

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, July 18, 2014
Portland State Office Building, 800 NE Oregon Street
Conference Room "1-D"

APPROVED MINUTES

Board attendance: Thomas King (Chair), Wayne Lemler, Shirlee Templeton, William McMillen, Kimberly Earp, Pamela Warren, Dr. Akshay Gupta. Frank Krause, vice-chair (by telephone until 9:44 a.m.). Also David Howe (RPS; advisory member), Molly Keller (RPS; advisory member).

Staff in attendance: Ed Conlow, Executive Director; Carol Parks, Senior Assistant Attorney General; Catherine Hess, OBMI Investigator; Michelle Van Kleeck, OBMI investigator; Sarah Anderson, Administrative Licensing Specialist.

Call to order: 8:38 a.m. by board chair Thomas King.

Executive session: Thomas King convened the board in executive session pursuant to ORS 192.660(2)(k) at 8:36 a.m.

Convene public session: Upon completion of executive session at 12:05 p.m., Chair Thomas King adjourned executive session and directed Board members to get lunch and return for public session, which reconvened at 12:30 p.m.

Approval of the previous meeting minutes

Approval of minutes from Board meeting of April 25, 2014: Earp made a motion to approve the minutes, without amendment; seconded by Warren. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Ratification of licenses: Motion to ratify by Earp; second by Templeton. Approved unanimously.

1. Radiographer licenses: From 171774 to 171834
2. Nuclear medicine licenses: 500277 to 500282
3. MRI licenses: From 400530 to 400542
4. Sonography licenses: From 601147 to 601168
5. Limited x-ray machine operator permits: From 4142 to 4158
6. Radiation therapy licenses: 270106 to 270108
7. All temporary initial medical imaging modality licenses and permits: R511232 to MR51287

Investigative Case Vote:

Case 14-04-08: Motion by Lemler, second by Warren, to issue a civil penalty for failure to report criminal background, with a civil penalty of \$500 in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Civil penalty is waived due to mitigating circumstance that the licensee had promptly reported the criminal incident to the licensee's registry. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Case 14-04-10: Issue letter of concern regarding alcohol consumption and driving while intoxicated. Motion by Earp, second by Warren. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Case 14-06-03: Motion: Under current policy, due to criminal history, the licensee is not eligible to be an instructor at a limited x-ray school in Oregon. Motion by Earp; second by Warren. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta..

Case 14-06-05: Motion by Earp; second by Warren, to issue a \$500 civil penalty for violation of ORS 525(1)(g), obtaining a license by misrepresentation, with civil penalty in accordance with OAR 337-030-0010(3)(i). Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Case 14-06-06: Motion by Earp; second by Warren, to take no action against the applicant's license application, and to close the case. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Case 14-07-02: Motion by Earp; second by Warren, to close the case with no action. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Case 14-07-04: Motion by Earp, second by Warren, to issue license and close case. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

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:

- Motion to ratify \$100 civil penalty related to cases 14-04-09; 14-06-02; and 14-06-04. Motion by Earp, second by Warren. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Election of Board Officers for 2014-15:

Election of Board Chair: Shirlee Templeton nominated Frank Krause to serve as chair. No other names were offered in nomination. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Election of Board Vice-Chair: Kimberly Earp nominated Shirlee Templeton to serve as vice-chair. No other names were offered in nomination. Approved by all present: King, Lemler, Templeton, McMillen, Earp, Warren, Gupta.

Designation of Board subcommittees: General Board discussion was to keep the Board subcommittees the same as currently named, with possible adjustments at a later date.

New Business:

International Society for Clinical Densitometry: Dr. Christopher Shuhart addressed the Board on behalf of the International Society for Clinical Densitometry (ISCD). The ISCD is requesting that the OBMI recognize the ISCD for a limited permit in bone densitometry. Based upon Board discussion, the OBMI staff is directed to consult with ISCD and to endeavor to develop a draft rule for the Board to consider at the next Board meeting. The purpose of the rule would be for OBMI to issue a bone densitometry limited permit to a person who has a BD credential from ISCD. (This rule would provide a pathway for BD credential-holders who wish to practice in Oregon to apply for a limited BD permit. Because of ISCD's requirement to have substantial clinical experience prior to sitting for the ISCD examination, there is no pathway for a non-credentialed person to obtain the clinical prerequisite in Oregon. So it appears this rule would only provide a pathway for persons who obtain the ISCD credential outside of Oregon. There would be no temporary permit available, just a limited bone density permit for persons who already have the CBDT credential. The Board directed staff to draft a rule to recognize the ISCD credential for bone densitometry, and to bring it back to the Board at the next meeting, to initiate rulemaking.

Old Business:

Update on criminal fingerprint background check: Ed Conlow noted that the OBMI is waiting for paperwork to be processed by the Oregon State Police (OSP) regarding the OBMI's intention to require new license/permit applicants to undergo a fingerprint background check. He said that the OSP is waiting for the FBI to complete their part of the process. He clarified that, once implemented, the OBMI will require fingerprint checks on new applicants only, and will continue to do LEDS checks on renewal applicants. Thomas King noted that the Oregon Secretary of State, in a recent audit of health licensing boards, recommended that, according to the audit, "boards give further consideration to background check policies for professionals who handle drugs or interact with vulnerable populations."

Update on legislative concepts: Ed Conlow provided a progress report on legislative concepts that the Board previously submitted for consideration during the 2015 legislative session in Salem. He noted that the Board has two legislative concepts:

1. To provide a pathway for physician assistants to perform fluoroscopy. This is LC 644. The draft is in process and is in the Governor's possession at this point.
2. To restructure the Board to make it easier to fill vacancies: This is LC 643. The draft is in process and is in the Governor's possession at this point.

Should temporary licensees be able to perform fluoroscopy prior to graduation? Ed Conlow indicated that this is a question that was posed to the Board, and that there has been discussion between OBMI and Radiation Protection Services. The Board clarified and confirmed its position that students can operate fluoro with indirect supervision if they have a temporary license from OBMI, which they can obtain up to five months prior to graduation, according to OAR 337-010-0045(1)(c). Students who do not have a temporary license from OBMI are governed by the RPS rule which requires *direct* supervision while operating fluoroscopic equipment. RPS is working on a draft rulemaking to clarify the RPS rule (OAR 333-106-0045[16]) to assure consistency with OBMI's position. Below is a preliminary draft of RPS' proposed rule amendment:

333-106-0045(16)

(i) Students currently enrolled in an approved school of Radiologic Technology, who do not have a temporary license from OBMI, who as defined in ORS 688.405, may only operate fluoroscopic equipment under the direct supervision of a Radiologist or a R.T. while in the clinical phase of training.

Consideration of a physician assistant's request to RPS to issue a waiver to the PA to perform fluoroscopy: This waiver item was brought to the OBMI by the RPS, which received the waiver request from a physician assistant. Board members discussed the waiver request, and expressed opposition to issuing a waiver while the Board's legislation (LC 644) is under consideration in Salem.

Monica Quintero-Devlaeminck, Program Director, Pioneer Pacific College, Wilsonville: She asked the Board to allow her to have the individual test results of PPC-W students, identified by student, for any students who sign a confidentiality waiver. She said the information is needed for PPC's accrediting agency. She said that her administrators are asking for student-specific information. She said she knows there is a document with score results that are mailed to test-takers, following the test. She asked if those could be emailed to her, for her students. Thomas King said that emailing test scores would be a security issue, since email may not be secure. Wayne Lemler said that we could look into it, to see if we can supply the information that she is requesting. And if OBMI finds that it cannot supply the information, then the OBMI will inform PPC-W that it cannot supply the information.

Ms. Quintero-Devlaeminck also discussed the process for OBMI to approve instructors for limited x-ray schools. She noted that OBMI policy specifies that, to be approved as an instructor, a candidate needs to have been licensed in good standing by OBMI for at least two years. (This standard is in the LXMO instructor manual and also in OBMI Policy #008.) To change this standard would require a rule change, because the LXMO instructor manual is specifically referenced in the OARs. The Board did not make any decisions regarding this specific issue, but left the discussion to be continued.

LXMO practical experience evaluation requirements: Monica Quintero-Devlaeminck said that these documents have not been revised in a number of years. She said that some of these documents are outdated. Wayne Lemler asked Monica if she could email suggested revisions for the Board to consider.

Public Comment:

Randy Harp: He said that some rural hospitals may not be able to comply with the Board's proposed requirement to have a CT credential in order to practice CT. Thomas King noted that there is a waiver provision in the OBMI's statute that could be used to provide relief to rural hospitals that are not able to meet the CT requirement.

Meeting Adjourned: at 2:20 pm.

Submitted by Ed Conlow