging modality if the person makes an application in writing and pays a fee in an amount estab-
13 lished by the board and if the person, at the time of application:

14 (a) Is at least 18 years of age;

15 (b) Satisfies one of the following requirements:

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

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

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

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

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

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

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

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

29 (f) Meets the standards of ethical conduct established in the professional standards of the cor-
30 responding credentialing organization or a medical imaging modality's professional society.

31 (2) All applicants for a license are subject to the examination policies of their respective cre-
32 dentialing organizations.

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

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

38 **SECTION 4.** ORS 688.415 is amended to read:

39 688.415. (1) A person may not:

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

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

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

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

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

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

11 *[(3) After January 1, 2014, the Board of Medical Imaging may not issue a license to a person un-*
 12 *less the person has been awarded a credential by a credentialing organization in a medical imaging*
 13 *modality recognized by the board.]*

14 **SECTION 5.** ORS 688.520 is amended to read:

15 688.520. (1) The Board of Medical Imaging may grant inactive status to a person who holds a
 16 license or a limited X-ray machine operator permit who notifies the board of the person's:

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

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

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

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

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

27 (b) The length of issuance; and

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

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

32 (a) The person holds a credential in one or more of the medical imaging modalities or subspe-
 33 cialties; and

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

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

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

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

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

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

45 (b) An applicant for a student license must meet *[all general licensing requirements as provided*

1 *in] the requirements of ORS 688.455 (1)(a) and (c) to (f).*

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

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

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

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

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

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

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

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

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

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

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

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

25 **SECTION 7. The amendments to ORS 688.455 by section 3 of this 2012 Act become oper-**
26 **ative on January 1, 2014.**

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

28 (1) Applications for new licenses submitted on or after July 1, 2010, and on or before June
29 30, 2011.

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

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

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

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