

Enrolled Senate Bill 98

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CHAPTER

AN ACT

Relating to Board of Medical Imaging; creating new provisions; amending ORS 688.525; and prescribing an effective date.

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

SECTION 1. ORS 688.525 is amended to read:

688.525. (1) The Board of Medical Imaging, after notice of and hearing as required under the contested case procedures of ORS chapter 183, may **take any of the following actions against a person described in subsection (2) of this section:**

- (a) Refuse to issue a license or permit to any applicant[, *may*];
- (b) Refuse to renew the license of any medical imaging licensee or the permit of a limited X-ray machine operator [*or may*];
- (c) Suspend or revoke [*the*] a license or permit[*of a person who:*] **issued by the board;**
- (d) **Issue a letter of reprimand to a licensee or permittee of the board; or**
- (e) **Impose probation upon a licensee or permittee of the board.**

(2) The board may take any of the actions described in subsection (1) of this section against a person who:

- (a) Has been disciplined by a credentialing organization or a licensing board in this state or in another state, territory of the United States or nation for acts by the holder of a license or a permit that are similar to acts described in this subsection. A certified copy of the order of discipline constitutes conclusive evidence of the discipline.
- (b) Has an impairment as defined in ORS 676.303.
- (c) In the judgment of the board, is guilty of unethical or unprofessional conduct in the practice of a medical imaging modality or as a limited X-ray machine operator.
- (d) Has been convicted of any crime that bears a demonstrable relationship to the practice of a medical imaging modality or as a limited X-ray machine operator, or otherwise reflects adversely on fitness to practice.
- (e) In the judgment of the board, has acted with gross negligence in the practice of a medical imaging modality or as a limited X-ray machine operator.
- (f) Has undertaken to act as a medical imaging licensee independently of the supervision of a licensed physician, or has undertaken to act as a limited X-ray machine operator independently of the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant.
- (g) Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 by fraud or material misrepresentation.

(h) Is in violation of a provision of ORS 688.405 to 688.605 or rule adopted under ORS 688.405 to 688.605.

(i) Has failed to respond to inquiries by the board.

(j) Has failed to cooperate with an investigation conducted by the board.

(k) Has failed to comply with an order issued by the board.

(L) Has committed an act of moral turpitude, dishonesty, fraud or misrepresentation that is not related to the practice of a medical imaging modality or as a limited X-ray machine operator but that, in the discretion of the board, bears upon the person's fitness to practice medical imaging.

[(2)] (3) Upon receipt of a complaint under ORS 688.405 to 688.605, the board shall conduct an investigation as described under ORS 676.165.

[(3)] (4) Information that the board obtains as part of an investigation into licensee, permittee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee, permittee or applicant conduct is confidential as provided under ORS 676.175.

SECTION 2. (1) The amendments to ORS 688.525 by section 1 of this 2021 Act become operative on January 1, 2022.

(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 the amendments to ORS 688.525 by section 1 of this 2021 Act.

SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by Senate March 10, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 20, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State