



Oregon

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BOARD OF MEDICAL IMAGING

****** JUNE 2019 UPDATE ******

NEW LAW WILL ALLOW APRN'S TO SUPERVISE – NOT OPERATE – FLUOROSCOPY

The Oregon Legislature approved legislation to create a pathway for advanced practice registered nurses (APRN) to supervise fluoroscopic procedures, beginning next January 1, as long as a radiologic technologist is operating the equipment. An APRN who wishes to supervise fluoro procedures will need to complete a didactic and clinical educational program, pass an examination, and obtain a permit from the OBMI. This legislation is modeled after 2015 legislation that created a pathway for physician assistants to operate fluoroscopy. As an added safeguard, this year's legislation specifically prohibits an APRN from *operating* fluoroscopy.

This issue goes back to the middle of 2016, when the nursing board approached the OBMI and Radiation Protection Services (RPS), looking for a way to address the nursing board's concern that, in some parts of the state, physicians are not always available to supervise certain procedures that involve fluoroscopic imaging. Since then, there have been several legislative proposals that have not gained widespread support, but the groups have continued to seek agreement, in conjunction with the Oregon Nurses Association.

The recently-enacted legislation requires an APRN to comply with any rules adopted by either OBMI, RPS and the nursing board. Last year, when this legislation was still being formulated, David Howe, RPS section manager and OBMI advisory board member, indicated that RPS would likely adopt rules to require APRNs to complete didactic, clinical, and applications training. Applicants who complete the training will need to pass the fluoroscopy examination offered by the American Registry of Radiologic Technologists (ARRT).

For those who complete the training and pass the exam, OBMI will issue a permit to supervise fluoroscopy, which will be renewable every two years upon completion of continuing education. The legislation specifies that APRNs can apply for a waiver from the educational or clinical requirements, if they can demonstrate equivalent training or experience. But even with the waiver, they will still need to pass the exam.

BOARD PROPOSES TO INCREASE TWO-YEAR LICENSE FEE FROM \$120 TO \$168

In response to budget and revenue projections, the Board recently voted to initiate rulemaking to raise the license fee from \$120 to \$168 for a two-year license, effective beginning January 1, 2020. The Board's *two-year* budget of \$1.2 million is almost totally derived from license fees, which have not been increased since 2010.

Under the agency budget that was recently finalized for the 2019-21 fiscal biennium, the agency is projected to have an ending balance equal to 2.9 months of operating costs, when the next fiscal biennium closes on June 30, 2021. State budget officials say that balance is too low and is likely to continue to erode over time due to general inflationary forces. As a general rule, state budget officials ask boards and commissions to try to maintain an ending balance equal to three (3) or more months of spending, as a cushion in case of unforeseen expenses.

The Board is accepting written comment on the proposed fee increase, and will hold a public hearing during the next regular quarterly board meeting on Friday, July 19. All public comments must be received by the Board before noon on July 19. Further information, including how to submit comments, is available on the Board's home page at www.oregon.gov/obmi.

YOU MUST REPORT CONVICTIONS OR ARRESTS *WITHIN TEN DAYS*

Oregon state law (ORS 676.150) specifies that a licensee (or limited permit holder) who is convicted of any criminal offense, or even *arrested* for a felony offense, must report the criminal conviction or felony arrest to the OBMI within ten days of the conviction or arrest. The statute specifies that failure to report may be cause for disciplinary action by the Board.

DUTY TO REPORT VIOLATIONS BY OTHER LICENSEES

Oregon state law (ORS 676.150) specifies that a licensee (or limited permit holder) who has reasonable cause to believe that another licensee or permit holder has engaged in prohibited or unprofessional conduct is required to report the conduct to the Board within ten working days. The statute specifies that failure to report may be cause for disciplinary action by the Board.

VOLUNTEER TO SERVE ON THE BOARD OF MEDICAL IMAGING!

Under state law, the OBMI voting membership includes 12 members appointed by the Governor and confirmed by the Senate, including four physicians; five licensed technologists; and three “public members” who are neither physicians nor licensees. While all positions are currently filled, we are always on the lookout for responsible and committed individuals to submit an application to the Governor’s office, to fill future board vacancies. The Board and the State of Oregon welcome all applications and are fully committed to equal opportunity and diversity in Board membership. If you think you might be interested in any of the Board positions, please check out the Governor’s executive appointments website at http://www.oregon.gov/gov/admin/Pages/How_To_Apply.aspx and submit your application. Please call Ed Conlow, OBMI Executive Director, at 971-673-0216, if you have any questions or want to know more about what is involved with Board membership.

KEEP YOUR INFORMATION UPDATED WITH US

Board rules (OAR 337-010-0008) require that you maintain your current contact information with OBMI. Please keep us updated on your home and work addresses and contact information. There is a link to an “updated information form” on our website (www.oregon.gov/obmi), under “Important Notices.”

WHY WE NEED YOUR HOME EMAIL ADDRESS...

Under Oregon’s “open records” law, OBMI licensees’ *work* addresses and *work* contact information are public information and must be released upon request. At the same time, state health regulatory boards have the discretion to withhold *home* contact information from release, unless the home contact information is for a “public health or state health planning purpose...” To protect the contact information of licensees as much as possible, the Board voted to withhold as much as the law will allow – OBMI licensees’ *home* contact information will be withheld from release, except when requested for a public health or state health planning purpose. We’ll only use your home e-mail for official OBMI business, including this newsletter which is intended to keep you updated on Board decisions and law changes that can impact your license; so please be sure to update us when you change your home e-mail address and contact information. You can fax us the updated information form (https://www.oregon.gov/OBMI/docs/Updated_Information_Form.pdf) or just email the changes to us, using the contact information on the form. Thanks!

QUESTIONS/COMMENTS:

Ed Conlow, OBMI Executive Director, 971-673-0216; ed.conlow@state.or.us.

Upcoming Board Meetings

July 19, 2019
October 18, 2019