

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

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ARCHIVES DIVISION
SECRETARY OF STATE

Board of Medical Imaging
Agency and Division

337
Administrative Rules Chapter Number

Waiver process for persons without proper credential to perform computed tomography.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Waiver process for persons without proper credential to perform computed tomography.

Statutory Authority:

ORS 688.555

Other Authority:

Statutes Implemented:

ORS 688.415; ORS 688.445(1)a; ORS 688.480

Need for the Rule(s):

The rule may be needed in rare cases when a rural hospital is not able to locate, hire and employ enough properly-credentialed technologists to cover CT services to meet community needs. Typically, this situation will arise because the labor pool within a rural area may not be sufficient to provide enough credentialed technologists to cover all shifts.

Documents Relied Upon, and where they are available:

1. OBMI draft meeting minutes, October 17, 2014, available at www.oregon.gov/obmi.
2. Copy of draft rule, on OBMI webpage at www.oregon.gov/obmi.

Fiscal and Economic Impact:

For rural hospitals that qualify for a waiver, this rule will provide an economic benefit because the waiver will enable the hospital to provide imaging services on site, rather than having to move a patient to a hospital in a larger community with computed tomography services available.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

This rule may occasionally result in additional administrative effort by the Board of Medical Imaging, which can be managed within existing resources. No fiscal impact anticipated for local governments and the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Two applications have already been received, using a temporary waiver rule that preceded this permanent rulemaking. No other waiver applicants are known.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Rural hospitals which apply for the waiver will need to submit a letter to the Board, demonstrating that the hospital does not have enough credentialed staff to cover CT services. Also, as part of the waiver application, a hospital may need to assist with documentation of the applicant-technologist's imaging history doing computed tomography. This would likely require several hours of staff time, to gather imaging records, but not likely to require any outside professional services or added cost.

c. Equipment, supplies, labor and increased administration required for compliance:

Hospitals will need to spend several hours collecting imaging records to provide to the Board, as part of the waiver application.

How were small businesses involved in the development of this rule?

The Board surveyed rural hospitals and was able to identify two rural hospitals that would need to be involved in obtaining a waiver. Board staff engaged in discussions with the two hospitals, during development of the waiver language, to try to make the waiver process something that is feasible for rural hospitals to comply with, without undue cost.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

This rule confers a benefit by providing a process to obtain a waiver from agency rules relating to the performance of computed tomography. Through an email survey, this agency was able to identify two licensees in two rural hospitals who need this waiver. The agency consulted with the two licensees and two hospitals through the process of drafting and adopting the rule. Those two licensees/hospitals have already applied for the waiver, through a temporary rulemaking that preceded this proposed rulemaking.

<u>01-05-2015 4:30 p.m.</u>	<u>Ed Conlow</u>	<u>ed.conlow@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address