

Enrolled Senate Bill 280

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CHAPTER

AN ACT

Relating to the regulation of medical imaging; creating new provisions; amending ORS 688.405 and 688.545; and declaring an emergency.

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

SECTION 1. ORS 688.545 is amended to read:

688.545. *[(1)]* **(1)(a)** There is created *[a]* **the** Board of Medical Imaging. The board consists of 12 members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of the board:

[(a) Four must be licensed physicians who represent different medical specialties. At least one physician shall be a radiologist and at least one physician shall be a licensed medical imaging specialist;]

(A) One must be a licensed physician who is in good standing and who is a radiologist;

(B) Three must be licensed physicians who are in good standing and who apply to serve on the board in a form and manner prescribed by the board;

[(b)] **(C)** Five must be *[practicing]* **actively engaged** medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and

[(c)] **(D)** Three must be members of the public.

(b) If the Board of Medical Imaging does not receive a sufficient number of applications to fill the positions described in paragraph (a)(B) of this subsection, the Governor may appoint the remaining board members from applicants who have been retired for not more than six years and:

(A) Who are registered with the Oregon Medical Board as retired emeritus physicians;
or

(B) Who provided the Oregon Medical Board with notice of retirement in accordance with ORS 677.175 and were in good standing with the Oregon Medical Board at the time of retirement.

(c) If the Board of Medical Imaging does not receive a sufficient number of applications to fill the positions described in paragraphs (a)(B) and (b) of this subsection, the Governor may appoint the remaining board members from among any combination of the following:

(A) A chiropractic physician licensed under ORS chapter 684 who is certified by the American Chiropractic Board of Radiology as a Diplomate of the American Chiropractic Board of Radiology;

- (B) An actively engaged medical imaging licensee;**
- (C) A limited X-ray machine operator who holds a permit issued under ORS 688.515; or**
- (D) A member of the public.**

(d) A public member appointed under this [paragraph] subsection may not be:

- (A) Otherwise eligible for appointment to the Board of Medical Imaging; or
- (B) The spouse, domestic partner, child, parent or sibling of a person issued a license or permit by the board.

(2)(a) Board members required to be medical imaging licensees may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing medical imaging licensees.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

- (A) Geographic areas of this state; and
- (B) Ethnic group.

(3) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or a person appointed by the section manager, is an advisory member of the board for the purpose of providing counsel and is not entitled to vote.

(4)(a) The term of office of the members of the board is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than four terms end each year. A member is eligible for reappointment.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

- (A) Is not a resident of this state;
- (B) Has been absent from three consecutive board meetings, unless at least one absence is excused;
- (C) Is not a licensed physician or a retired licensed physician who was a licensed physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensed physician; [or]

(D) Is not a licensed chiropractic physician or a retired licensed chiropractic physician who was a licensed chiropractic physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensed chiropractic physician;

[D)] **(E) Is not a medical imaging licensee or a retired medical imaging licensee who was a medical imaging licensee in good standing at the time of retirement, if the board member was appointed to serve on the board as a medical imaging licensee[.]; or**

(F) Does not hold a valid permit issued under ORS 688.515, if the board member was appointed to serve on the board as a limited X-ray machine operator.

(5) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

(6) The board shall annually elect a board chairperson and a vice chairperson from the voting members of the board.

(7) For the purpose of transacting its business, the board must meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting must be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(8) Seven members of the board constitute a quorum for the transaction of business at any meeting. Seven affirmative votes are required to take action.

SECTION 2. ORS 688.405 is amended to read:

688.405. As used in ORS 688.405 to 688.605:

- (1) "Actively engaged" means:**
- (a) Practicing medical imaging;**

(b) Supervising or providing administrative services for medical imaging licensees, or students or trainees learning a medical imaging modality, at an institution that provides medical imaging services;

(c) Teaching, providing instruction for or administrating a medical imaging program at an institution recognized by the Board of Medical Imaging as an educational institution; or

(d) Having retired from the practice of medical imaging, provided that the retired medical imaging licensee has not been retired for more than six years and was in good standing with the board at the time of retirement.

[(1)] (2) “Approved school” means a school accredited in one of the medical imaging modalities or subspecialties by a national post-secondary accreditation body and whose graduates are qualified to sit for a credentialing examination recognized by the board [*of Medical Imaging*] in the graduate’s medical imaging modality or subspecialty.

[(2)] (3) “Clinical instructor” means an individual assigned to supervise students in a clinical setting who is:

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

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

[(3)] (4) “Credential” means the recognition awarded to an individual who meets the requirements of a credentialing organization.

[(4)] (5) “Credentialing organization” means a nationally recognized organization that issues credentials through testing or evaluations that determine that a person meets defined standards for training and competence in a medical imaging modality.

[(5)] (6) “Diagnostic medical sonography” means the use of nonionizing high frequency sound waves with specialized equipment to direct the sound waves into areas of the human body to generate images for the assessment and diagnosis of various medical conditions.

[(6)] (7) “Graduate” means an individual who has completed the didactic and clinical education at an approved school, including documented clinical proficiency, but who has not met all requirements for credentialing by a credentialing organization.

[(7)] (8) “Hybrid imaging or radiation therapy equipment” means equipment that combines more than one medical imaging modality into a single device.

[(8)(a)] (9)(a) “Ionizing radiation” means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons or other particles capable of producing ions.

(b) “Ionizing radiation” does not include nonionizing radiation.

[(9)] (10) “License” means a license issued by the board to practice one or more of the medical imaging modalities.

[(10)] (11) “Licensed nurse practitioner” means a nurse practitioner licensed in Oregon.

[(11)] (12) “Licensed physician” means a physician or surgeon licensed in Oregon.

[(12)] (13) “Licensed physician assistant” means a physician assistant licensed in Oregon.

[(13)] (14) “Limited X-ray machine operator” means a person who performs diagnostic X-ray procedures under the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant using equipment that emits external ionizing radiation resulting in diagnostic radiographic images that are limited to select human anatomical sites.

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

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

[(16)(a)] (17)(a) “Medical imaging” means the use of specialized equipment for the production of visual representations of human anatomy, tissues or organs.

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

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

[(18)] (19) "Medical imaging modality" means:

- (a) Diagnostic medical sonography and all its subspecialties;
- (b) Magnetic resonance imaging and all its subspecialties;
- (c) Nuclear medicine technology and all its subspecialties;
- (d) Radiation therapy and all its subspecialties; or
- (e) Radiography and all its subspecialties.

[(19)] (20) "Nonionizing radiation" includes radiation such as radiofrequency or microwaves, visible, infrared or ultraviolet light or ultrasound.

[(20)] (21) "Nuclear medicine technology" means the specialized equipment that measures radiation emitted by radionuclides, including counters and cameras that form medical images for interpretation by a physician, or assists in therapeutic use of radionuclides.

[(21)] (22) "Radiation therapy" means the use of ionizing radiation on a human being for therapeutic purposes.

[(22)] (23) "Radiographer" means a person other than a licensed physician who performs a comprehensive set of diagnostic radiographic procedures under the supervision of a licensed physician using external ionizing radiation to produce radiographic, fluoroscopic or digital images.

[(23)] (24) "Radiography" means the use of ionizing radiation to produce radiographic, fluoroscopic or digital images of human anatomy for diagnostic purposes.

[(24)] (25) "Radiologist" means a person licensed to practice medicine in the State of Oregon who is certified by or board eligible for certification by the American Board of Radiology, the American Osteopathic Association, the Royal College of Radiologists or the Royal College of Physicians and Surgeons of Canada.

[(25)] (26) "Student" means an individual enrolled in:

- (a) An approved school; or
- (b) A limited X-ray machine operator course of study.

[(26)] (27) "Supervision" means the act of monitoring and reviewing the performance of medical imaging licensees or limited X-ray machine operators through regular inspections of work produced, regardless of whether the supervising individual is continuously physically present during the use of medical imaging equipment or X-ray equipment.

SECTION 3. The amendments to ORS 688.405 and 688.545 by sections 1 and 2 of this 2015 Act apply to members of the Board of Medical Imaging who are appointed on or after the effective date of this 2015 Act.

SECTION 4. 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 Senate March 2, 2015

Repassed by Senate June 2, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 28, 2015

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Tina Kotek, Speaker of House

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