

**OREGON BOARD OF MEDICAL IMAGING**  
BOARD MEETING, Tuesday, October 23, 2012  
Room 445, Portland State Office Building

**APPROVED MINUTES**

Board attendance: Thomas King, Frank Krause, Wayne Lemler, Shirlee Templeton, William McMillen, Kimberly Earp, Pamela Warren, Akshay Gupta. Also David Howe, (RPS; advisory member), Rick Wendt (RPS Advisory member).

Others in attendance: Ed Conlow, executive director; Sarah Anderson, administrative licensing specialist; Vincent Mandina, administrative LEDS specialist; By telephone for part of the meeting: Carol Parks, Senior Assistant Attorney General.

Call to order: 8:40 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 8:43 a.m.

Executive session adjourned at 12:17 p.m.

Convene public session: Chair Thomas King convened the board in public session at 12:56 p.m.

Approval of the previous meeting minutes

- Approval of minutes from retreat on July 12, 2012: Moved by Earp; seconded by McMillen. Approved unanimously, without amendment.
- Approval of minutes from Board meeting on July 13, 2012: Moved by Earp; seconded by Lemler. Approved unanimously, without amendment.

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

1. Radiographer licenses: From 171297 through 171374
2. Nuclear medicine licenses: From 500226 through 500230
3. MRI licenses: From 400423 through 400446
4. Sonography licenses: From 600943 through 600978
5. Limited x-ray machine operator permits: From 4048 through 4065
6. All temporary initial medical imaging modality licenses and permits: From 50032 through 50050.

Investigation Cases:

Case 12-10-01: Motion by Earp: \$500 fine in accordance with OAR 337-030-0010(3)(b), for practicing for a substantial period of time while failing to apply for licensure. Second by McMillen. Approved unanimously.

Case 12-09-03: Motion by Earp: \$500 fine for obtaining a license through misrepresentation, in violation of ORS 688.525(1)(g), subject to penalty according to OAR 337-030-0010(3)(i). Second by Templeton. Approved unanimously. Communication to the licensee must include a letter of concern that any future DUII infraction may result in Board action related to licensure.

Case 12-10-02: Motion by Earp: Letter of concern to the licensee with regard to any future unlawful behavior. The letter must request that the licensee provide the Board with results of drug tests that were required by the Court. Second by Lemler. Approved unanimously.

Case 12-02-05: Motion by Earp: Issue a letter of concern to the licensee regarding proper care when ingesting prescription pain medication, for purposes of job performance and patient safety, as well as proper handling of prescription medication while in the workplace. Second by Warren. Approved Unanimously.

Case 12-06-09: Motion by Earp: Address a letter to the licensee stating that the Board's earlier decision is unchanged. Second by Warren. Approved unanimously.

Case 12-02-04: Motion by Earp: Address a letter to the licensee stating that the Board's earlier decision is unchanged. Second by Warren. Approved unanimously.

Case 12-09-01: Motion by Earp: \$500 fine in accordance with OAR 337-030-0010(3)(b), for practicing for a substantial period of time while failing to apply for licensure. Second by Warren. Approved unanimously.

### **Committee Updates:**

Continuing Education Committee: Kim Earp indicated that the CE committee is up to date on all CE credit requests.

ARRT CE Consensus Committee: Thomas King updated the Board on the trip to the ARRT CE Consensus Committee meeting in St. Paul, MN. On October 12, 2012. Thomas King, Board Chair, and Ed Conlow, Executive Director, attended on behalf of the Oregon Board of Medical Imaging. Mr. King noted that almost all recognized certifying bodies were in attendance. Some of the discussion at the meeting centered on possible future strategies to demonstrate competence and outcomes in continuing education systems. This discussion is expected to be ongoing and we may see changes to CE in the future to reflect systemic changes that grow out of the current discussion. Other topics of discussion at the St. Paul meeting:

- Methods to ensure that persons who claim CE credit actually attend and participate; and
- Possibly requiring printed CE graduation certificates (rather than filled in by hand) to assure authenticity.

Thomas King deferred further discussion on this topic to the OBMI's CE Committee, in order to move to the next agenda item.

### Update on proposed legislative concepts for 2013:

Comments from Steve Conklin, Legal Counsel, OHSU: Discussed OHSU's proposed amendment to the OBMI's legislative concept (LC 383) to exempt medical imaging done for education and research purposes from the LC's prohibition against any medical imaging that isn't done for medical purposes. The amendment defines education as tied to a recognized accreditation process or else recognized by an Oregon health professional regulatory board, and research as tied to approval by a institutional review board. He also discussed some alternative approaches to accomplish the purpose.

Rick Wendt asked if screening could be brought in under OHSU's definition of "research," allowing an institution to pick up anybody off the street and do screens without any diagnostic purpose. Steve Conklin explained that the IRB process should protect against unwarranted screening.

David Howe asked about firefighter screenings done for lung capacity, as part of an pre-employment physical examination. Steve Conklin said that neither education or research would cover this under the exemption.

Steve Conklin said that his favored approach would be for the OHSU governmental affairs office to get together with the OBMI office to develop a process for getting the amendment language added to LC 383.

Ed Conlow mentioned that the current draft of LC 383 brings the medical imaging of cadavers under the jurisdiction of the OBMI. He said he sent an email to Christine Lung at the American Society of Radiologic Technologists (ASRT) to get ASRT's feedback on licensure of technologists working in forensic pathology labs. Some of the discussion turned to the fact that using radiation in a forensic pathology setting has safety implications for other staffers working nearby.

Ed Conlow asked if calibration is imaging. He asked if calibration produces an image. Rick Wendt stated that calibration could produce an image, but not necessarily. Ed Conlow asked if "calibration" is defined in statute or rule. Rick Wendt indicated that he would see if RPS has a definition of "calibration" in RPS rules.

Update on OBMI's investigator: David Howe of RPS indicated that Catherine Hess, who works for RPS as well as with the OBMI (as OBMI's investigator) through an interagency agreement, attended a basic investigator training program sponsored by the Council on Licensure, Enforcement and Regulation (CLEAR) and as a result she is now eligible to be nationally certified as an investigator. He indicated that CLEAR may offer an advanced investigator course in Portland in February, and RPS and the OBMI would cooperate to send Catherine to the advanced course.

#### New Business:

Ed Conlow asked the Board if he could approach the Governor's office to seek an amendment to the OBMI statute to reduce the number of physicians required to be on the Board, from four to maybe two, because it has been so difficult to find physicians who have the scheduling flexibility to attend Board meetings. The Board discussed different Board membership configurations that could work; the Board did not make any specific recommendations as to how to restructure the Board, only to allow Ed to approach the Governor's office about reducing the number of required physicians.

Proposed review of the OBMI process for approving licensure: Thomas King suggested that the OBMI should periodically review the OBMI's recognized registries. Bill McMillen suggested a biennial review done during the retreat that occurs prior to the regular legislative session.

Do we want to schedule any Board meetings outside Portland, as part of community outreach? The Board discussed having one meeting per year in a location other than Portland, as community outreach. There was favorable discussion, to be continued at the January meeting.

Public Comment:

Barbara Smith of PCC and OSRT: She said she got a call from research people that want the coursework for fluoroscopy. She said she won't let them take the class if they can't do fluoro. She said she is interested in seeing how this discussion unfolds.

Barbara Smith also said that doing fluoro on a dead body could increase the scatter, due to density, and consequently the danger to the equipment operators. She said that safety is the big issue here.

She said that veterinarians want to do CT. Right now, RTs have to operate. Thomas King indicated that this is an RPS issue; OBMI has nothing to do with veterinarians.

Adjourn: 3:24 p.m.