

# 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)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides exemption from requirement to obtain medical imaging license if person uses sonographic equipment for sole purpose of ophthalmic sonography.

Authorizes Board of Medical Imaging to impose maximum \$100 fine on permit holder or licensee for administrative or clerical violation that does not create risk of harm to public.

Authorizes Board of Medical Imaging to issue limited or temporary permit in bone densitometry to qualified applicant.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to medical imaging; creating new provisions; amending ORS 688.435; and declaring an  
3 emergency.

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

## OPHTHALMIC SONOGRAPHY

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8 **SECTION 1.** ORS 688.435 is amended to read:

9 688.435. The provisions of ORS 688.405 to 688.605 do not apply to the following persons:

10 (1) Persons who operate dental X-ray equipment for the sole purpose of oral radiography.

11 (2) Students in approved schools, while practicing one of the medical imaging modalities or  
12 subspecialties under the supervision of the school's assigned clinical instructor.

13 (3) Specific licensed health care providers, other than physicians, who use sonographic equip-  
14 ment within their lawful scope of practice.

15 (4) Licensed physicians.

16 (5) Persons who use radiation for the purpose of research or education. As used in this sub-  
17 section:

18 (a) "Education" means a program of study or training:

19 (A) In which a student, trainee or health care practitioner learns to practice or improve skills  
20 for a profession regulated by a health professional regulatory board, as defined in ORS 676.160; and

21 (B)(i) That is accredited by a national or regional post-secondary accrediting body or organiza-  
22 tion; or

23 (ii) That is approved or recognized by a health professional regulatory board, as defined in ORS  
24 676.160, for purposes related to being authorized to practice a profession.

25 (b) "Research" means systematic investigation, including research development, testing and  
26 evaluation, designed to develop or contribute to general knowledge and that has been approved by  
27 an institutional review board that provides for the protection of human research subjects in ac-  
28 cordance with federal regulations.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (6) Persons who use sonographic equipment for the sole purpose of ophthalmic  
2 sonography.

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4 **FINES**

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6 **SECTION 2.** Section 3 of this 2017 Act is added to and made a part of ORS 688.405 to  
7 688.605.

8 **SECTION 3.** (1) Subject to the provisions of ORS chapter 183 and subsection (2) of this  
9 section, the Board of Medical Imaging may impose a fine on an individual licensed or holding  
10 a permit under ORS 688.405 to 688.605 for an administrative or clerical violation of ORS  
11 688.405 to 688.605 or a rule adopted pursuant to ORS 688.405 to 688.605 if the violation does  
12 not create a risk of harm to the public, as established by the board by rule.

13 (2) A fine imposed under this section:

14 (a) May not exceed \$100;

15 (b) Is confidential; and

16 (c) Is not a disciplinary action by the board.

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18 **BONE DENSITOMETRY**

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20 **SECTION 4.** Section 5 of this 2017 Act is added to and made a part of ORS 688.405 to  
21 688.605.

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

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

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

33 (a) An application process;

34 (b) Procedures for issuance of the permits;

35 (c) Fees;

36 (d) Continuing education requirements;

37 (e) Renewal procedures; and

38 (f) Other criteria that the board determines necessary.

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

40 (2) The Board of Medical Imaging may take any action before the operative date specified  
41 in subsection (1) of this section that is necessary to enable the board to exercise, on and  
42 after the operative date specified in subsection (1) of this section, all of the duties, functions  
43 and powers conferred on the board by section 5 of this 2017 Act.

44  
45 **CAPTIONS**

