OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, January 20, 2017
Portland State Office Building, 800 NE Oregon Street
Conference Room 1-D

APPROVED MINUTES

Board attendance: Kelly Karraker, chair; Dr. Ron Boucher; Brad Betz; Robyn Cole; Dr. Katharine Hopkins; Dr. Steven Edelman; Dr. Cloe Shelton; Ellen Voss. By telephone: Wayne Lemler; Rick Hoylman. Also: David Howe (RPS; Advisory Member); Glenda Villamar (RPS; advisory member).

Staff in attendance: Ed Conlow, OBMI Executive Director; Sarah Anderson, OBMI Administrative Licensing Specialist; Vincent Mandina, Administrative LEDS Specialist; Thomas King, Investigator; Joanna Tucker Davis, Senior Assistant Attorney General.

Call to order: Chairperson Karraker called the meeting to order at 8:32 a.m.

Executive session: Chairperson Karraker convened the board in executive session at 8:33 pursuant to ORS 192.660(2)(L) and ORS 192.660(2)(f). Chairperson Karraker adjourned executive session at 12:55 p.m.

Public Session: Chairperson Karraker called the Board into public session at 1:10 p.m.

Public hearing on rulemaking: Chairperson Karraker convened a public hearing on proposed rules regarding supervision of limited x-ray permit holders. The hearing was convened pursuant to ORS 183.335(2)(d). She explained the ground rules for the hearing and recognized speakers including:
- Shelli Hampton, program director for the Pioneer Pacific College, Wilsonville.
- Dr. Chris Seuferling, President of the Oregon Podiatric Medical Association.
- Robert Scott, Podiatrist, Salem, Oregon.
- Dr. Cassi Tomczak, Podiatrist.
- Dr. Edith Dal Mas, Portland School of Radiography.

Approval of public minutes from previous board meeting: October 21, 2016 public meeting minutes: Hopkins made the motion to approve the minutes as submitted; Cole seconded. Approved unanimously.

Ratification of licenses: Motion to ratify new licenses issued since the last Board meeting. Motion by Boucher; seconded by Hopkins. Approved unanimously.
1. Radiographer licenses: From 173539 to 173592
2. Nuclear medicine licenses: 500336 to 500341
3. MRI licenses: From 400695 to 400978
4. Sonography licenses: From 601523 to 601558
5. Limited x-ray machine operator permits: From 4277 to 4281
6. Radiation therapy licenses: 270165 to 270172
7. All temporary initial medical imaging modality licenses and permits: L52344 to N52359

Three CT waiver requests: Ed Conlow noted that the Board had received three requests for CT waivers. Subsection (8) of OAR 337-010-0011 provides the Board with the ability to waive the CT credential requirement on a case-by-case basis, for an employee of a rural hospital whose inability to perform CT would “result in a substantial shortage in the rural hospital’s ability to deliver...services. Under the waiver rule, a waiver recipient is required to pass a registry CT exam under “state sponsorship,” which means that OBMI can waive the exam prerequisites. The three waiver requests were as follows:
1. Tim Nork, a licensed radiographer and sonographer with credentials from ARRT and ARDMS, is employed at Saint Alphonsus in Baker City. He stated that he has been doing CT for 20 years but does not do
enough to qualify to sit for the registry exam. He only does CT on call shift. He indicated that they St. Alphonsus has five CT-registered technologists at the hospital. Primarily because the hospital has several CT technologists on staff currently.

2. **Richard Wright**, a licensed radiographer employed at Oregon Urology Institute in Springfield, who now has a temporary CT license. Because he is not employed by a rural hospital, he is not eligible for a waiver. But he is asking the Board to expand the waiver rule to include specialty clinics, because “we have the same issues with obtaining the varied 125 CT exams to apply for the test with ARRT.” In his waiver request, his first choice would be to NOT have to take the exam under state sponsorship. His second choice would be to sit for the registry exam under state sponsorship. Joanna Tucker Davis noted that OBMI’s statute specifies that a waiver is only available to employees of rural hospitals. On that basis, Mr. Wright’s application is statutorily ineligible for consideration due to state law.

3. **Traci Jenkins** is a licensed radiographer employed at Santiam Hospital in Stayton. She says she has been performing CT for 15 years. She writes that she has taken the CT registry exam three times but missed a passing score by a few points each time. She writes that the hospital used to employ seven CT-credentialed technologists, but now they only have four. She asked if she could be granted a waiver without passing the registry CT exam. However, OAR 337-010-0011(8) requires passage of the exam, so Ms. Jenkins is not eligible for a waiver.

**Board motion on three waiver requests:** Motion by Boucher, seconded by Cole, to take no action to provide waivers in these cases that are before the Board. Approved unanimously.

**Five-year review of administrative rules:** In accordance with ORS 183.405, Ed Conlow asked the Board to review the rule published in the May 2010 under the caption “Name Change – Adding Modalities; Diagnostic Medical Sonography, MRI and Nuclear Medicine – July 1, 2010.” The rule report indicated that the rule has had the intended effect and that the fiscal note was correct. Cole moved to approve the report, and Boucher seconded the motion. Approved unanimously.

**Legislative update:** Ed Conlow noted that the Board has two legislative concepts before the Legislature, including HB 2267, which the OBMI sponsored, and also SB 5531, which legalizes the four dollar fee that OBMI charges all permanent license and permit renewal applicants. The fee was established because OBMI must pay the Oregon Health Authority four dollars per renewal applicant, related to the OHA’s health workforce survey that all renewal applicants must complete. He said that both bills are alive and are likely to be enacted.

**Board ratification of stipulated orders issued for civil penalties for practicing on an expired license in violation of ORS 688.415(1):**
- $100 civil penalty for practicing on an expired license for less than six months, in accordance with OAR 337-030-0010(3)(a)(A), for the following cases: 16-09-04; 16-11-05; 16-12-03.

Motion to ratify stipulated orders by Boucher; seconded by Hopkins. Approved unanimously.

**Update on Governor’s Budget:** Ed Conlow said that the Governor’s budget for the OBMI for the 2017-19 biennium is expected to be the same as the Agency Request Budget, except for a few minor routine accounting adjustments.

**Executive session:** Kelly Karraker called the Board into executive session at 2:30 p.m., in accordance with 192.660(2)(f), to consider information exempt from public disclosure. Executive session adjourned at 2:45 p.m.

**Advanced practice nurses providing direction during fluoroscopy procedure:** David Howe described the process by which this issue came to be before the Board. He noted that the OBMI and RPS had originally been approached by Ruby Jason of the Oregon State Board of Nursing (OSBN), and that RPS had convened a rules advisory committee to discuss the issue. He noted that the issue is before the OBMI due to concern that
anyone other than a physician supervising a radiologic technologist may be in violation of OBMI’s statutory definition of licensee, defined as “supervised by a physician.” Next the Board recognized Ruby Jason, Executive Director of the OSBN, to discuss advanced practice registered nurses as providing verbal direction to radiologic technologists during fluoroscopic procedures. Following Ruby Jason’s discussion, Susan King, Executive Director of the Oregon Nurses Association, also addressed the Board. The Board did not make any decisions or take any action as a result of this discussion.

Discussion on rulemaking regarding supervision of limited permits: Following consideration of comments received during the rulemaking hearing, and based upon Board discussion, the Board did not take action to approve the proposed rules relating to supervision of limited permits. Dr. Edelman made a motion directing Board staff to identify interested parties to form a rules advisory committee, and to convene the committee to see if the concerns expressed regarding the proposed rules can be resolved. Seconded by Hopkins; approved unanimously.

Approval of Executive Session minutes: Voss made a motion, seconded by Hopkins, to approve the executive session minutes from the January 20, 2017 Board meeting, without amendment. Approved unanimously.

Board votes on disciplinary cases:

Case 16-08-05: Motion to close the case with no action. Motion by Boucher; seconded by Shelton. Approved unanimously.

Case 16-08-03: Motion by Boucher to close the case with no action, seconded by Shelton. Approved unanimously.

Case 16-07-05: Motion by Boucher to close the case with no action, and to include a letter of education to the licensee. Seconded by Shelton. Approved unanimously.

Case 16-11-02: Motion by Boucher to close the case with no action, seconded by Hopkins. Approved unanimously.

Case 16-11-06: Motion by Boucher to issue a $500 civil penalty for practicing medical imaging prior to obtaining a license, in violation of ORS 688.415(1)(a), with penalty in accordance with OAR 337-030-0010(3)(b). Seconded by Hopkins. Approved unanimously.

Case 16-11-03: Motion by Boucher to close the case with no action, seconded by Edelman. Approved unanimously.

Case 16-06-02: Motion to issue a stipulated agreement for $500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-07-03: Motion to deny licensure pursuant to ORS 688.525(1) for attempting to obtain a license by fraud or material misrepresentation pursuant to ORS 688.525(1)(g) and OAR 337-030-0002(7). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-04-02: Motion to issue a stipulated agreement for $500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-10-02: Motion to issue a stipulated agreement for $500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.
Case 16-12-02: Motion to issue a stipulated agreement for $500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 17-01-01: Motion to issue a stipulated agreement for $500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-07-02: Motion of intent to revoke license pursuant to 688.525(1)(c). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-07-04: Motion to close case with no action. Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-03-07: Motion to issue final order of revocation pursuant to ORS 688.525(1)(b),(c) and OAR 337-030-0002(1). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-01-02: Motion to close case with no action. Motion by Boucher, seconded by Hopkins. Approved unanimously.

Discussion of penalties for employing an unlicensed person: Chair Kelly Karraker said she will work with Ed Conlow to try to draft some guidelines for penalizing employers who employ unlicensed persons, and report back to the Board at the next meeting.

Public Comment: No members of the public offered comment.

Adjournment: Chairperson Karraker adjourned the meeting at 4:50 p.m.

Minutes submitted by Ed Conlow