

House Bill 2104

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for 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**.

Revises definition of "medical imaging" to include medical imaging procedures not related to clinical diagnosis and treatment.

Prohibits person from performing medical imaging procedure on another person unless procedure serves medical purpose and is ordered and interpreted by licensed physician, nurse practitioner or physician assistant acting within scope of licensee's authority.

A BILL FOR AN ACT

1
2 Relating to medical imaging; amending ORS 688.405, 688.415 and 688.557.

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

4 **SECTION 1.** ORS 688.405 is amended to read:

5 688.405. As used in ORS 688.405 to 688.605:

6 (1) "Approved school" means a school accredited in one of the medical imaging modalities or
7 subspecialties by a national post-secondary accreditation body and whose graduates are qualified to
8 sit for a credentialing examination recognized by the Board of Medical Imaging in the graduate's
9 medical imaging modality or subspecialty.

10 (2) "Clinical instructor" means an individual assigned to supervise students in a clinical setting
11 who is:

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

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

16 (3) "Credential" means the recognition awarded to an individual who meets the requirements
17 of a credentialing organization.

18 (4) "Credentialing organization" means a nationally recognized organization that issues creden-
19 tials through testing or evaluations that determine that a person meets defined standards for train-
20 ing and competence in a medical imaging modality.

21 (5) "Diagnostic medical sonography" means the use of nonionizing high frequency sound waves
22 with specialized equipment to direct the sound waves into areas of the human body to generate im-
23 ages for the assessment and diagnosis of various medical conditions.

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

27 (7) "Hybrid imaging or radiation therapy equipment" means equipment that combines more than
28 one medical imaging modality into a single device.

29 (8)(a) "Ionizing radiation" means alpha particles, beta particles, gamma rays, X-rays, neutrons,

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 high-speed electrons, high-speed protons or other particles capable of producing ions.

2 (b) "Ionizing radiation" does not include radiation such as radiofrequency or microwaves, visi-
3 ble, infrared or ultraviolet light or ultrasound.

4 (9) "License" means a license issued by the board to practice one or more of the medical imag-
5 ing modalities.

6 (10) "Licensed nurse practitioner" means a nurse practitioner licensed in Oregon.

7 (11) "Licensed physician" means a physician or surgeon licensed in Oregon.

8 (12) "Licensed physician assistant" means a physician assistant licensed in Oregon.

9 (13) "Limited X-ray machine operator" means a person other than a licensed physician, licensed
10 nurse practitioner or licensed physician assistant who performs diagnostic X-ray procedures under
11 the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant
12 using equipment that emits external ionizing radiation resulting in diagnostic radiographic images
13 that are limited to select human anatomical sites.

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

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

20 (16)(a) "Medical imaging" means the use of specialized equipment for the production of visual
21 representations of human anatomy, tissues or organs [*for use in clinical diagnosis and treatment*
22 *and*].

23 (b) "**Medical imaging**" includes but is not limited to X-ray, single photon emission, positron
24 emission technology, ultrasound, magnetic fields, visible light and radio waves.

25 (17) "Medical imaging licensee" means a person other than a licensed physician or a limited
26 X-ray machine operator who holds a valid license and operates medical imaging equipment for di-
27 agnostic or therapeutic purposes under the supervision of a licensed physician.

28 (18) "Medical imaging modality" means:

29 (a) Diagnostic medical sonography and all its subspecialties;

30 (b) Magnetic resonance imaging and all its subspecialties;

31 (c) Nuclear medicine technology and all its subspecialties;

32 (d) Radiation therapy and all its subspecialties; or

33 (e) Radiography and all its subspecialties.

34 (19) "Nuclear medicine technology" means the specialized equipment that measures radiation
35 emitted by radionuclides, including counters and cameras that form medical images for interpreta-
36 tion by a physician, or assists in therapeutic use of radionuclides.

37 (20) "Radiation therapy" means the use of ionizing radiation on a human being for therapeutic
38 purposes.

39 (21) "Radiographer" means a person other than a licensed physician who performs a compre-
40 hensive set of diagnostic radiographic procedures under the supervision of a licensed physician us-
41 ing external ionizing radiation to produce radiographic, fluoroscopic or digital images.

42 (22) "Radiography" means the use of ionizing radiation to produce radiographic, fluoroscopic or
43 digital images of human anatomy for diagnostic purposes.

44 (23) "Radiologist" means a person licensed to practice medicine in the State of Oregon who is
45 certified by or board eligible for certification by the American Board of Radiology, the American

1 Osteopathic Association, the Royal College of Radiologists or the Royal College of Physicians and
 2 Surgeons of Canada.

3 (24) “Student” means an individual enrolled in:

4 (a) An approved school; or

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

6 (25) “Supervision” means the act of monitoring and reviewing the performance of medical im-
 7 aging licensees or limited X-ray machine operators through regular inspections of work produced,
 8 regardless of whether the supervising individual is continuously physically present during the use
 9 of medical imaging equipment or X-ray equipment.

10 **SECTION 2.** ORS 688.415, as amended by section 4, chapter 1, Oregon Laws 2012, is amended
 11 to read:

12 688.415. (1) A person may not:

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

17 **(a) Practice a medical imaging modality or purport to be a medical imaging licensee un-**
 18 **less the person is licensed in accordance with the provisions of ORS 688.405 to 688.605;**

19 **(b) Operate an X-ray machine as described in ORS 688.515 (1) and (2) or purport to be a**
 20 **limited X-ray machine operator unless the person holds a valid limited X-ray machine oper-**
 21 **ator permit in accordance with the provisions of ORS 688.405 to 688.605;**

22 *[(b)]* **(c) Practice any medical imaging modality or as a limited X-ray machine operator under a**
 23 **false or assumed name;**

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

27 *[(d)]* **(e) Obtain or attempt to obtain a license or permit or a renewal of a license or permit by**
 28 **bribery or fraudulent representation; [or]**

29 *[(e)]* **(f) Knowingly make a false statement on an application for a license or permit or a renewal**
 30 **for a license or permit[.]; or**

31 **(g) Perform a medical imaging procedure on a person unless the procedure:**

32 **(A) Serves a medical purpose;**

33 **(B) Is ordered by a licensed physician, licensed physician assistant or licensed nurse**
 34 **practitioner acting within the scope of the licensee’s authority; and**

35 **(C) Is interpreted by a licensed physician, licensed nurse practitioner or licensed physi-**
 36 **cian assistant acting within the scope of the licensee’s authority.**

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

40 **(2)(a) Notwithstanding subsection (1)(g) of this section, the Board of Medical Imaging**
 41 **may authorize by rule medical imaging procedures for purposes related to research and ed-**
 42 **ucation.**

43 **(b) Subsection (1)(g) of this section does not apply to screening mammography. As used**
 44 **in this paragraph, “screening mammography” means a radiologic procedure performed on a**
 45 **woman for the early detection of breast cancer.**

1 **SECTION 3.** ORS 688.557 is amended to read:

2 688.557. For the purpose of requesting a state or nationwide criminal records check under ORS
3 181.534, the Board of Medical Imaging may require the fingerprints of a person who:

4 (1) Is applying for a license, or renewal of a license, under ORS [*688.415*] **688.445 and 688.455**;

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

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

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

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