

Enrolled
House Bill 2267

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Board of Medical Imaging)

CHAPTER

AN ACT

Relating to medical imaging; creating new provisions; amending ORS 688.435; and declaring an emergency.

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

OPHTHALMIC SONOGRAPHY

SECTION 1. ORS 688.435 is amended to read:

688.435. The provisions of ORS 688.405 to 688.605 do not apply to the following persons:

- (1) Persons who operate dental X-ray equipment for the sole purpose of oral radiography.
- (2) Students in approved schools, while practicing one of the medical imaging modalities or subspecialties under the supervision of the school’s assigned clinical instructor.
- (3) Specific licensed health care providers, other than physicians, who use sonographic equipment within their lawful scope of practice.
- (4) Licensed physicians.
- (5) Persons who use radiation for the purpose of research or education. As used in this subsection:
 - (a) “Education” means a program of study or training:
 - (A) In which a student, trainee or health care practitioner learns to practice or improve skills for a profession regulated by a health professional regulatory board, as defined in ORS 676.160; and
 - (B)(i) That is accredited by a national or regional post-secondary accrediting body or organization; or
 - (ii) That is approved or recognized by a health professional regulatory board, as defined in ORS 676.160, for purposes related to being authorized to practice a profession.
 - (b) “Research” means systematic investigation, including research development, testing and evaluation, designed to develop or contribute to general knowledge and that has been approved by an institutional review board that provides for the protection of human research subjects in accordance with federal regulations.
- (6) **Persons who use sonographic equipment for the sole purpose of ophthalmic sonography.**

FINES

SECTION 2. Section 3 of this 2017 Act is added to and made a part of ORS 688.405 to 688.605.

SECTION 3. (1) Subject to the provisions of ORS chapter 183 and subsection (2) of this section, the Board of Medical Imaging may impose a fine on an individual licensed or holding a permit under ORS 688.405 to 688.605 for an administrative or clerical violation of ORS 688.405 to 688.605 or a rule adopted pursuant to ORS 688.405 to 688.605 if the violation does not create a risk of harm to the public, as established by the board by rule.

(2) A fine imposed under this section:

- (a) May not exceed \$100;
- (b) Is confidential; and
- (c) Is not a disciplinary action by the board.

BONE DENSITOMETRY

SECTION 4. Section 5 of this 2017 Act is added to and made a part of ORS 688.405 to 688.605.

SECTION 5. (1) The Board of Medical Imaging may issue a limited permit in bone densitometry to an individual who is certified in bone densitometry by the International Society for Clinical Densitometry, its successor agency or another agency approved by the board, and who meets the requirements established by the board by rule.

(2) The board may issue a temporary permit in bone densitometry to an individual to allow the individual to complete the clinical requirements necessary for certification in bone densitometry by the International Society for Clinical Densitometry, its successor agency or other agency approved by the board. The individual must meet the requirements established by the board by rule.

(3) The board shall adopt rules regarding the permits described in this section. The rules shall establish:

- (a) An application process;
- (b) Procedures for issuance of the permits;
- (c) Fees;
- (d) Continuing education requirements;
- (e) Renewal procedures; and
- (f) Other criteria that the board determines necessary.

SECTION 6. (1) Section 5 of this 2017 Act becomes operative on January 1, 2018.

(2) The Board of Medical Imaging may take any action 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 of the duties, functions and powers conferred on the board by section 5 of this 2017 Act.

CAPTIONS

SECTION 7. The unit captions used in this 2017 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2017 Act.

EMERGENCY CLAUSE

SECTION 8. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House February 8, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 21, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State