

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**  
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**DRAFT**

Board of Medical Imaging	337
Agency and Division	Administrative Rules Chapter Number
Ed Conlow	ed.conlow@state.or.us
Rules Coordinator	Email Address
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Address	Telephone
04-21-2014 4:30 p.m.	
Last Day of Public Comment	
04/18/2014 15:00:00 at Rm. 445, 800 NE Oregon St., Portland OR with Ed Conlow	
<b>1. Hearing</b>	

**RULE CAPTION**

\$52 fee for first-time license/permit applicants for FBI fingerprint criminal background check.

Not more than 15 words

**RULEMAKING ACTION**

**ADOPT:** 337-021-0050

**AMEND:**

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

**Stat. Auth.:** ORS 688.555

**Other Auth.:** OAR 337-010-0023

**Stats. Implemented:** ORS 688.557; ORS 688.560(5)

**RULE SUMMARY**

This rule will authorize the Board of Medical Imaging to charge a \$52 fee to compete an FBI fingerprint background check. EXPLANATION: The fee will be

charged to an applicant as part of the applicant's first application for a license or permit --whether temporary or permanent--to OBMI. Under current statute, a person who allows his/her license or permit to lapse for a continuous 24-month period must submit an initial application as if they had not previously held an OBMI license or permit, and these applicants will also be required to pay the \$52 fee and complete the FBI fingerprint check as part of their initial application. Renewal applicants will not be charged the fee or subjected to an FBI criminal background check.

### STATEMENT OF NEED AND FISCAL IMPACT

Board of Medical Imaging rulemaking to establish a \$52 fee to be charged to initial license and permit applicants, to pay for an FBI fingerprint criminal background check.

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In the Matter of

1. Draft of rule, on OBMI website at: [www.oregon.gov/obmi](http://www.oregon.gov/obmi).
2. Excerpt of OBMI meeting minutes to approve fee rulemaking, at: [www.oregon.gov/obmi](http://www.oregon.gov/obmi).
3. Authorizing statutes and rules, at: [www.oregon.gov/obmi](http://www.oregon.gov/obmi).

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Documents Relied Upon, and where they are available

The OBMI's current background check method, using the LEDS system, only checks Oregon records through the Oregon State Police. With over 500 new applicants every year, including a substantial number of out-of-state residents seeking Oregon licensure, the Board can more effectively meet the mission of protecting the public health by instituting a more comprehensive criminal background verification process.

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Need for the rule(s)

This rule will create added administrative requirements for the OBMI staff, when handling first-time applicants, as well as costs and additional steps for a new applicant for a medical imaging license or limited permit.

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Fiscal and Economic Impact

When processing first-time license or permit applications, OBMI licensure staff will need to complete additional administrative tasks, including obtaining fingerprint cards through the Oregon State Police, mailing a fingerprint card and instructions to initial applicants, collecting the completed fingerprint cards and forwarding them to the OSP, and obtaining and properly maintaining completed fingerprint background information from the Oregon State Police. The OBMI licensure staff will need to collect the fingerprint fee and provide proper accounting documentation in the OBMI database.

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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 does not directly impact small businesses, because the fee and background check are applied directly to individuals who are seeking to obtain a medical imaging license or permit, as part of the initial application process.

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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

The OBMI anticipates that there will be no projected reporting, recordkeeping or other administrative activities required of small businesses, as a result of this rule.

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

The OBMI anticipates that there will be no costs to small businesses for equipment, supplies, labor or administration related to this rule.

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

Small businesses were not involved in the development of this rule, because this rule has no direct impact upon small businesses.

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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 at previous open OBMI board meetings, with past meeting minutes available on the OBMI website. Also, the OBMI recently 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 separate community forums in La Grande and Pendleton prior to the close of the public comment period, to discuss this proposed rule as one topic of discussion, and to gather comments from impacted parties. In addition, the OBMI will convene a public hearing during the comment period and report all testimony and comments back to the Board prior to consideration of permanent rulemaking.

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Administrative Rule Advisory Committee consulted?

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