

**OREGON BOARD OF MEDICAL IMAGING**  
BOARD MEETING, April 17, 2015  
Portland State Office Building, 800 NE Oregon Street  
Conference Room "1-D"

**APPROVED MINUTES**

Board attendance: Frank Krause (Chair); Wayne Lemler; William McMillen; Pamela Warren; Dr. Akshay Gupta; Kelly Karraker; Dr. Ron Boucher; Dr. Cloe Shelton; Dr. Ken Hirasaki; Brad Betz; Rick Hoylman. Also David Howe (RPS; advisory member), Rick Wendt (RPS; advisory member).

Staff in attendance: Ed Conlow, Executive Director; Carol Parks, Senior Assistant Attorney General; Michelle Van Kleeck, OBMI investigator; Hillary Haskins, OBMI investigator.

Also in attendance: Former Board members Thomas King (by telephone), and Shirlee Templeton.

Call to order: 8:33 a.m. by board chair Frank Krause.

Executive session: Frank Krause convened the board in executive session pursuant to ORS 192.660(2)(k) at 8:35 a.m. End executive session at 12:10 p.m.

At the close of executive session, Dr. Gupta exited the meeting and did not return.

Recess to get lunch: Chair Frank Krause recessed public session at 12:10 a.m. and directed Board members to get lunch and return for public session. The Board reconvened in public session at 12:28 p.m.

Approval of minutes from previous board meeting: Lemler made the motion, seconded by Warren, to approve without amendment the draft minutes from the January 16, 2015 board meeting. Motion adopted unanimously.

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

1. Radiographer licenses: From 172004-172065
2. Nuclear medicine licenses: 500297
3. MRI licenses: From 400569 through 400579
4. Sonography licenses: From 601258 through 601296
5. Limited x-ray machine operator permits: From 4199 through 4207
6. Radiation therapy licenses: 270125 through 270132
7. All temporary initial medical imaging modality licenses and permits: MR 52238 – R 52298

Investigative Case Vote:

Case 15-03-03: The Board discussed a clear failure to report prior arrests on the permit application. Motion by Karraker, seconded by Lemler, to issue a stipulated agreement for a \$500 civil penalty, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Approved unanimously.

Case 15-03-09: The Board agreed that the licensee had given clear and honest answers regarding criminal history. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the license. Approved unanimously.

Case 15-03-10: The Board agreed that the criminal offenses were in the applicant's past and were fully reported as required. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the license. Approved unanimously.

Case 15-03-02: The Board discussed that the licensee self-reported his drug screen. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the license. Approved unanimously.

Case 15-04-06: The Board excused the licensee's failure to report one arrest due to the fact that the arrest was handled through military channels, causing the licensee to believe that this was not an actual arrest. Motion by Karraker, seconded by Lemler, to close the case with no disciplinary action taken against the license. Also, the motion includes issuance of a letter of concern to express concern with not reporting one arrest. Approved unanimously.

Case 15-02-04: The Board discussed that the permit applicant had properly reported all arrests. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the permit. Approved unanimously.

Case 15-02-03: The Board discussed that the license applicant had properly reported all arrests. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the license. Approved unanimously.

Case 15-03-07: The Board discussed that the license applicant had properly reported all arrests and that the arrest history should not preclude licensure in this case. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the license. Approved unanimously.

Case 15-03-08: The Board discussed that the arrest was properly reported and did not appear to be a concern in connection to the licensee's ability to perform medical imaging. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the license. Approved unanimously.

Case 15-04-02: The Board discussed that the license applicant had properly reported all arrests and completed all court requirements related to the arrests. Motion by Karraker, seconded by Lemler, to close the case with no action taken against the license. Approved unanimously.

Case 15-04-03: The Board discussed the significant amount of time since the arrest that was not properly reported, and the fact that the licensee was a juvenile at the time of the arrest. Motion by Karraker, seconded by Lemler, to issue a letter of concern (regarding failure to report the arrest) and close the case. Approved unanimously.

Case 15-04-01: Due to the unusual circumstances surrounding this arrest, Board discussion was against a disciplinary action for failure to report this arrest. Motion by Karraker, seconded by Lemler, to close the case with no disciplinary action taken against the license. Also, the motion

includes issuance of a letter of concern to express concern with not reporting the arrest. Approved unanimously.

Case 15-02-02: Motion by Karraker, seconded by Lemler, to close the case due to the fact that the investigation was completed and no violations were discovered. Approved unanimously.

Case 14-10-01: Motion by Karraker, seconded by Lemler, to close the case due to the fact that the investigation was completed and no violations were discovered. Approved unanimously.

Case 15-03-04: Motion by Karraker, seconded by Lemler, to close the case due to the fact that the investigation was completed and no violations were discovered. Approved unanimously.

Case 15-03-05: Motion by Karraker, seconded by Lemler, to close the case due to the fact that the investigation was completed and no violations were discovered. Approved unanimously.

Case 15-02-01: The Board discussed the fact that the Board investigator had made several unsuccessful efforts to contact the licensee, after a complaint had been filed that the licensee failed a job-related drug screen. Motion by Karraker, seconded by Lemler, to issue a notice of proposed disciplinary action to suspend the license, in accordance with OAR 337-030-0002(1).

Case 14-10-02: Motion by Karraker, seconded by Lemler, to ratify a letter of concern to the licensee, based upon discussion from the previous Board meeting, and to close the case. Approved unanimously.

Case 14-12-03: Motion by Karraker, seconded by Warren, to ratify a letter of concern to the licensee, based upon discussion from the previous Board meeting, and to close the case. Approved unanimously. Lemler abstained from voting.

Case 14-12-05: Motion by Karraker, seconded by Lemler, to close the case and issue a letter of concern based upon fairly recent DUII, which the licensee reported as required. Approved unanimously.

Case 14-11-06: Board discussion was that further action on this case did not seem warranted. Motion by Karraker, second by Lemler, to close the case. Approved unanimously.

CE Committee Discussion: Thomas King discussed the fact that Oregon is one of only eight states in the country in which the state entity has the authority to approve continuing education requests for Oregon licensees only, for programs offered in the state. He noted that the ARRT convenes a consensus group every other year and develops a broad list of topics that can be approved for continuing education. He noted that Oregon is one of small minority (of the eight states recognized by ARRT to approve CE offerings) that include a peer review process for CE course offerings. For the process of approving CE course offerings, he said that there should be a chair of the CE committee who has the final say, with other CE committee members reviewing the courses and giving their comments and express a position, so we can get a quick turn around. Rick Hoylman asked if the CE committee has a criteria list for approving CE credit. Tom said that they haven't had to utilize a criteria list because the committee has been intact for so long. Ed could research the criteria for approving or not approving CE credit, from the proceedings of the ARRT CE consensus group that meets every two years.

Board ratification of civil penalties for practicing on expired license, with no Board appearance:  
 Board ratification of civil penalties for violation of ORS 688.415(1) with civil penalties based upon OAR 337-030-0010:

- To ratify \$100 civil penalty related to case 15-01-01, based upon OAR 337-030-0010(3)(a)(A); Motion by Karraker, seconded by Lemler. Approved unanimously
- To ratify \$100 civil penalty related to case 15-03-01, based upon OAR 337-030-0010(3)(a)(A); Motion by Karraker, seconded by Lemler. Approved unanimously
- To ratify \$500 civil penalty for case 15-04-04 based upon OAR 337-030-0010(3)(a)(C). Motion by Earp, second by McMillen. Approved unanimously.

Consideration of rulemaking to add NMTCB-CT and ARDMS-PS credential: Following a brief discussion of the two comments that were received during the public comment period, McMillen moved to adopt the rule; Warren second, to adopt the rule. Approved unanimously.

Update on Pioneer Pacific’s new radiography program: Ed Conlow indicated that Pioneer Pacific’s new radiography program is now recognized by the ARRT. Accordingly, the students can do their clinicals without a license, under the student license exemption of ORS 688.435(2), since the Pioneer Pacific program is now an “approved school” by the OBMI definition in ORS 688.405(1).

Ed Conlow provided an update on state legislation of interest to OBMI:

<b>Bill Number and Sponsor</b>	<b>Subject</b>	<b>Status</b>
<i>SB 280 by OBMI</i>	<i>Change the composition of the Board of Medical Imaging to make it easier for the Governor to fill Board vacancies. Under SB 380, three of the four physician slots could be filled by non-physician members, but only if qualified physician applications are not available.</i>	<i>Passed Senate 29-1; referred to House Health Care Cmte</i>
<i>HB 2280 by Or. Society of Physician Assistants</i>	<i>Create a pathway for physician assistants to obtain a limited permit from OBMI to perform fluoroscopy (originally sponsored by OBMI)</i>	<i>Passed House 57-0; referred to Senate Health Care Cmte</i>
<i>SB 289 by Governor/DAS</i>	<i>Creates a joint legislative standing committee conduct periodic performance reviews of state boards and commissions. In an apparent effort to assure that the reviews take place, the legislation includes delayed repealers for various state boards and commissions. OBMI’s repeal (sec. 175) would be June 30,2020. In a recent hearing before the Senate Rules Committee, the Governor’s staff referred to this bill as a “place-holder”, suggesting that the bill is not in its final form.</i>	<i>In Senate Rules Committee. It is not clear if this bill is going to move or not.</i>
<i>HB 2642 by Rep. Val Hoyle</i>	<i>Creates a Board of Certified Laser Estheticians with the Oregon Health Licensing Office. (OBMI is tracking this bill only because the sponsors were initially seeking to place this new board under the OBMI.)</i>	<i>Passed House Health Care Committee; referred to House Ways and Means</i>

<b>Bill Number and Sponsor</b>	<b>Subject</b>	<b>Status</b>
SB 230	<i>Requires health boards including OBMI to submit health workforce demographic data to OHA. Data is collected at the time of license renewal. Renewal applicants would need to pay a fee (probably \$5 per renewal) established by OHA, to be collected by OBMI (at time of renewal) and forwarded to OHA. This law has already been in place for a few boards; SB 230 expands the law to include many other boards.</i>	<i>Passed Senate 29-1; Referred to House Health Care Cmte</i>
HB 2164	<i>Oregon Dept. of Revenue to require tax compliance to renew a license. For agencies such as OBMI with more than 5,000 licensees, implementation is on 1-1-17.</i>	<i>In House Revenue Committee; will be re-referred to House Ways and means</i>
HB 2683 by Gilliam and Clem	<i>HB 2683 would require the Board of Dentistry to remove a disciplinary action from the website if requested and if certain conditions are met. This legislation <u>may</u> be deferred to allow the health licensing boards to try to develop an approach that is consistent across all boards.</i>	<i>In House Health Care Committee; work session scheduled for April 17 at 1 pm</i>
HB 2475 by Vet Med Board	<i>Authorizes the Veterinary Medical Board to impose a fine of up to \$100 for an administrative or clerical violation, if the violation poses no risk to the public; such action would not be reportable as a disciplinary action.</i>	<i>Passed House 58-0; referred to Senate Environment and Natural Resources Committee</i>
HB 2611	<i>The Oregon Health Authority (OHA) will make a list of approved cultural competency CE classes. It doesn't appear that licensees will be required to complete cultural competency CE, but boards and agencies will be required to collect data on cultural competency CE activity, and report the data to OHA. (Collecting this information may require updating of the OBMI database.)</i>	<i>Enacted in 2013</i>
HB 5023	<i>Budget bill for six health boards (including OBMI) that are located at the Portland State Office Building.</i>	<i>Assigned to House Ways and Means Subcommittee on Education. A public hearing was held in February.</i>
HB 5031	<i>Provides for legislative ratification of the \$52 fingerprint fee that the OBMI instituted by rule in 2014, and which went into effect on 1-1-15. The OBMI now conducts fingerprint background checks on all initial license applicants. Background checks on renewal applicants will continue to be through the state police, not a fingerprint check and no added fee. Most of the \$52 fingerprint fee on initial applicants goes to pay the state police and FBI to conduct the background check. (The reason for HB 5031 is that any fee created between legislative sessions must be reviewed and approved when the Legislature next meets.)</i>	<i>Assigned to House Ways and Means Subcommittee on Education.</i>

Update on waivers at Grande Ronde Hospital: Ed Conlow gave the Board an update on the waivers at Grande Ronde Hospital. He indicated that the current two nuclear medicine waivers will expire on April 30, 2015. He asked the Board if the Board is willing to consider any loosening of the requirements of the waiver, either in terms of extending the waiver deadline, easing the exam requirements, or even waiving the exam requirements, as Grande Ronde has requested. Following discussion, the Board took no action to change any of the waiver requirements that are currently in place.

Should certain forms of cone beam CT be exempted from the CT credential requirement that is scheduled to go into effect in 2017? There were some uncertainties expressed regarding cone beam CT and also with regard to how radiation therapists use CT for alignment purposes. This led to discussion among board members and meeting attendees as to whether the definition of diagnostic and non-diagnostic CT should be clarified in the rules that go into effect in 2017. Kelly Karraker agreed to look at the CT rule and see if she could help clarify these questions.

Budget update: Ed Conlow said that the projected balance for the 2015-17 biennium is equal to 5-6 months spending, which is considered sufficient according to state practices. He said that, during the agency's budget presentation at the Legislature, he told the Ways and Means Education Subcommittee that, if the agency's spending reserve drops below a certain point, the agency may need to think about a fee increase, but probably not anything to worry about for the next couple years at least.

Board training: Carol Parks, Senior Assistant Attorney General, provided a training session to Board members including 1) board member responsibilities; 2) conflicts of interest; 3) public meetings law; 4) executive sessions; 5) working with the attorney general; and 6) legal hierarchy.

### **Public Comment**

No public comment.

**Adjourn at 2:30 p.m.**

Minutes submitted by Ed Conlow