

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, January 22, 2016
Portland State Office Building, 800 NE Oregon Street
Conference Room 445

APPROVED MINUTES

Board attendance: Kelly Karraker, chair; Brad Betz (left after executive session); Rick Hoylman; Robyn Cole; Dr. Katharine Hopkins; Dr. Steven Edelman; Wayne Lemler; Dr. Ron Boucher. Also Rick Wendt (RPS; advisory member).

Staff in attendance: Ed Conlow, OBMI Executive Director; Joanna Tucker Davis, Senior Assistant Attorney General; Sarah Anderson, OBMI Administrative Licensing Specialist; Vincent Mandina, OBMI Administrative LEADS Specialist; Anthony Medina, Assistant Budget and Policy Analyst, DAS Chief Financial Office.

Call to order: Board Chair Karraker called the meeting to order at 8:35 a.m. Ed Conlow introduced Anthony Medina, analyst with the Chief Financial Office, sitting in on the Board meeting.

Executive session: Chair Karraker convened the board in executive session pursuant to ORS 192.660(2)(k) at 8:39 a.m. Chair Karraker noted that there are no representatives of the news media present in the room.

Executive Session Adjourned: Chair Karraker adjourned executive session at 11:45 a.m. and directed Board members to get lunch and bring it back to the meeting.

Public session: Chair Karraker called public session to order at 12:20 p.m.

Approval of public minutes from previous board meetings: January 22, 2016 minutes: Lemler made the motion to approve the minutes as submitted; Hopkins seconded. Approved unanimously.

Approval of executive session minutes from Oct. 23, 2015 board meeting: Hopkins made the motion to approve the executive session minutes as submitted; Lemler seconded. Approved unanimously.

Ratification of licenses: Motion to ratify by Lemler; seconded by Boucher. Approved unanimously.

1. Radiographer licenses: From 173076 to 173141
2. Nuclear medicine licenses: 500318 to 500319
3. MRI licenses: From 400624 to 400644
4. Sonography licenses: From 601387 to 601422
5. Limited x-ray machine operator permits: From 4232 to 4244
6. Radiation therapy licenses: 270145 to 270149
7. All temporary initial medical imaging modality licenses and permits: L52192 to R52216

Request to add the “Advanced Cardiac Sonographer” (ACS) credential to the list of credentials recognized by OBMI. The ACS credential is earned through Cardiovascular Credentialing International (CCI). Todd Belcik from OHSU made the request and asked to address the Board on this issue, but he was unable to get off work to attend the meeting. Rob McDonald, an ARDMS- and

CCI-credentialed sonographer, spoke in favor of adding the credential, and answered questions from Board members. He said that a person needs to pass an examination to earn this credential. He said that there are currently only two people in Oregon who have earned the ACS credential from CCI, as far as he knows, himself and Todd Belcik, but that he expects more to qualify in the future. He said the ACS credential is more intended to recognize persons with extensive experience and advanced knowledge, and does not confer additional scope of sonographic practice. He said that sonographers would first need to attain RCCS or RCS credentials before qualifying for an ACS credential. Following discussion, Dr. Edelman requested to hear from Todd Belcik at the April meeting. The Board took no action on this item.

SB 230 process to collect health workforce data: Stacy DeLong, with the Oregon Health Authority's Office of Health Analytics, explained the process by which SB 230 (enacted by the Oregon Legislature in 2015) requires persons who renew a license or permit with OBMI to answer an online health workforce survey as a condition of renewal. This program has been in place since 2010, initially involving seven health licensing boards; SB 230 expanded the program to encompass a total of 17 health licensing boards, including OBMI. She said that the survey asks general demographic and workforce questions to all boards, and that individual boards may add some survey questions of their own. She said the survey does not collect social security numbers or income information. Board members discussed some possible ways that the OBMI might be able to use the data. Ms. DeLong said that the OBMI could work with the OHA to include some customized questions that OBMI would like to ask. Wayne Lemler described the program as an unfunded mandate that seeks to collect information that is already available through other sources.

With this program, the OHA will charge the OBMI a four dollar fee for each renewal, with the funds used to pay for the health workforce data collection and analysis program. Ed Conlow explained that some boards have sufficient reserves to absorb the \$4 renewal fee, while other boards have had to collect the fee from renewal applicants, as part of the renewal process. He said that, with smaller financial reserves than many other boards, if OBMI doesn't pass the fee along to renewal applicants, it will hasten the day when the Board would need to consider a license fee increase. Board members noted that there is nothing that will force renewal applicants to complete the survey, but that OBMI will be charged for each renewal, whether or not every renewal applicant completes the survey. This program does not have a sunset date; it is ongoing. Ms. DeLong said that her goal would be to work with OBMI staff before the April OBMI board meeting, and to have some OBMI-customized survey questions ready to show the board in April. She said that OHA's contact information can be included on the survey instrument, steering questions and comments to OHA rather than OBMI.

Dr. Edelman made a motion to initiate rulemaking to allow OBMI to charge the fee (that OHA charges OBMI) to all renewal applicants; seconded by Hopkins. Ayes: Karraker, Boucher, Hopkins, Edelman, Cole, Hoylman. Abstain: Lemler. The motion failed due to a lack of sufficient votes to pass.

Discussion of possible legislation for OBMI to offer during the 2017 legislative session in Salem: Ed Conlow explained that state agencies need to submit initial legislative concepts to DAS and/or the Governor's office by April, as a first step toward the 2017 session. He asked the Board to consider the following concepts, for consideration:

- Allow credentialed mammographers to operate ABUS breast ultrasound: Following discussion, Board members expressed a position to not offer this legislation.

- Allow for OBMI recognition of the International Society of Clinical Densitometry's (ISCD) bone densitometry credential: Following discussion, Board members expressed general support for submitting this idea as a legislative concept.
- Allow OBMI to levy Give the Board the flexibility to specify certain administrative or clerical license violations, with fines of up to \$100, as non-disciplinary actions (similar to HB 2475, from 2015, by the Veterinary Medicine Board): following discussion, Board members expressed general support for submitting this idea as a legislative concept.
- Specify that the statutory license exemption for sonography (ORS 688.435[3]) only applies to sonography related to *point-of-care*, not sonography done for *diagnostic* purposes: Following discussion, Board members expressed general support for submitting this idea as a legislative concept, fully striking ORS 688.435(3) from OBMI's statute.

Report to the Board regarding inspection of limited x-ray schools: Ed Conlow explained that Abdill and Pioneer Pacific (Springfield) had been inspected in 2015 and that the results were positive for both schools. He said that he has had conversations with most of the limited schools and that there is concern that persons with a temporary limited permit often may not be directly supervised when they complete their practical experience requirements, as required in OBMI rules. Wayne Lemler asked if the Board would consider allowing supervision to be provided by limited technologists who are approved in the same anatomic areas as the temporary permit holder, and who have substantial on-the-job experience as determined by the Board. Dr. Edelman asked if Pioneer Pacific could pick clinical sites and approve those sites for students to finish their clinical training. Katheryn Madison said that it would be a substantial change to their program. Following discussion, the Board requested that the directors of the limited schools be invited to the next Board meeting, to discuss possible solutions.

Board vote on disciplinary cases:

Case 15-11-03: Motion to issue a stipulated agreement to suspend the license until Licensee's national registry credential is reinstated. Following registry reinstatement and prior to license reinstatement, Licensee would need to demonstrate 12 months of sobriety through testing, as well as 12 months of probation once reinstated, with sobriety testing required during the probationary period, in accordance with ORS 688.525(1)(a), (1)(b), and (1)(e). Moved by Lemler; seconded by Hopkins. Approved unanimously.

Case 16-01-03: Motion to issue notice of license revocation, in accordance with ORS 688.525(1)(b) and (1)(d). Motion by Lemler; seconded by Hopkins.

Case 15-10-01: Motion to issue a stipulated agreement for obtaining a license by misrepresentation, with \$500 civil penalty in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher; seconded by Cole. Approved unanimously.

Case 15-11-01: Motion to issue a stipulated agreement for obtaining a license by misrepresentation, with \$500 civil penalty in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 15-11-02: Motion to issue a stipulated agreement for obtaining a license by misrepresentation, with \$500 civil penalty in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 15-09-01: Motion to issue a stipulation that the Licensee surrender his license. If he reapplies for a license, Licensee will be required to pay a \$500 civil penalty in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 16-01-01: Motion to issue a stipulated agreement for obtaining a license by misrepresentation, with \$500 civil penalty in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 15-06-02: Motion to issue a stipulation not to issue a license until Licensee has reported the incident to the Licensee's national registry and the Board has received a copy of the national registry's ethics clearance of the incident which the Licensee reported to the Board. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 15-06-06: Motion to issue a default final order to revoke Licensee's license, based upon Licensee's action to obtain a license by fraud or material misrepresentation pursuant to ORS 688.525(1)(g) and failing to respond to a Board inquiry pursuant to OAR 337-030-0002(7). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 15-11-04: Motion to close case with no action. Motion by Lemler; second by Hopkins. Approved unanimously.

Case 15-07-08: Motion to close case with no action. Motion by Lemler; second by Hopkins. Approved unanimously.

Case 15-08-03: Motion to close case with no action. Motion by Lemler; second by Hopkins. Approved unanimously.

Case 15-08-08: Motion to issue a stipulated agreement for practicing prior to obtaining a license, with a \$500 civil penalty, pursuant to ORS 688.415(1)(a), ORS 688.915(1), and OAR 337-030-0010(3)(b). Motion by Lemler; seconded by Hopkins. Ayes: Karraker, Hoylman, Cole, Hopkins, Lemler, Boucher. Motion did not pass due to failure to gain seven affirmative votes.

Case 15-08-08: Motion to open an investigation of the employer of the Licensee in this case, regarding how the employer assures proper licensure. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 15-04-08: Motion to issue a default final order. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Further discussion of proposed survey of imaging facilities: Rick Hoylman discussed distributing a survey of diagnostic imaging departments in the state, to help determine if there is difficulty for certain facilities to find people who have (or can get) an MRI or CT credential. This idea was originally brought to the board by Gayle Wright, at the last OBMI meeting; she was working with a group of educators from OHSU, PCC, OIT and LBCC. Based upon survey results, OBMI could consider whether a limited type of license is needed for these specialty areas that imaging departments cannot fill. He said that OBMI could sponsor the survey, with surveymonkey, using

email lists from OBMI and also RPS. He suggested that the survey results be provided directly to the committee of educators, to consider the results and get back to the OBMI regarding any recommendations that the committee may have. Rick Hoylman suggested a maximum two-week response period. He said that there could be recommendations for the Board to consider at the next OBMI Board meeting on April 22.

Investigator contract: Ed Conlow asked the Board if there was any objection to the OBMI contracting with former Board chair Thomas King to help with investigative services on an as-needed basis, similar to OBMI's current investigative contract with Radiation Protection Services (RPS). Because RPS is currently so short-staffed, RPS had recently approached OBMI to see if OBMI would be able to utilize Mr. King's services rather than RPS. Following discussion, there were no objections expressed by Board members with regard to the suggestion to try to contract with Thomas King for investigative services.

Ophthalmic sonographers: Ed Conlow said that there are two ophthalmic sonographers currently working in Oregon, probably both at Casey Eye Institute. He said that the ophthalmic sonography registry is currently not in OBMI's rules. He said that, if the Board feels that OBMI should regulate ophthalmic sonographers, then we need to add them by rule. If the Board does not wish to regulate ophthalmic sonographers, then we need to exempt them in statute. Following discussion with Board members, Ed Conlow said that he would submit legislation to exempt ophthalmic sonography from OBMI regulation, and would bring this back to the Board for further discussion.

Requirement for health institutions to check licensure: Dr. Edelman asked if we could talk to the Legislature about requiring every health institution to check licenses of all imaging personnel that the institution employs. Following Board discussion, Dr. Edelman made the motion to submit a legislative concept; seconded by Cole. Approved unanimously.

Chair Karraker adjourned the meeting at 3:07 p.m.

Minutes submitted by Ed Conlow