

Enrolled
House Bill 2880

Sponsored by COMMITTEE ON HEALTH CARE

CHAPTER

AN ACT

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

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

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

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

(a) “Fluoroscopy” means a technique for generating X-ray images and for presenting the X-ray images simultaneously and continuously as a visible image.

(b) “Physician assistant” means a physician assistant licensed under ORS 677.505 to 677.525.

(c) “Supervising physician” means a physician licensed under ORS chapter 677 who has entered into a practice agreement with a physician assistant as described in ORS 677.510.

(d) “To practice fluoroscopy” means to initiate the generation of X-rays and to acquire visible images for the purpose of medical diagnosis.

(2) Except as provided in subsection (7) of this section, a physician assistant may not practice fluoroscopy on a person unless the physician assistant:

(a) Holds an active certificate issued by the Board of Medical Imaging under this section;

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

(c) Fluoroscopy is among the medical duties delegated to the physician assistant pursuant to a practice agreement described in ORS 677.510.

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

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

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

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

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

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

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

(g) Meets the standards of ethical and professional conduct established by a credentialing organization or professional society related to the practice of medical imaging.

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

(a) Submits a renewal application to the board in a form and manner prescribed by the board;

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

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

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

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

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

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

(B) The supervising physician with whom the physician assistant has entered into a practice agreement is in the building where the fluoroscopic procedure is taking place at the time that the procedure is taking place and a medical imaging licensee who specializes in the medical imaging modality of radiography is in the room where the procedure is taking place at the time that the procedure is taking place.

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

(7) A physician assistant may practice fluoroscopy before being issued a certificate under this section for the purpose of completing a fluoroscopy training program. A physician assistant must be supervised, as determined by the board by rule, when practicing fluoroscopy under this subsection.

(8) Subject to the provisions of ORS chapter 183, the board may refuse to issue or renew a certificate under this section or may suspend or revoke a certificate under this section if the applicant or certificate holder violates a provision of this section or any rule adopted by the board under this section.

SECTION 3. ORS 688.915 is amended to read:

688.915. (1) In addition to any other sanction authorized by law, the Board of Medical Imaging may impose a civil penalty not to exceed \$1,000 per occurrence for any violation of ORS 688.405 to 688.605, or of any rules adopted under those provisions. The penalty may be imposed whether or not the person incurring the penalty has been licensed or been issued a permit **or certificate** under ORS 688.405 to 688.605, or has made application for a license [or], permit **or certificate** under those sections. A civil penalty may be imposed in lieu of a refusal to grant or renew a license [or], permit **or certificate**, or a suspension or revocation of a license [or], permit **or certificate**, under ORS 688.525 **or section 2 of this 2015 Act**.

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

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

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

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

SECTION 5. **This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

Passed by House March 30, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 30, 2015

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State