



***2017
Oregon
Revised
Statutes***

Unofficial Copy

***ORS
688.405 to
688.990***

***Oregon
Board of
Medical***

MEDICAL IMAGING PRACTITIONERS AND LIMITED X-RAY MACHINE OPERATORS

OREGON REVISED STATUTES – 2017 EDITION – UNOFFICIAL COPY

GENERALLY

688.405 Definitions for ORS 688.405 to 688.605. As used in ORS 688.405 to 688.605:

(1) “Actively engaged” means:

(a) Practicing medical imaging;

(b) Supervising or providing administrative services for medical imaging licensees, or students or trainees learning a medical imaging modality, at an institution that provides medical imaging services;

(c) Teaching, providing instruction for or administering a medical imaging program at an institution recognized by the Board of Medical Imaging as an educational institution; or

(d) Having retired from the practice of medical imaging, provided that the retired medical imaging licensee has not been retired for more than six years and was in good standing with the board at the time of retirement.

(2) “Approved school” means a school accredited in one of the medical imaging modalities or subspecialties by a national post-secondary accreditation body and whose graduates are qualified to sit for a credentialing examination recognized by the board in the graduate’s medical imaging modality or subspecialty.

(3) “Clinical instructor” means an individual assigned to supervise students in a clinical setting who is:

(a) A licensed physician who routinely supervises the medical imaging modality being studied by a student; or

(b) An individual licensed by the board and credentialed by a credentialing organization in the medical imaging modality being studied by a student.

(4) “Credential” means the recognition awarded to an individual who meets the requirements of a credentialing organization.

(5) “Credentialing organization” means a nationally recognized organization that issues credentials through testing or evaluations that determine that a person meets defined standards for training and competence in a medical imaging modality.

(6) “Diagnostic medical sonography” means the use of nonionizing high frequency sound waves with specialized equipment to direct the sound waves into areas of the human body to generate images for the assessment and diagnosis of various medical conditions.

(7) “Graduate” means an individual who has completed the didactic and clinical education at an approved school, including documented clinical proficiency, but who has not met all requirements for credentialing by a credentialing organization.

(8) “Hybrid imaging or radiation therapy equipment” means equipment that combines more than one medical imaging modality into a single device.

(9)(a) “Ionizing radiation” means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons or other particles capable of producing ions.

(b) “Ionizing radiation” does not include nonionizing radiation.

(10) “License” means a license issued by the board to practice one or more of the medical imaging modalities.

(11) “Licensed nurse practitioner” means a nurse practitioner licensed in Oregon.

(12) “Licensed physician” means a physician or surgeon licensed in Oregon.

(13) “Licensed physician assistant” means a physician assistant licensed in Oregon.

(14) “Limited X-ray machine operator” means a person who performs diagnostic X-ray procedures under the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant using equipment that emits external ionizing radiation resulting in diagnostic radiographic images that are limited to select human anatomical sites.

(15) “Limited X-ray machine operator course of study” means a board-approved set of didactic and clinical experience elements designed to prepare a person for gaining practical experience and for passing the limited X-ray machine operator examination.

(16) “Magnetic resonance imaging” means the process by which certain nuclei, when placed in a magnetic field, absorb and release energy in the form of radio waves that are analyzed by a computer thereby producing an image of human anatomy and physiological information.

(17)(a) “Medical imaging” means the use of specialized equipment for the production of visual representations of human anatomy, tissues or organs.

(b) “Medical imaging” includes but is not limited to X-ray, single photon emission, positron emission technology, ultrasound, magnetic fields, visible light and radio waves.

(18) “Medical imaging licensee” means a person other than a limited X-ray machine operator who holds a valid license and operates medical imaging equipment for diagnostic or therapeutic purposes under the supervision of a licensed physician.

(19) “Medical imaging modality” means:

(a) Diagnostic medical sonography and all its subspecialties;

(b) Magnetic resonance imaging and all its subspecialties;

(c) Nuclear medicine technology and all its subspecialties;

(d) Radiation therapy and all its subspecialties; or

(e) Radiography and all its subspecialties.

(20) “Nonionizing radiation” includes radiation such as radiofrequency or microwaves, visible, infrared or ultraviolet light or ultrasound.

(21) “Nuclear medicine technology” means the specialized equipment that measures radiation emitted by radionuclides, including counters and cameras that form medical images for interpretation by a physician, or assists in therapeutic use of radionuclides.

(22) “Radiation therapy” means the use of ionizing radiation on a human being for therapeutic purposes.

(23) “Radiographer” means a person other than a licensed physician who performs a comprehensive set of diagnostic radiographic procedures under the supervision of a licensed physician using external ionizing radiation to produce radiographic, fluoroscopic or digital images.

(24) “Radiography” means the use of ionizing radiation to produce radiographic, fluoroscopic or digital images of human anatomy for diagnostic purposes.

(25) “Radiologist” means a person licensed to practice medicine in the State of Oregon who is certified by or board eligible for certification by the American Board of Radiology, the American Osteopathic Association, the Royal College of Radiologists or the Royal College of Physicians and Surgeons of Canada.

(26) “Student” means an individual enrolled in:

(a) An approved school; or

(b) A limited X-ray machine operator course of study.

(27) “Supervision” means the act of monitoring and reviewing the performance of medical imaging licensees or limited X-ray machine operators through regular inspections of work produced, regardless of whether the supervising individual is continuously physically present during the use of medical imaging equipment or X-ray equipment.

688.415 License or permit requirement; prohibited acts. (1) A person may not:

(a) Practice a medical imaging modality or purport to be a medical imaging licensee unless the person is licensed in accordance with the provisions of ORS 688.405 to 688.605;

(b) Operate an X-ray machine as described in ORS 688.515 (1) and (2) or purport to be a limited X-ray machine operator unless the person holds a valid limited X-ray machine operator permit in accordance with the provisions of ORS 688.405 to 688.605;

(c) Practice any medical imaging modality or as a limited X-ray machine operator under a false or assumed name;

(d) Knowingly employ a person for the purpose of practicing a medical imaging modality or as a limited X-ray machine operator if the person is not licensed or does not hold a valid permit in accordance with the provisions of ORS 688.405 to 688.605;

(e) Obtain or attempt to obtain a license or permit or a renewal of a license or permit by bribery or fraudulent representation;

(f) Knowingly make a false statement on an application for a license or permit or a renewal for a license or permit; or

(g) Perform a medical imaging procedure on a person unless the procedure:

(A) Serves a medical purpose;

(B) Is ordered by a health care practitioner who is licensed to practice a profession in this state and who is acting within the scope of the licensee's authority, as determined by the agency that licensed the licensee, to order the medical imaging procedure; and

(C) Is interpreted by a health care practitioner who is licensed to practice a profession in this state and who is acting within the scope of the licensee's authority, as determined by the agency that licensed the licensee, to interpret the medical imaging procedure.

(2) Subsection (1)(g) of this section does not apply to screening mammography. As used in this subsection, "screening mammography" means a radiologic procedure performed on a woman for the early detection of breast cancer.

688.425 Licensed persons may use title. (1) A person licensed in one of the medical imaging modalities in accordance with the provisions of ORS 688.405 to 688.605 may use the identifying titles and initials of the person's credentialing organization.

(2) A person who holds a permit as a limited X-ray machine operator issued under ORS 688.515 may use the title of "Limited X-ray Machine Operator" or the letters "LXMO."

(3) A person may not use credential titles, abbreviations of credential titles or initials resembling credential titles unless the person is authorized as provided in this section.

688.435 Application of ORS 688.405 to 688.605. The provisions of ORS 688.405 to 688.605 do not apply to the following persons:

(1) Persons who operate dental X-ray equipment for the sole purpose of oral radiography.

(2) Students in approved schools, while practicing one of the medical imaging modalities or subspecialties under the supervision of the school's assigned clinical instructor.

(3) Specific licensed health care providers, other than physicians, who use sonographic equipment within their lawful scope of practice.

(4) Licensed physicians.

(5) Persons who use radiation for the purpose of research or education. As used in this subsection:

(a) "Education" means a program of study or training:

(A) In which a student, trainee or health care practitioner learns to practice or improve skills for a profession regulated by a health professional regulatory board, as defined in ORS 676.160; and

(B)(i) That is accredited by a national or regional post-secondary accrediting body or organization;
or

(ii) That is approved or recognized by a health professional regulatory board, as defined in ORS 676.160, for purposes related to being authorized to practice a profession.

(b) "Research" means systematic investigation, including research development, testing and evaluation, designed to develop or contribute to general knowledge and that has been approved by an institutional review board that provides for the protection of human research subjects in accordance with federal regulations.

(6) Persons who use sonographic equipment for the sole purpose of ophthalmic sonography.

LICENSING

688.445 Licensing and renewal procedure; modalities; fees. (1) The Board of Medical Imaging shall issue:

(a) A license to practice a specified medical imaging modality in the State of Oregon to each person who meets the qualifications for a license as provided in ORS 688.455. The license shall identify the modality or subspecialty for which the qualifications have been met.

(b)(A) A permit to practice as a limited X-ray machine operator in the State of Oregon to each person who meets the qualifications to hold that permit as provided in ORS 688.515. The permit shall identify the category for which the qualifications have been met.

(B) The categories are skull and sinuses, spine, chest, extremities, podiatric and bone densitometry.

(2) In order to remain active, a license or permit must be renewed every two years prior to the first day of the licensee's birth month or as otherwise provided by the board by rule.

(3) A license or permit that is not renewed as provided in subsection (2) of this section expires. The board may renew an expired license or permit upon payment of a delinquent fee in an amount set by the board plus the biennial renewal fee.

(a) A late renewal may not be granted more than two years after a license or permit has expired.

(b) A late renewal may not be granted to any medical imaging licensee not credentialed by a credentialing organization.

(4) The board shall renew the license or permit of a person who meets the requirements under ORS 688.455 or 688.515 upon receipt of:

(a) An application accompanied by a fee in an amount established by the board; and

(b) Supporting evidence of appropriate continuing education as defined by the board by rule.

(5) A license or permit that has been expired for more than two years may be reissued only in the manner prescribed for an original license or permit.

688.455 License fee; general qualifications. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical imaging modality if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of application:

(a) Is at least 18 years of age;

(b) Satisfies one of the following requirements:

(A) Holds a credential issued by a credentialing organization in a medical imaging modality recognized by the board or provides the board with documentation of military training or experience that the board determines is substantially equivalent to the credentialing requirements;

(B) No later than December 31, 2010, passed the examination of the American Registry of Radiologic Technologists after being sponsored for the examination by the State of Oregon;

(C) Was initially licensed by the Board of Radiologic Technology before 1980 and held an active license from the Board of Medical Imaging on July 1, 2010; or

(D) Meets the requirements for licensing under ORS 688.495;

(c) Has undergone a background check to the satisfaction of the board as established in rules adopted by the board;

(d) Has not had a license of any type revoked by this state or any state, territory of the United States or nation;

(e) Has not had a credential revoked by any credentialing organization; and

(f) Meets the standards of ethical conduct established in the professional standards of the corresponding credentialing organization or a medical imaging modality's professional society.

(2) All applicants for a license are subject to the examination policies of their respective credentialing organizations.

(3)(a) The board may consider issuing a new license to a person whose revoked credential has been reinstated by a credentialing organization or whose license of any type has been reinstated by another state.

(b) The board shall consider issuing a new license under this subsection on a case-by-case basis and shall adopt rules governing issuance of a new license.

688.460 Exemption from certain licensure requirements. (1) The Board of Medical Imaging may waive the requirements listed in ORS 688.455 (1)(b) for an individual who:

(a) Has substantial experience, as determined by the board, practicing the medical imaging modality for which the waiver is sought; and

(b) Performs that medical imaging modality as an employee of, or under a contract with, a rural hospital, as defined in ORS 442.470.

(2) An individual who seeks a waiver under subsection (1) of this section must demonstrate to the board that enforcement of ORS 688.455 (1)(b) would result in the substantial shortage of the availability of the medical imaging modality for which the waiver is sought.

(3) The board may condition the issuance of a waiver under subsection (1) of this section by prescribing the terms of the waiver, including the duration of the waiver and any supervisory requirements that the board deems necessary for the individual to practice the medical imaging modality for which the waiver is sought. Additionally, the board may condition the issuance of a waiver upon passage of an examination, administered by a credentialing organization, in a medical imaging modality recognized by the board, with enrollment for the examination authorized through state sponsorship. [2014 c.63 §2]

688.480 Qualifications of operators of certain equipment. Persons who operate hybrid imaging or radiation therapy equipment incorporating more than one medical imaging modality shall:

(1) Hold a primary credential in at least one of the modalities in use.

(2) Be a medical imaging licensee in at least one of the modalities in use and have a restricted license in all other modalities incorporated into the hybrid imaging or radiation therapy equipment in accordance with rules adopted by the Board of Medical Imaging. [1979 c.449 §6; 2005 c.151 §4; 2009 c.833 §8]

688.485 Examinations; fees. (1) The Board of Medical Imaging shall oversee examinations given each year for a limited X-ray machine operator permit.

(2) A limited X-ray machine operator permit applicant who fails to pass an examination may take additional examinations as required by the board by rule.

(3) The board shall charge a fee for oversight of limited X-ray machine operator permit examinations in an amount determined by the board by rule.

(4) All limited X-ray machine operator permit applicants are subject to the rules of a board-approved testing agency including, but not limited to, testing schedules and frequency, fees, application procedures and conduct.

688.495 Licensing of radiographer without examination. The Board of Medical Imaging may license as a radiographer, without examination, any person who:

(1) Applies for a license as provided in ORS 688.455; and

(2) On the date of making application is a radiographer under the laws of any other state, territory of the United States or nation, if the requirements for licensure in that state, territory or nation are not less stringent than those required under ORS 688.405 to 688.605 and the applicant passed a written examination in that state, territory or nation that is comparable to the examination required in this state for the category or categories for which licensure is sought.

688.505 Evidence of continuing education on renewal. (1) At the time a biennial renewal fee is submitted, the Board of Medical Imaging shall require each licensee and permittee to submit evidence of continuing education pertinent to the license or permit.

(2) A holder of a limited X-ray machine operator permit shall submit evidence of satisfying the number of hours of continuing education as established by the board by rule.

(3) A holder of a license may submit evidence of a current credential issued by the credentialing organization if that organization requires continuing education for renewal of those credentials.

(4) A holder of a license with a credential from a credentialing organization that does not require continuing education for renewal shall submit evidence of continuing education equal to other medical imaging licensees as required by rule of the board.

688.510 Certificate to practice fluoroscopy; fees; rules; discipline. (1) As used in this section:

(a) “Fluoroscopy” means a technique for generating X-ray images and for presenting the X-ray images simultaneously and continuously as a visible image.

(b) “Physician assistant” means a physician assistant licensed under ORS 677.505 to 677.525.

(c) “Supervising physician” means a physician licensed under ORS chapter 677 who has entered into a practice agreement with a physician assistant as described in ORS 677.510.

(d) “To practice fluoroscopy” means to initiate the generation of X-rays and to acquire visible images for the purpose of medical diagnosis.

(2) Except as provided in subsection (7) of this section, a physician assistant may not practice fluoroscopy on a person unless the physician assistant:

(a) Holds an active certificate issued by the Board of Medical Imaging under this section;

(b) Operates fluoroscopic X-ray equipment in compliance with this section and rules adopted by the board under this section; and

(c) Fluoroscopy is among the medical duties delegated to the physician assistant pursuant to a practice agreement described in ORS 677.510.

(3) The board shall issue a certificate to practice fluoroscopy to a physician assistant who:

(a) Completes a fluoroscopy education program approved by the board;

(b) Submits an examination application to the board in a form and manner prescribed by the board;

(c) Pays an examination fee established by the board by rule;

(d) Passes an examination on fluoroscopy approved by the board;

(e) Submits a certificate application to the board in a form and manner prescribed by the board;

(f) Pays a certificate application fee established by the board by rule; and

(g) Meets the standards of ethical and professional conduct established by a credentialing organization or professional society related to the practice of medical imaging.

(4) The board shall renew the certificate to practice fluoroscopy of a physician assistant who:

(a) Submits a renewal application to the board in a form and manner prescribed by the board;

(b) Pays a renewal fee established by the board by rule; and

(c) Completes continuing education requirements approved by the board.

(5) A supervising physician may delegate fluoroscopy procedures only to a physician assistant who holds a certificate issued pursuant to this section.

(6)(a) A physician assistant who holds a certificate issued pursuant to this section may practice fluoroscopy only as authorized by this section.

(b) A physician assistant may practice fluoroscopy only if:

(A) The supervising physician with whom the physician assistant has entered into a practice agreement is in the room where the fluoroscopic procedure is taking place at the time that the procedure is taking place; or

(B) The supervising physician with whom the physician assistant has entered into a practice agreement is in the building where the fluoroscopic procedure is taking place at the time that the procedure is taking place and a medical imaging licensee who specializes in the medical imaging modality of radiography is in the room where the procedure is taking place at the time that the procedure is taking place.

(c) The board may adopt by rule an exception to the requirements of paragraph (b) of this subsection if the board determines that the exception does not create a risk of harm to the public health and safety.

(7) A physician assistant may practice fluoroscopy before being issued a certificate under this section for the purpose of completing a fluoroscopy training program. A physician assistant must be supervised, as determined by the board by rule, when practicing fluoroscopy under this subsection.

(8) Subject to the provisions of ORS chapter 183, the board may refuse to issue or renew a certificate under this section or may suspend or revoke a certificate under this section if the applicant or certificate holder violates a provision of this section or any rule adopted by the board under this section. [2015 c.62 §2]

688.515 Limited X-ray machine operator permit; fees; qualifications; rules. (1) The Board of Medical Imaging shall issue a limited X-ray machine operator permit to an applicant to practice under the supervision of a licensed physician, a licensed nurse practitioner or a licensed physician assistant if the applicant meets the requirements as provided in this section. A limited X-ray machine operator permit shall state the category or categories for which the applicant has demonstrated competence and shall be limited to one of the categories listed below or as established by the board by rule:

(a) Skull and sinuses;

(b) Spine;

(c) Chest;

(d) Extremities;

(e) Podiatric; or

(f) Bone densitometry.

(2) Limited X-ray machine operator permits may not be issued for fluoroscopy, bony thorax studies, abdominal studies, contrast studies or special head studies such as tomography, radiation therapy or any of the other medical imaging modalities or subspecialties other than the categories listed in subsection (1) of this section or as established by the board by rule.

(3) Each applicant for a limited X-ray machine operator permit shall:

- (a) Make an application in writing;
 - (b) Pay an application fee in an amount set by the board;
 - (c) Be at least 18 years of age;
 - (d) Have successfully passed a board-approved course of instruction in radiation use and safety consisting of the number of hours of instruction required by the board by rule;
 - (e) Have successfully completed a course of instruction approved by the board and taught by a board-approved, licensed radiographer in laboratory practice specific to each category for which the applicant seeks a limited X-ray machine operator permit, with the instructor's certifying to the board that the applicant has completed the course in those categories applied for;
 - (f) Have successfully completed a practical experience program approved by the board, specific to each category for which the applicant seeks a limited X-ray machine operator permit. Such program shall include operation of an energized X-ray machine under the supervision of a radiographer;
 - (g) Have paid the examination fee set by board rule to reflect the actual cost of the examination;
 - (h) Have successfully passed an examination approved by the board in the core module as defined in rules adopted by the board, and in those categories in which the applicant seeks a limited X-ray machine operator permit;
 - (i) Have undergone a background check to the satisfaction of the board as established in rules adopted by the board;
 - (j) Not have had any type of license or permit revoked by this state or any state, territory of the United States or nation; and
 - (k) Meet the standards of ethical conduct established in the professional standards of a credentialing organization or a medical imaging modality's professional society.
- (4) Upon meeting the requirements of this section, the board shall issue a limited X-ray machine operator permit to the applicant. The limited X-ray machine operator permit is subject to the renewal procedures described in ORS 688.445.
- (5) Every person issued a limited X-ray machine operator permit shall notify the board in writing of the name of each licensed physician, licensed nurse practitioner or licensed physician assistant supervising the person's performance of diagnostic radiography and may only perform diagnostic radiography while being supervised by a licensed physician, licensed nurse practitioner or licensed physician assistant. In the event the person subsequently is supervised by a licensed physician, licensed nurse practitioner or licensed physician assistant other than the physician, nurse practitioner or physician assistant whose name was initially furnished to the board, the person shall immediately notify the board in writing.
- (6) Limited X-ray machine operators must meet the standards of ethical conduct equal to those of a licensed radiographer.

688.517 Bone densitometry certificate; fees; rules. (1) The Board of Medical Imaging may issue a limited permit in bone densitometry to an individual who is certified in bone densitometry by the International Society for Clinical Densitometry, its successor agency or another agency approved by the board, and who meets the requirements established by the board by rule.

(2) The board may issue a temporary permit in bone densitometry to an individual to allow the individual to complete the clinical requirements necessary for certification in bone densitometry by the International Society for Clinical Densitometry, its successor agency or other agency approved by the board. The individual must meet the requirements established by the board by rule.

(3) The board shall adopt rules regarding the permits described in this section. The rules shall establish:

- (a) An application process;
- (b) Procedures for issuance of the permits;

- (c) Fees;
- (d) Continuing education requirements;
- (e) Renewal procedures; and
- (f) Other criteria that the board determines necessary. [2017 c.13 §5]

688.520 Inactive licenses and permits; licenses and permits for periods other than 24 months.

- (1) The Board of Medical Imaging may grant inactive status to a person who holds a license or a limited X-ray machine operator permit who notifies the board of the person's:
- (a) Intent not to practice a medical imaging modality or subspecialty or as a limited X-ray machine operator; and
 - (b) Desire to retain the right to reinstate the license or permit subject to board rules.
- (2) Only medical imaging licensees who hold a credential issued by a credentialing organization or limited X-ray machine operators in good standing may retain the right to reinstate an inactive license.
- (3) The board may, in certain disciplinary circumstances, issue a provisional license or provisional permit that identifies:
- (a) The specific provisions of the license and terms of converting the license from provisional status to active status;
 - (b) The length of issuance; and
 - (c) The specific issues that resulted in provisional status.
- (4) The board may issue a restricted license for the purpose of performing hybrid imaging using a modality for which the medical imaging licensee does not hold either a primary or secondary credential if:
- (a) The person holds a credential in one or more of the medical imaging modalities or subspecialties; and
 - (b) Receives appropriate training in the limited aspects of the other modality as required by the board by rule.
- (5) The board may issue an additional license to a person who:
- (a) Holds a license issued by the board in one of the primary medical imaging modalities;
 - (b) Holds and continues to maintain a primary credential issued by a credentialing organization recognized by the board in one of the primary medical imaging modalities; and
 - (c) Holds and continues to maintain an additional credential issued by a credentialing organization recognized by the board in the secondary medical imaging modality for which a license is sought.
- (6)(a) The board may issue a student license to a person enrolled in an approved school for the purpose of allowing the person to complete clinical training requirements.
- (b) An applicant for a student license must meet the requirements of ORS 688.455 (1)(a) and (c) to (f).
 - (c) The board shall process student applications and shall issue student licenses at reduced fees as provided in rules adopted by the board.
 - (d) A student license is valid only while the student is enrolled in an approved school.
- (7)(a) The board may issue a temporary license or permit upon satisfactory application and payment of a registration fee established by the board by rule.
- (b) Medical imaging license applicants, students and graduates may be issued temporary licenses pertaining to a specific modality or subspecialty without examination for a limited time period as determined by the board by rule.
 - (c) Limited X-ray machine operator permit applicants may be issued temporary permits for the purpose of completing clinical education requirements under the supervision of a licensed physician:
 - (A) Upon successful completion of the core module examination;

(B) For an initial period of six months; and

(C) For a single six-month renewal period, at the discretion of the board.

(8) The board may issue licenses and permits for periods other than 24 months. The fee for a license or permit issued for any period other than 24 months shall be prorated on a monthly basis. [1991 c.535 §4; 1997 c.106 §3; 2009 c.833 §13; 2012 c.1 §5]

688.525 Grounds for discipline; investigation of complaints; confidential information. (1) The Board of Medical Imaging, after notice of and hearing as required under the contested case procedures of ORS chapter 183, may refuse to issue a license or permit to any applicant, may refuse to renew the license of any medical imaging licensee or the permit of a limited X-ray machine operator or may suspend or revoke the license or permit of a person who:

(a) Has been disciplined by a credentialing organization or a licensing board in this state or in another state, territory of the United States or nation for acts by the holder of a license or a permit that are similar to acts described in this subsection. A certified copy of the order of discipline constitutes conclusive evidence of the discipline.

(b) Has an impairment as defined in ORS 676.303.

(c) In the judgment of the board is guilty of unethical or unprofessional conduct in the practice of a medical imaging modality or as a limited X-ray machine operator.

(d) Has been convicted of any crime that bears a demonstrable relationship to the practice of a medical imaging modality or as a limited X-ray machine operator, or otherwise reflects adversely on fitness to practice.

(e) In the judgment of the board, has acted with gross negligence in the practice of a medical imaging modality or as a limited X-ray machine operator.

(f) Has undertaken to act as a medical imaging licensee independently of the supervision of a licensed physician, or has undertaken to act as a limited X-ray machine operator independently of the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant.

(g) Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 by fraud or material misrepresentation.

(2) Upon receipt of a complaint under ORS 688.405 to 688.605, the board shall conduct an investigation as described under ORS 676.165.

(3) Information that the board obtains as part of an investigation into licensee, permittee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee, permittee or applicant conduct is confidential as provided under

STATE BOARD

688.545 Board of Medical Imaging; qualifications; advisory member; term; compensation and expenses; officers; meetings; quorum; rules. (1)(a) There is created the Board of Medical Imaging. The board consists of 12 members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board must be a resident of this state. Of the members of the board:

(A) One must be a licensed physician who is in good standing and who is a radiologist;

(B) Three must be licensed physicians who are in good standing and who apply to serve on the board in a form and manner prescribed by the board;

(C) Five must be actively engaged medical imaging licensees, including one from each of the medical imaging modalities listed in ORS 688.405; and

(D) Three must be members of the public.

(b) If the Board of Medical Imaging does not receive a sufficient number of applications to fill the positions described in paragraph (a)(B) of this subsection, the Governor may appoint the remaining board members from applicants who have been retired for not more than six years and:

(A) Who are registered with the Oregon Medical Board as retired emeritus physicians; or

(B) Who provided the Oregon Medical Board with notice of retirement in accordance with ORS 677.175 and were in good standing with the Oregon Medical Board at the time of retirement.

(c) If the Board of Medical Imaging does not receive a sufficient number of applications to fill the positions described in paragraphs (a)(B) and (b) of this subsection, the Governor may appoint the remaining board members from among any combination of the following:

(A) A chiropractic physician licensed under ORS chapter 684 who is certified by the American Chiropractic Board of Radiology as a Diplomate of the American Chiropractic Board of Radiology;

(B) An actively engaged medical imaging licensee;

(C) A limited X-ray machine operator who holds a permit issued under ORS 688.515; or

(D) A member of the public.

(d) A public member appointed under this subsection may not be:

(A) Otherwise eligible for appointment to the Board of Medical Imaging; or

(B) The spouse, domestic partner, child, parent or sibling of a person issued a license or permit by the board.

(2)(a) Board members required to be medical imaging licensees may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing medical imaging licensees.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or a person appointed by the section manager, is an advisory member of the board for the purpose of providing counsel and is not entitled to vote.

(4)(a) The term of office of the members of the board is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than four terms end each year. A member is eligible for reappointment.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed physician or a retired licensed physician who was a licensed physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensed physician;

(D) Is not a licensed chiropractic physician or a retired licensed chiropractic physician who was a licensed chiropractic physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensed chiropractic physician;

(E) Is not a medical imaging licensee or a retired medical imaging licensee who was a medical imaging licensee in good standing at the time of retirement, if the board member was appointed to serve on the board as a medical imaging licensee; or

(F) Does not hold a valid permit issued under ORS 688.515, if the board member was appointed to serve on the board as a limited X-ray machine operator.

(5) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

(6) The board shall annually elect a board chairperson and a vice chairperson from the voting members of the board.

(7) For the purpose of transacting its business, the board must meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting must be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(8) Seven members of the board constitute a quorum for the transaction of business at any meeting. Seven affirmative votes are required to take action.

688.555 Rulemaking; executive director. (1) The Board of Medical Imaging shall adopt rules that are necessary to carry out the provisions of ORS 688.405 to 688.605 and 688.915.

(2) In adopting rules, the board shall act with benefit of the advice of the Attorney General of the State of Oregon.

(3) The board may appoint and fix the compensation of an executive director subject to ORS 240.245 and include reimbursement for actual and necessary travel expenses incurred in the performance of the duties of the director.

688.557 Authority of board to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Board of Medical Imaging may require the fingerprints of a person who:

(1) Is applying for a license, or renewal of a license, under ORS 688.445 and 688.455;

(2)(a) Is employed or applying for employment by the board or provides services or seeks to provide services to the board as a contractor, vendor or volunteer; and

(b) Is, or will be, working or providing services in a position in which the person has or will have access to information that is confidential under state or federal laws, rules or regulations; or

(3) Is under investigation by the board pursuant to ORS 688.525.

688.560 Fees; rules. The Board of Medical Imaging by rule shall establish and collect reasonable fees for:

(1) Oversight of limited X-ray machine operator permit examinations.

(2) Special interpretation of examination results.

(3) Duplication of permits, licenses and wall certificates.

(4) Reproduction of records.

(5) Application processing, licensing and permitting.

(6) Inspections of limited X-ray machine operator schools.

688.565 Continuing education. (1) The Board of Medical Imaging shall approve programs of continuing education in medical imaging modalities and for limited X-ray machine operators to meet the requirements of ORS 688.505.

(2) The board may seek volunteers from the various medical imaging modalities to review and assist in the approval of continuing education credits for their respective medical imaging modalities.

(3) Continuing education programs for limited X-ray machine operators shall be reviewed by a radiographer.

688.585 Board of Medical Imaging Account. (1) The Board of Medical Imaging Account is established in the State Treasury, separate and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, contributions and other moneys received by the Board of Medical Imaging must be paid into the State Treasury and credited to the account. All moneys in the account are continuously appropriated to the board to be used by the board for purposes of ORS 676.850 and 688.405 to 688.605. Any interest or other income from moneys in the account shall be credited to the account.

(2) The board shall keep a record of all moneys deposited in the account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program for which each withdrawal is charged.

ENFORCEMENT

688.595 Enforcement and inspections. The section manager of the Radiation Protection Services Section of the Oregon Health Authority shall enforce the provisions of ORS 688.405 to 688.605 and shall conduct, under the direction of the Board of Medical Imaging, inspections in furtherance of the purposes of ORS 688.405 to 688.605.

688.600 Investigation of alleged violations; power of board; subpoenas; peer review committees. (1) Upon receipt of a complaint, or upon its own motion, the Board of Medical Imaging may investigate any alleged violation of ORS 688.405 to 688.605.

(2) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories;

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation;

(f) Require a person to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense when the board has reasonable grounds to believe that the person is or may be unable to practice a medical imaging modality with reasonable skill and safety or may constitute a risk to the public, with the results being reported to the board. The report may not be disclosed to the public but may be received into evidence in a proceeding between the board and the person when the mental, physical, chemical dependency or competency of the person is at issue, notwithstanding any claim of privilege by the person; and

(g) Issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon.

(3) For the purpose of disciplinary issues concerning scope of practice and standards of practice, the board may form temporary peer review committees in the relevant modality or subspecialty to advise the board of appropriate action. The composition, authority and responsibilities of a temporary committee must be defined in rules adopted by the board.

688.603 Fines; rules. (1) Subject to the provisions of ORS chapter 183 and subsection (2) of this section, the Board of Medical Imaging may impose a fine on an individual licensed or holding a permit under ORS 688.405 to 688.605 for an administrative or clerical violation of ORS 688.405 to 688.605

or a rule adopted pursuant to ORS 688.405 to 688.605 if the violation does not create a risk of harm to the public, as established by the board by rule.

(2) A fine imposed under this section:

(a) May not exceed \$100;

(b) Is confidential; and

(c) Is not a disciplinary action by the board. [2017 c.13 §3]

688.605 Duty to report violation; confidentiality; procedure on claims of violation. (1)(a)

Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any person issued a license or permit by the Board of Medical Imaging or any employer of a licensee or permittee shall report to the board any suspected violation of ORS 688.405 to 688.605 or any rule adopted by the board.

(b) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any person issued a license or permit by the board who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150.

(c) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any organization representing persons issued a license or permit by the board shall report to the board any suspected violation of ORS 688.405 to 688.605 or any rule adopted by the board pursuant to ORS 688.405 to 688.605.

(d) Any person may report to the board any suspected violation of ORS 688.405 to 688.605 or any rules adopted by the board pursuant to ORS 688.555.

(2) Any information that the board obtains as the basis of a complaint or in the investigation of a complaint is confidential as provided under ORS 676.175.

(3) Any person who reports or provides information to the board and who does so in good faith is not subject to an action for civil damages as a result of reporting or providing information.

(4) A claim of a violation of ORS 688.405 to 688.605 shall be reported to the board and shall be substantiated by satisfactory evidence. If the board finds that a violation has occurred, the board shall, subject to the conditions of ORS 676.175, report the violation to the Attorney General for prosecution.

PENALTIES

688.915 Civil penalty for violation of ORS 688.405 to 688.605 or rules. (1) In addition to any other sanction authorized by law, the Board of Medical Imaging may impose a civil penalty not to exceed \$1,000 per occurrence for any violation of ORS 688.405 to 688.605, or of any rules adopted under those provisions. The penalty may be imposed whether or not the person incurring the penalty has been licensed or been issued a permit or certificate under ORS 688.405 to 688.605, or has made application for a license, permit or certificate under those sections. A civil penalty may be imposed in lieu of a refusal to grant or renew a license, permit or certificate, or a suspension or revocation of a license, permit or certificate, under ORS 688.510 or 688.525.

(2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

(3) All penalties recovered under this section shall be credited to the Board of Medical Imaging Account established under ORS 688.585.

688.990 Criminal penalties. Violation of any provision of ORS 688.020, 688.120, 688.415 or 688.425 is a Class A misdemeanor.