

Enrolled House Bill 4074

Sponsored by Representatives JENSON, GREENLICK; Representatives CAMERON, HUFFMAN, KENNEMER, KENY-GUYER, OLSON, RICHARDSON, WEIDNER, WHITSETT (Presession filed.)

CHAPTER

AN ACT

Relating to medical imaging; creating new provisions; amending ORS 688.415; and declaring an emergency.

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

SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS 688.405 to 688.605.

SECTION 2. (1) The Board of Medical Imaging may waive the requirements listed in ORS 688.455 (1)(b) for an individual who:

- (a) Has substantial experience, as determined by the board, practicing the medical imaging modality for which the waiver is sought; and**
- (b) Performs that medical imaging modality as an employee of, or under a contract with, a rural hospital, as defined in ORS 442.470.**

(2) An individual who seeks a waiver under subsection (1) of this section must demonstrate to the board that enforcement of ORS 688.455 (1)(b) would result in the substantial shortage of the availability of the medical imaging modality for which the waiver is sought.

(3) The board may condition the issuance of a waiver under subsection (1) of this section by prescribing the terms of the waiver, including the duration of the waiver and any supervisory requirements that the board deems necessary for the individual to practice the medical imaging modality for which the waiver is sought. Additionally, the board may condition the issuance of a waiver upon passage of an examination, administered by a credentialing organization, in a medical imaging modality recognized by the board, with enrollment for the examination authorized through state sponsorship.

SECTION 3. ORS 688.415 is amended to read:

688.415. (1) A person may not:

- (a) Practice a medical imaging modality or purport to be a medical imaging licensee unless the person is licensed in accordance with the provisions of ORS 688.405 to 688.605;**
- (b) Operate an X-ray machine as described in ORS 688.515 (1) and (2) or purport to be a limited X-ray machine operator unless the person holds a valid limited X-ray machine operator permit in accordance with the provisions of ORS 688.405 to 688.605;**
- (c) Practice any medical imaging modality or as a limited X-ray machine operator under a false or assumed name;**

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

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

(f) Knowingly make a false statement on an application for a license or permit or a renewal for a license or permit; or

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

(A) Serves a medical purpose;

(B) Is ordered by a [*licensed physician, licensed physician assistant, licensed nurse practitioner, certified registered nurse anesthetist, as defined in ORS 678.245, or other registered nurse licensed under ORS chapter 678 who has been authorized by the Oregon State Board of Nursing to order a medical imaging procedure*] **health care practitioner who is licensed to practice a profession in this state and who is acting within the scope of the licensee’s authority, as determined by the agency that licensed the licensee, to order the medical imaging procedure;** and

(C) Is interpreted by a [*licensee described in subparagraph (B) of this paragraph*] **health care practitioner who is licensed to practice a profession in this state and who is acting within the scope of the licensee’s authority, as determined by the agency that licensed the licensee, to interpret the medical imaging procedure.**

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

SECTION 4. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by House February 11, 2014

Received by Governor:

Repassed by House February 26, 2014

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Approved:

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2014

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate February 25, 2014

Filed in Office of Secretary of State:

.....M.,....., 2014

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State