

# D R A F T

## SUMMARY

Specifies that physician assistant may not practice fluoroscopy on person unless physician assistant holds certificate issued by Board of Medical Imaging authorizing such practice. Establishes criteria for certification and practice. Directs board to certify physician assistants who meet certification criteria.

Becomes operative August 1, 2016.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to radiography; creating new provisions; amending ORS 688.915; and  
3 declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part**  
6 **of ORS 688.405 to 688.605.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **“Fluoroscopy” means the use of a continuous beam of X-rays**  
9 **to create an image of the movement of internal structures.**

10 (b) **“Physician assistant” means a physician assistant licensed un-**  
11 **der ORS 677.505 to 677.525.**

12 (c) **“Supervising physician” means a physician licensed under ORS**  
13 **chapter 677 who has entered into a practice agreement with a physi-**  
14 **cian assistant as described in ORS 677.510.**

15 (2) **Except as provided in subsection (7) of this section, a physician**  
16 **assistant may not practice fluoroscopy on a person unless the physi-**  
17 **cian assistant:**

18 (a) **Holds an active certificate issued by the Board of Medical Im-**

1 **aging under this section;**

2 **(b) Operates fluoroscopic X-ray equipment in compliance with this**  
3 **section and rules adopted by the board under this section; and**

4 **(c) Fluoroscopy is among the medical duties delegated to the phy-**  
5 **sician assistant pursuant to a practice agreement described in ORS**  
6 **677.510.**

7 **(3) The board shall issue a certificate to practice fluoroscopy to a**  
8 **physician assistant who:**

9 **(a) Completes a fluoroscopy education program approved by the**  
10 **board;**

11 **(b) Submits an examination application to the board in a form and**  
12 **manner prescribed by the board;**

13 **(c) Pays an examination fee established by the board by rule;**

14 **(d) Passes an examination on fluoroscopy approved by the board;**

15 **(e) Submits a certificate application to the board in a form and**  
16 **manner prescribed by the board;**

17 **(f) Pays a certificate application fee established by the board by**  
18 **rule; and**

19 **(g) Meets the standards of ethical and professional conduct estab-**  
20 **lished by a credentialing organization or professional society related**  
21 **to the practice of medical imaging.**

22 **(4) The board shall renew the certificate to practice fluoroscopy of**  
23 **a physician assistant who:**

24 **(a) Submits a renewal application to the board in a form and man-**  
25 **ner prescribed by the board;**

26 **(b) Pays a renewal fee established by the board by rule; and**

27 **(c) Completes continuing education requirements approved by the**  
28 **board.**

29 **(5) A supervising physician may delegate fluoroscopy procedures**  
30 **only to a physician assistant who holds a certificate issued pursuant**  
31 **to this section.**

1       **(6)(a) A physician assistant who holds a certificate issued pursuant**  
2 **to this section may practice fluoroscopy only as authorized by this**  
3 **section.**

4       **(b) A physician assistant may practice fluoroscopy only if:**

5       **(A) The supervising physician with whom the physician assistant**  
6 **has entered into a practice agreement is in the room where the**  
7 **fluoroscopic procedure is taking place at the time that the procedure**  
8 **is taking place; or**

9       **(B) The supervising physician with whom the physician assistant**  
10 **has entered into a practice agreement is readily available at the time**  
11 **that the fluoroscopic procedure is taking place and a medical imaging**  
12 **licensee who specializes in the medical imaging modality of**  
13 **radiography is in the room where the procedure is taking place at the**  
14 **time that the procedure is taking place.**

15       **(c) The board may adopt by rule an exception to the requirements**  
16 **of paragraph (b) of this subsection if the board determines that the**  
17 **exception does not create a risk of harm to the public health and**  
18 **safety.**

19       **(7) A physician assistant may practice fluoroscopy before being is-**  
20 **sued a certificate under this section for the purpose of completing a**  
21 **fluoroscopy training program. A physician assistant must be super-**  
22 **vised, as determined by the board by rule, when practicing fluoroscopy**  
23 **under this subsection.**

24       **(8) Subject to the provisions of ORS chapter 183, the board may**  
25 **refuse to issue or renew a certificate under this section or may sus-**  
26 **pend or revoke a certificate under this section if the applicant or cer-**  
27 **tificate holder violates a provision of this section or any rule adopted**  
28 **by the board under this section.**

29       **SECTION 3.** ORS 688.915 is amended to read:

30       688.915. (1) In addition to any other sanction authorized by law, the Board  
31 of Medical Imaging may impose a civil penalty not to exceed \$1,000 per oc-

1 currence for any violation of ORS 688.405 to 688.605, or of any rules adopted  
2 under those provisions. The penalty may be imposed whether or not the  
3 person incurring the penalty has been licensed or been issued a permit **or**  
4 **certificate** under ORS 688.405 to 688.605, or has made application for a li-  
5 cense [*or*], permit **or certificate** under those sections. A civil penalty may  
6 be imposed in lieu of a refusal to grant or renew a license [*or*], permit **or**  
7 **certificate**, or a suspension or revocation of a license [*or*], permit **or cer-**  
8 **tificate**, under ORS 688.525 **or section 2 of this 2015 Act.**

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

11 (3) All penalties recovered under this section shall be credited to the  
12 Board of Medical Imaging Account established under ORS 688.585.

13 **SECTION 4. (1) Section 2 of this 2015 Act and the amendments to**  
14 **ORS 688.915 by section 3 of this 2015 Act become operative on August**  
15 **1, 2016.**

16 **(2) The Board of Medical Imaging may take any action necessary**  
17 **before the operative date specified in subsection (1) of this section that**  
18 **is necessary to enable the board to exercise, on and after the operative**  
19 **date specified in subsection (1) of this section, all the duties, functions**  
20 **and powers conferred on the board by section 2 of this 2015 Act and**  
21 **the amendments to ORS 688.915 by section 3 of this 2015 Act.**

22 **SECTION 5. This 2015 Act being necessary for the immediate pres-**  
23 **ervation of the public peace, health and safety, an emergency is de-**  
24 **clared to exist, and this 2015 Act takes effect on its passage.**

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