Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING

Generated on March 13, 2014 9:12AM

DRAFT

Board of Medical Imaging	337
Agency and Division	Administrative Rules Chapter Number
Ed Conlow	ed.conlow@state.or.us
Rules Coordinator	Email Address
800 NE Oregon St., Suite 1160A, Portland, OR 97232	971-673-0216
Address	Telephone
04-21-2014 4:30 p.m.	
Last Day of Public Comment	

04/18/2014 14:00:00 at Room 445, 800 NE Oregon St., Portland OR with Ed Conlow

1. Hearing

RULE CAPTION

Require imaging technologists who practice computed tomography to have a CT credential.

Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND: OAR 337-010-0011; OAR 337-010-0045

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: : ORS 688.555

Other Auth.::

Stats. Implemented:: ORS 688.415; ORS 688.445(1)(a); ORS 688.480; ORS 688.520(7)

RULE SUMMARY

This rule will require a credential in computed tomography (CT) for radiographers, radiation therapists and nuclear medicine technologists to

DRAFT ONLY

practice diagnostic CT, including cone beam CT. The requirement to have a CT credential would only apply to diagnostic CT and would not apply to 1) radiographers or radiation therapists operating the CT attenuation correction portion of the hybrid imager; or 2) Licensed nuclear medicine technologists operating PET and attenuation correction portion of the hybrid imager.

Licensed technologists without a CT credential would be eligible to practice diagnostic CT only after obtaining a temporary CT license, which would be available for up to 12 months and which would require them to practice under direct supervision for the first three months and indirect supervision for the remaining period of temporary licensure. The temporary license would enable CT candidates to complete supervised clinical prerequisites necessary to sit for a CT credentialing examination. To qualify for a temporary CT license, a technologist will need to complete at least 8 hours of didactic CT education and 8 hours of didactic training in cross sectional anatomy.

STATEMENT OF NEED AND FISCAL IMPACT

Amendments to OAR 337-010-0011, to require imaging technologists who practice computed tomography to have a CT credential, and amendments to OAR 337-010-0045 to require technologists to obtain a temporary CT license in order to complete clinical requirements necessary to qualify for a CT registry examination.

In the Matter of

1. Excerpt of OBMI meeting minutes from July 22, 2013 and October 11, 2013 and draft minutes from January 17, 2014. Available on the OBMI website at www.oregon.gov/obmi.
2. Draft rules, available on the OBMI website at www.oregon.gov/obmi.

Documents Relied Upon, and where they are available

Computed tomography (CT) is an advanced radiographic technology that emits far greater radiation than conventional x-ray, and is growing in usage. In particular due to the health risk factors related to radiation exposure, the OBMI asserts that technologists who practice CT should be fully trained in the technology, consistent with the Board's mission to protect the public health. In this regard, requiring a CT credential provides the public with proper assurance that a technologist practicing CT is fully trained and qualified.

Need for the rule(s)

Fiscal and Economic Impact

Primary enforcement of the CT credentialing requirement would fall to OBMI as part of the agency's regulatory requirements, which the agency anticipates can be absorbed within its existing duties and with minimal fiscal impact. A separate state office, Radiation Protection Services (under OHA), inspects facilities with radiation-emitting capability, and part of RPS' inspection process includes checking that practitioners are properly licensed. Requiring a CT credential is expected to make RPS' inspection process marginally more efficient, because RPS inspectors will only need to check a technologist's license to determine if the

technologist is qualified to perform CT. No cost of compliance is anticipated for units of local government nor the general public.

For a licensed medical imaging technologist to obtain a CT credential, the typical fiscal impact may total up to $260 as follows: in most cases the technologist will need to obtain a temporary license ($30 for six months) from OBMI, which may be renewed for an additional 6-month period for an additional $30. In addition, the technologist will need to pay an enrollment fee of either $180 or $200 to one of two national credentialing registries that sanctions the exam.

With a temporary license, technologists will typically complete clinical exam pre-requisites while on the job, with no additional out-of-pocket cost to the licensee.

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

Based upon information from the Oregon Health Authority's Radiation Protection Services, the OBMI estimates that 40 small businesses in Oregon have CT units.

2. Cost of compliance effect on small business (ORS 183.336): a. Estimate the number of small businesses and types of business and industries with small businesses subject to

Health facilities with computed tomography capability will need to be certain that their technologists who operate CT equipment have the proper CT credential. This process may actually be easier than the current situation in which technologists operating CT must be "trained" in CT. Checking whether a technologist has the proper CT credential should be quicker to verify than determining if they are properly trained. Checking the credential is expected to create no added workload for small businesses, because these businesses already need to check licensure of technologists.

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

Since employers with CT capability already must verify that their technologists are properly licensed with the OBMI, adding a CT requirement will become part of the employer's existing licensure verification process and should not require substantial additional equipment, supplies or labor.

For the first three months of the temporary CT license, direct supervision of the technologist will be required. This will require employers to deploy credentialed staff to provide direct (in-the-room) supervision for a temporary licensee's initial three months, whereas currently direct supervision is not specifically required in state statute or regulations. Due to a number of variables, including past employer training practices, availability of credentialed staff, and operational layout of a facility providing imaging services, the OBMI is not able to accurately estimate the added fiscal impact that would be caused by the supervision requirement; added cost to provide direct supervision will vary from one facility to the next.

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

Small businesses were not involved in the initial development of this rule. However, small businesses with CT capability will be individually mailed announcements regarding the rules including how to comment on the proposed rules.

Also, the OBMI will have convened community forums in La Grande and Pendleton, as well as a public hearing, to collect comments on the proposed rule.

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

No. The OBMI will seek comment and feedback through the rulemaking process. This proposed rule has been discussed during public OBMI board meetings, with past meeting minutes available on the OBMI website. Also, the OBMI sent out an e-newsletter to licensees and imaging directors, providing notification of the impending rulemaking and that public comment will be accepted. Also, OBMI board members will have conducted community forums in La Grande and Pendleton prior to the close of the public comment period, to discuss the proposed rules as one topic of discussion, and to gather comments and feedback from impacted parties. Also, OBMI will convene a public hearing during the comment period and report all testimony back to the Board prior to consideration of permanent rulemaking. All entities in Oregon (including small businesses) identified as having CT capability will be notified by separate mailing of the rulemaking, including notification of the community meetings and public hearing, and how to comment.

Administrative Rule Advisory Committee consulted?

DRAFT