



# Oregon

Kate Brown, Governor

## Oregon Board of Medical Imaging

800 NE Oregon Street, Suite 1160A

Portland, OR 97232-2162

OBMI.info@state.or.us

Phone: 971-673-0215

Fax: 971-673-0218

**Agency Concept Number:** 833426-003

**LC Number:** 478

**Agency:** Oregon Board of Medical Imaging

**Division:** OBMI

**Concept Subject or Title:** Board Investigator Authority for Inspections

### LC 478

#### By the Oregon Board of Medical Imaging (OBMI)

#### PROBLEM TO BE SOLVED:

OBMI's current law states that the Board shall enforce the provisions outlined in ORS 688.405 to 688.605 and shall conduct inspections. The statute does not provide for a Board's designee to perform those duties rather the authority is exclusive to the section manager of the Radiation Protective Services (RPS). When the Board was created, there were no investigators on staff. At that time, the Board used the services of RPS to perform inspections of facilities and locations in which a violation may have occurred. Today, the Board employs a .5FTE Investigator and the Board believes it is in the best interest of the Board and the public to have the Board inspect facilities directly when it relates to a disciplinary related investigation or complaint. The way the law is currently written, the Board is unable to statutorily utilize its Investigator or designee to perform Inspections of facilities for which the Investigator or designee is involved concerning an investigatory case relating to a complaint or other disciplinary related investigation. Other health licensing boards have statutory language that provides for the board to utilize board staff to conduct all manners of investigations and enforcement. The Board's concern is that current law does not allow the Board's designee to independently inspect the premises in which an alleged violation occurred.

#### HOW THIS LEGISLATION ADDRESSES THE PROBLEM:

This legislative concept would provide law to allow the board to utilize its Investigator or designee to independently inspect facilities and other locations where a violation allegedly occurred and have statutes that better align with those of other Health Licensing Boards. In consideration that the Board's current statutes do not include a Board designee who can enforce provisions of medical imaging related statutes or conduct inspections independently, this legislative concept would remedy that problem. Giving the Investigator or designee authority to conduct inspections thereby enforcing the provisions of ORS 688.404 to 688.605 enables the Board to more fully understand aspects of an investigation, expedite inspections and enable the Board to form a more complete decision with regards to disciplinary action. Additionally, this legislative concept would align the Board's statutes with other Health Related Licensing Boards by specifically including a Board designee in the language. This proposed change supports the agency's mission to promote, preserve and protect the public health, safety and welfare of Oregonians undergoing medical imaging studies.

**OPPOSITION TO LC 478:** No known opposition. The OBMI reached out to several interest groups, seeking comment on LC 478. No comments were submitted.

**FISCAL IMPACT:** No fiscal impact expected.

**CONTACT:** Stacy Katler, Executive Director, Oregon Board of Medical Imaging  
971-673-0216 [stacy.L.katler@oregon.gov](mailto:stacy.L.katler@oregon.gov)