

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, FRIDAY, July 13, 2012
Room 1D, Portland State Office Building

APPROVED MINUTES

Board attendance: Thomas King, Frank Krause, Wayne Lemler, Shirlee Templeton, William McMillen, Kimberly Earp, Pamela Warren, Akshay Gupta. Also David Howe, (RPS; advisory member), Rick Wendt (RPS), Rich Beauman (RPS)

Others in attendance: Ed Conlow, executive director; Sarah Anderson, administrative licensing specialist; Vincent Mandina, administrative LEDS specialist; Carol Parks, Senior Assistant Attorney General; Rich Beauman, RPS.

Call to order: 8:38 a.m. by board chair Thomas King.

Executive session: Thomas King convened the board in executive session pursuant to ORS 192.660(2)(k) at 8:38 a.m.

Convene public session: Chair Thomas King convened the board in public session at 3:10 p.m.

Approval of the previous meeting minutes from April 20, 2012: Moved by Warren; second by Earp. Approved unanimously, without amendment.

Ratification of licenses: Motion to ratify by Earp; second by Lemler. Approved unanimously.

1. Radiographer licenses: From 171239 to 171296
2. Nuclear medicine licenses: From 500226 through 500230
3. MRI licenses: From 400411 through 400422
4. Sonography licenses: From 600916 through 600942
5. Limited x-ray machine operator permits: From 4038 through 4047
6. All temporary initial medical imaging modality licenses and permits: From 04975 through 50031.

Investigation Cases:

Case 12-02-01: Motion by Krause: \$200 fine in accordance with OAR 337-030-0010(3)(a)(B), for practicing with a lapsed license for a period in excess of six months but less than 12 months. Second by Lemler. Approved unanimously.

Case 12-02-01A: Motion by Krause: \$1,000 fine for employing an individual to practice medical imaging when the individual does not have a current, valid license, constituting a violation of ORS 688.915 subject to penalty under ORS 337-030-0010(3)(n). Also, a letter of notification must be sent to the Oregon Medical Board, outlining the facts of the case. Additionally, a letter must be sent to the individual requesting a list of licensees under the individual's employment, and licensure status. Second by McMillen. Approved unanimously. (Gupta recused.)

Case 12-06-01: Send a letter to the employer and a letter of concern to the licensee regarding the fact that the licensee had been practicing without proper licensure. Earp moved; Templeton seconded.

Case 12-06-02: With regard to the licensee practicing for a period of time prior to obtaining initial licensure, issue a letter of concern to the licensee and direct the employer to appear before the Board. Earp moved; Templeton seconded. Approved unanimously.

Case 12-06-03: Motion is to issue a \$500 civil penalty, in accordance with ORS 688.915(1) and OAR 337-030-0010(3)(b), for knowingly practicing without first obtaining a license. Earp moved; McMillen seconded. Approved unanimously.

Case 12-06-04: Motion is to issue a \$500 civil penalty in accordance with ORS 688.915(1) and OAR 337-030-0010(3)(b) for living in the state for a period of time and already possessing one license from the Board yet failing to obtain proper licensure in the second modality. Earp moved; Lemler seconded. Approved unanimously.

Case 12-06-05: Motion is to issue a letter of concern to the licensee. Moved by Earp; seconded by McMillen. Approved unanimously.

Case 12-06-06. Motion is \$500 fine, in accordance with OAR 337-030-0010(3)(b), based upon the fact that the licensee practiced for a substantial period of time while failing to apply for licensure. Moved by Earp, seconded by King. Approved unanimously.

Case 12-06-07: Motion is to issue a \$500 civil penalty in accordance with OAR 337-010-0010(3)(b) based upon practicing medical imaging for a substantial period of time while failing to obtain proper licensure. (Templeton recused.) Earp moved; Lemler seconded. Approved unanimously.

Case 12-06-08: Motion is to issue a letter of concern to the licensee. Moved by Earp; McMillen seconded. Approved unanimously.

Case 12-06-09: Motion is to issue a \$500 civil penalty in accordance with OAR 337-030-0010(3)(b), based upon practicing in Oregon for a substantial period of time prior to applying for a license. Earp moved; King seconded. Approved unanimously.

Case 11-11-02: Motion is \$500 civil penalty in accordance with OAR 337-030-0010(3)(b), for practicing for a substantial period of time while failing to apply for licensure. Motion by Earp; second by Lemler. Approved unanimously.

Case 12-06-10A: Motion is \$10,000 fine in accordance with ORS 688.915(1) and OAR 337-030-0010(3)(n). Moved by McMillen; seconded by Earp. Approved unanimously.

Case 12-06-10: Motion is to issue a letter of concern to the licensee. Moved by Earp; second by McMillen. Approved unanimously.

Case 12-06-12: Motion is to issue a letter of concern to the licensee. Moved by Earp; second by McMillen. Approved unanimously.

Case 12-06-13: Motion is to issue a letter of concern to the licensee. Moved by Earp; second by King. Approved unanimously.

Case 12-02-04: Motion is \$1,000 fine in accordance with ORS 688.915(1) and OAR 337-030-0010(3)(n). Earp moved; second by Templeton. Approved unanimously.

Case 12-02-03: Motion is \$500 civil penalty for practicing outside the licensee's scope of practice, in accordance with ORS 688.415(1) and OAR 337-030-0010(3)(h). Moved by Earp; second by McMillen. Approved unanimously.

Case 12-02-02: Motion is \$500 civil penalty for practicing outside the licensee's scope of practice, in accordance with ORS 688.415(1) and OAR 337-030-0010(3)(h). Moved by Earp; second by McMillen. Approved unanimously.

Case 12-04-04: Motion is to issue a letter of concern to the licensee. Moved by Earp; second by McMillen. Approved unanimously. Moved by Lemler; second by King. Approved unanimously.

Case 12-02-09: Motion is to issue a final order of default for license revocation. Earp moved; McMillen seconded. Approved unanimously.

Committee Updates:

School inspections committee: Patricia Williams, former Board member, has volunteered to conduct inspections of limited schools. She said the schools appear in good order and have suitable equipment on hand for students to use for practice. She said that she is disturbed by the disparity in average test scores among the different schools, noting that some of the average scores seem low. Her suggestion is to publish the average scores, as a service to consumers. Thomas King noted that the Board had decided at the July 12, 2012 retreat to publish verified average school test score results on the OBMI website.

ARRT CE Consensus Committee: Thomas King indicated that he would be attending the meeting at the ARRT headquarters in Minnesota, along with OBMI executive director Ed Conlow.

Update on the OBMI budget process: Ed Conlow explained the one-page budget summary that was distributed during the meeting. The document included a summary that attempted a very rough calculation of the projected budget for the next biennium, including \$11,000 for a scanner to enable the Board office to begin to store records electronically and also funding for the investigator. Ed asked for a sense of the Board: if he finds out that it would be advantageous to request a 0.5 FTE investigator as part of the OBMI's 2013-15 budget request, would the Board mind if he increased the budget request to include a 0.5 FTE investigator, rather than the board's current 0.25 FTE; no members objected to the suggestion.

Scanner support package in 2013-15 budget: Wayne Lemler asked if it had been previously discussed to try to determine if the OBMI could share the scanner with other agencies. It was agreed that this had been previously discussed, and that it should be researched.

Old Business

Update on legislative concepts for the 2013 legislative session:

1. Ed Conlow indicated that the Governor's staff had met with him and Board Chair Thomas King and had asked the Board to table the legislative concept that would give the Board rulemaking authority to establish specific credentialing requirements for medical imaging

subcategories. (The OBMI will not move forward with this legislative concept at this time.) Thomas King noted that he and Ed would be joining Shirlee for community meetings in Bend and Medford, in part to obtain feedback from professionals concerning credentialing for subcategories and other issues.

2. The OBMI is still moving forward with a 2013 legislative concept to outlaw “keepsake ultrasound” businesses in Oregon. The legislative concept will be drafted to outlaw all medical imaging unless ordered by a licensed health care practitioner acting within the practitioner’s scope of practice, and for a medical or diagnostic purpose. It will include an exception for medical imaging done for research and education purposes. It will also include an exception for screening mammograms, which do not require a doctor’s referral under current accepted medical practice.

New Business

Statement by the Society for Diagnostic Medical Sonographers (SDMS): Presented by Laurinda Andrist, past president of the SDMS and Director of Operations and Compliance Officer for Oregon Imaging Centers in Eugene, and Katie Kuntz, President-elect of the SDMS. The statement expresses support and encouragement for sonographers to take credentialing examinations in subspecialties, and notes that a sonographer who holds one ARDMS certification is automatically eligible to take examinations in other areas of subspecialization. The full statement is part of the official meeting record and will be made available upon request.

Following the statement, there was discussion among Board members, engaging the SDMS representatives regarding possible efforts by SDMS to work with its membership in Oregon to promote efforts by sonographers to become credentialed in subspecialties.

Public Comment:

William Woodward, presenting a statement by Wilfrido Sly, MD, Chairman and Executive Director of the American Registry of Magnetic Resonance Imaging Technologists (ARMRIT), and James Coffin, President of ARMRIT. The statement expressed support for ARMRIT as a recognized autonomous certifying body, and opposition to any proposal for the Board to adopt practice standards published by the American Society of Radiologic Technologists (ASRT). The Statement expressed concern that ASRT practice standards are prejudicial in favor of the American Registry of Radiologic Technologists (ARRT). In any deliberations related to adoption of MRI practice standards, the statement urged representation by ARMRIT. The statement is part of the official meeting record and will be made available upon request.

After delivering the ARMRIT statement, Mr. Woodward went on to make a personal statement that the ASRT and ARRT are closely linked and the ASRT is not an independent nonbiased organization. He said that the ARRT is a competitor to ARMRIT. He said that the ARRT does not recognize the ARMRIT registry. He said that the ASRT and the ARRT wish to control the field of diagnostic medical imaging. He said that excluding and disenfranchising all diagnostic imaging professionals who do not come from a radiologic or x-ray background is precisely what would happen if the OBMI adopted the ASRT standards for continuing education.

Monica Quintero-DeVlaeminck: Regarding student:teacher ratios in the classroom, she noted that there is a significant difference among the limited schools in Oregon, and she suggested that it can

make a big difference in educational outcomes. She asked if the OBMI would consider establishing student:teacher ratios for limited schools. She noted that the Oregon State Board of Nursing has such ratios in their rules. Frank Krause suggested that Monica research the OSBN's ratios.

Adjourn: 4:36 p.m.