

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, January 20, 2017
Portland State Office Building, 800 NE Oregon Street
Conference Room 1-D

APPROVED MINUTES

Board attendance: Kelly Karraker, chair; Dr. Ron Boucher; Brad Betz; Robyn Cole; Dr. Katharine Hopkins; Dr. Steven Edelman; Dr. Cloe Shelton; Ellen Voss. By telephone: Wayne Lemler; Rick Hoylman. Also: David Howe (RPS; Advisory Member); Glenda Villamar (RPS; advisory member).

Staff in attendance: Ed Conlow, OBMI Executive Director; Sarah Anderson, OBMI Administrative Licensing Specialist; Vincent Mandina, Administrative LEDS Specialist; Thomas King, Investigator; Joanna Tucker Davis, Senior Assistant Attorney General.

Call to order: Chairperson Karraker called the meeting to order at 8:32 a.m.

Executive session: Chairperson Karraker convened the board in executive session at 8:33 pursuant to ORS 192.660(2)(L) and ORS 192.660(2)(f). Chairperson Karraker adjourned executive session at 12:55 p.m.

Public Session: Chairperson Karraker called the Board into public session at 1:10 p.m.

Public hearing on rulemaking: Chairperson Karraker convened a public hearing on proposed rules regarding supervision of limited x-ray permit holders. The hearing was convened pursuant to ORS 183.335(2)(d). She explained the ground rules for the hearing and recognized speakers including:

- Shelli Hampton, program director for the Pioneer Pacific College, Wilsonville.
- Dr. Chris Seuferling, President of the Oregon Podiatric Medical Association.
- Robert Scott, Podiatrist, Salem, Oregon.
- Dr. Cassi Tomczak, Podiatrist.
- Dr. Edith Dal Mas, Portland School of Radiography.

Approval of public minutes from previous board meeting: October 21, 2016 public meeting minutes: Hopkins made the motion to approve the minutes as submitted; Cole seconded. Approved unanimously.

Ratification of licenses: Motion to ratify new licenses issued since the last Board meeting. Motion by Boucher; seconded by Hopkins. Approved unanimously.

1. Radiographer licenses: From 173539 to 173592
2. Nuclear medicine licenses: 500336 to 500341
3. MRI licenses: From 400695 to 400978
4. Sonography licenses: From 601523 to 601558
5. Limited x-ray machine operator permits: From 4277 to 4281
6. Radiation therapy licenses: 270165 to 270172
7. All temporary initial medical imaging modality licenses and permits: L52344 to N52359

Three CT waiver requests: Ed Conlow noted that the Board had received three requests for CT waivers. Subsection (8) of OAR 337-010-0011 provides the Board with the ability to waive the CT credential requirement on a case-by-case basis, for an employee of a *rural hospital* whose inability to perform CT would “result in a substantial shortage in the rural hospital’s ability to deliver...services. Under the waiver rule, a waiver recipient is required to pass a registry CT exam under “state sponsorship,” which means that OBMI can waive the exam prerequisites. The three waiver requests were as follows:

1. Tim Nork, a licensed radiographer and sonographer with credentials from ARRT and ARDMS, is employed at Saint Alphonsus in Baker City. He stated that he has been doing CT for 20 years but does not do

enough to qualify to sit for the registry exam. He only does CT on call shift. He indicated that they St. Alphonsus has five CT-registered technologists at the hospital. Primarily because the hospital has several CT technologists on staff currently.

2. Richard Wright, a licensed radiographer employed at Oregon Urology Institute in Springfield, who now has a temporary CT license. Because he is not employed by a rural hospital, he is not eligible for a waiver. But he is asking the Board to expand the waiver rule to include specialty clinics, because “we have the same issues with obtaining the varied 125 CT exams to apply for the test with ARRT.” In his waiver request, his first choice would be to NOT have to take the exam under state sponsorship. His second choice would be to sit for the registry exam under state sponsorship. Joanna Tucker Davis noted that OBMI’s *statute* specifies that a waiver is only available to employees of rural hospitals. On that basis, Mr. Wright’s application is statutorily ineligible for consideration due to state law.
3. Traci Jenkins is a licensed radiographer employed at Santiam Hospital in Stayton. She says she has been performing CT for 15 years. She writes that she has taken the CT registry exam three times but missed a passing score by a few points each time. She writes that the hospital used to employ seven CT-credentialed technologists, but now they only have four. She asked if she could be granted a waiver without passing the registry CT exam. However, OAR 337-010-0011(8) requires passage of the exam, so Ms. Jenkins is not eligible for a waiver.

Board motion on three waiver requests: Motion by Boucher, seconded by Cole, to take no action to provide waivers in these cases that are before the Board. Approved unanimously.

Five-year review of administrative rules: In accordance with ORS 183.405, Ed Conlow asked the Board to review the rule published in the May 2010 under the caption “Name Change – Adding Modalities; Diagnostic Medical Sonography, MRI and Nuclear Medicine – July 1, 2010.” The rule report indicated that the rule has had the intended effect and that the fiscal note was correct. Cole moved to approve the report, and Boucher seconded the motion. Approved unanimously.

Legislative update: Ed Conlow noted that the Board has two legislative concepts before the Legislature, including HB 2267, which the OBMI sponsored, and also SB 5531, which legalizes the four dollar fee that OBMI charges all permanent license and permit renewal applicants. The fee was established because OBMI must pay the Oregon Health Authority four dollars per renewal applicant, related to the OHA’s health workforce survey that all renewal applicants must complete. He said that both bills are alive and are likely to be enacted.

Board ratification of stipulated orders issued for civil penalties for practicing on an expired license in violation of ORS 688.415(1):

- \$100 civil penalty for practicing on an expired license for less than six months, in accordance with OAR 337-030-0010(3)(a)(A), for the following cases: 16-09-04; 16-11-05; 16-12-03.

Motion to ratify stipulated orders by Boucher; seconded by Hopkins. Approved unanimously.

Update on Governor’s Budget: Ed Conlow said that the Governor’s budget for the OBMI for the 2017-19 biennium is expected to be the same as the Agency Request Budget, except for a few minor routine accounting adjustments.

Executive session: Kelly Karraker called the Board into executive session at 2:30 p.m., in accordance with 192.660(2)(f), to consider information exempt from public disclosure. Executive session adjourned at 2:45 p.m.

Advanced practice nurses providing direction during fluoroscopy procedure: David Howe described the process by which this issue came to be before the Board. He noted that the OBMI and RPS had originally been approached by Ruby Jason of the Oregon State Board of Nursing (OSBN), and that RPS had convened a rules advisory committee to discuss the issue. He noted that the issue is before the OBMI due to concern that

anyone other than a physician supervising a radiologic technologist may be in violation of OBMI's statutory definition of licensee, defined as "supervised by a physician." Next the Board recognized Ruby Jason, Executive Director of the OSBN, to discuss advanced practice registered nurses as providing verbal direction to radiologic technologists during fluoroscopic procedures. Following Ruby Jason's discussion, Susan King, Executive Director of the Oregon Nurses Association, also addressed the Board. The Board did not make any decisions or take any action as a result of this discussion.

Discussion on rulemaking regarding supervision of limited permits: Following consideration of comments received during the rulemaking hearing, and based upon Board discussion, the Board did not take action to approve the proposed rules relating to supervision of limited permits. Dr. Edelman made a motion directing Board staff to identify interested parties to form a rules advisory committee, and to convene the committee to see if the concerns expressed regarding the proposed rules can be resolved. Seconded by Hopkins; approved unanimously.

Approval of Executive Session minutes: Voss made a motion, seconded by Hopkins, to approve the executive session minutes from the January 20, 2017 Board meeting, without amendment. Approved unanimously.

Board votes on disciplinary cases:

Case 16-08-05: Motion to close the case with no action. Motion by Boucher; seconded by Shelton. Approved unanimously.

Case 16-08-03: Motion by Boucher to close the case with no action, seconded by Shelton. Approved unanimously.

Case 16-07-05: Motion by Boucher to close the case with no action, and to include a letter of education to the licensee. Seconded by Shelton. Approved unanimously.

Case 16-11-02: Motion by Boucher to close the case with no action, seconded by Hopkins. Approved unanimously.

Case 16-11-06: Motion by Boucher to issue a \$500 civil penalty for practicing medical imaging prior to obtaining a license, in violation of ORS 688.415(1)(a), with penalty in accordance with OAR 337-030-0010(3)(b). Seconded by Hopkins. Approved unanimously.

Case 16-11-03: Motion by Boucher to close the case with no action, seconded by Edelman. Approved unanimously.

Case 16-06-02: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-07-03: Motion to deny licensure pursuant to ORS 688.525(1) for attempting to obtain a license by fraud or material misrepresentation pursuant to ORS 688.525(1)(g) and OAR 337-030-0002(7). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-04-02: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-10-02: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-12-02: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 17-01-01: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-07-02: Motion of intent to revoke license pursuant to 688.525(1)(c). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-07-04: Motion to close case with no action. Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-03-07: Motion to issue final order of revocation pursuant to ORS 688.525(1)(b),(c) and OAR 337-030-0002(1). Motion by Boucher, seconded by Hopkins. Approved unanimously.

Case 16-01-02: Motion to close case with no action. Motion by Boucher, seconded by Hopkins. Approved unanimously.

Discussion of penalties for employing an unlicensed person: Chair Kelly Karraker said she will work with Ed Conlow to try to draft some guidelines for penalizing employers who employ unlicensed persons, and report back to the Board at the next meeting.

Public Comment: No members of the public offered comment.

Adjournment: Chairperson Karraker adjourned the meeting at 4:50 p.m.

Minutes submitted by Ed Conlow

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, April 21, 2017
Portland State Office Building, 800 NE Oregon Street
Conference Room 1-D

APPROVED MINUTES

Board attendance: Kelly Karraker, chair; Dr. Ron Boucher; Brad Betz; Robyn Cole; Dr. Katharine Hopkins; Dr. Steven Edelman; Dr. Nick Branting; Ellen Voss; Wayne Lemler; Rick Hoylman. Also: David Howe (RPS; Advisory Member); Rick Wendt (RPS; advisory member).

Staff in attendance: Ed Conlow, OBMI Executive Director; Sarah Anderson; Vincent Mandina, Administrative LEADS Specialist; Thomas King, Investigator; Joanna Tucker Davis, Senior Assistant Attorney General.

Public session: Chair Kelly Karraker called the Board into public session at 8:32 a.m. For the first item on the public session agenda, Kalen Powell of DEXA PDX asked the Board if DEXA PDX operators need a bone densitometry permit from OBMI to operate the dexa scan. Mr. Powell explained the body mass composition analysis that DEXA PDX provides. Following discussion, several Board members expressed the opinion that a DEXA PDX operator requires a limited bone densitometry permit. Ed Conlow noted that there is only one person in Oregon who currently teaches the course that is a prerequisite for taking the ARRT exam for limited bone densitometry. Ed Conlow noted that HB 2267, recently enacted into law, allows the Board to develop a pathway for Oregonians to obtain a bone densitometry permit through the International Society of Clinical Densitometry (ISCD). In response to comments from several Board members, Ed Conlow said that he will work to bring draft rules to the Board at the next meeting to recognize the ISCD bone densitometry credential in Oregon, with an immediate goal of providing a pathway for DEXA PDX to get a bone densitometry permit.

Rick Wendt noted that Radiation Protection Services has administrative rules governing the operation of a bone densitometry scanning process, since it involves radiation. He noted that DEXA PDX' machine is currently registered with RPS.

Contested Case process: Senior Assistant Attorney General Joanna Tucker Davis provided the Board with an outline (including a power point presentation) and explanation of the process the Board must follow during a contested case proceeding.

Public session adjourned/executive session convened/public session reconvened: Chair Kelly Karraker adjourned public session and called the Board into executive session at 9:15 a.m. Chair Karraker adjourned executive session at 2:07, and reconvened public session at 2:15 p.m.

Ratification of licenses issued since previous Board meeting: Motion to ratify new licenses issued since the last Board meeting. Motion by Boucher; seconded by Hopkins. Approved unanimously.

1. Radiographer licenses: From 173539 to 173592
2. Nuclear medicine licenses: 500342 to 500343
3. MRI licenses: From 400979 to 400990
4. Sonography licenses: From 601559 to 601568
5. Limited x-ray machine operator permits: From 4282 to 4291
6. Radiation therapy licenses: 270173 to 270182
7. All temporary initial medical imaging modality licenses and permits: R523650 to R52416

Motion by Lemler to ratify licenses issued since previous Board meeting; seconded by Hopkins. Approved unanimously.

Board ratification of stipulated orders issued for civil penalties for practicing on an expired license in violation of ORS 688.415(1):

- \$100 civil penalty for practicing on an expired license for less than six months, in accordance with OAR 337-030-0010(3)(a)(A), for the following cases: 16-11-04; 16-12-01; 17-01-03; 17-03-05.

Motion to ratify stipulated orders by Lemler; seconded by Hopkins. Approved unanimously.

Approval of meeting minutes from prior Board meeting

- Executive session minutes: Lemler made the motion to approve the executive session minutes from the January 20, 2017 Board meeting; seconded by Hopkins. Approved unanimously.
- Public meeting minutes: Ed Conlow asked the Board to accept an amendment to the draft 1/20/17 public meeting minutes, to indicate that the Oct. 2016 executive session minutes had been approved on 1/20/17, during public session. Lemler made the motion to approve the public meeting minutes as amended; Hopkins seconded. Approved unanimously.

Inspection of Pioneer Pacific College in Wilsonville: Thomas King reported on the inspection that he conducted of Pioneer Pacific College (Wilsonville) Limited X-Ray Program, in accordance with OAR 337-010-0031(3). He indicated that the school met the Board's inspection criteria, though he made a note in the summary that the school can improve instructional delivery and record keeping, and that it appears these improvements are underway. He said that, for future inspections, he will be looking at pass rates and will ask the schools what they are doing to improve scores.

Rick Holyman said that he is very concerned that the pass rates for Oregon limited school graduates—as well as national pass rates—are substantially lower than they should be. In response to a question from Robyn Cole, Ed Conlow noted that the OBMI website includes a link with exam pass rate statistics, sorted by school. Rick Holyman questioned whether prospective students knew that this information was on the OBMI website, and suggested that the OBMI could poll students about this, when conducting school inspections. There was discussion of asking Joanna Tucker Davis to help clarify the Board's authority over the limited schools, to help determine what, if anything, the Board might be able to do to encourage the schools to do a better job instructing students. Dr. Edelman, citing JCAH inspection procedures, commented that the Board may be able to beef up the agency's inspection criteria to focus on ways to improve outcomes.

Board votes on disciplinary cases:

Case 17-03-06: \$500 civil penalty for practicing prior to obtaining a license. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 16-02-01: -- \$500 civil penalty for performing a medical image that does not serve a medical purpose, in violation of ORS 688.415(1)(g). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 16-12-02: Motion to withdraw the previous motion and close this case with no action. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-02-04: Close case with no action. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-01-02: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g). Motion by Lemler; seconded by Hopkins. Approved unanimously. Dr. Edelman made a motion to withdraw the previous motion in case 17-01-02 and revise the Board's action based upon mitigating circumstances; motion died due to lack of a second.

Case 17-01-05: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g).. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-02-03: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-03-02: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 16-10-01: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-04-03: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-04-04: Motion to issue a stipulated agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g). Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-04-05: Motion for no action; close case. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 16-07-03: Issue a final order by default to deny a license. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 16-07-02: Issue a final order by default to revoke his license. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-02-01: Motion to close the case with no action taken. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-03-07: Motion to close the case with no action taken. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-01-04: Motion to close the case with no action taken. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-04-01: Motion to close the case with no action taken. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Case 17-03-01: Motion to close the case with no action taken. Motion by Lemler; seconded by Hopkins. Approved unanimously.

Five-year review of administrative rules: In accordance with ORS 183.405, Ed Conlow asked the Board to review the rulemaking published in January 2012, to amend OAR 337-101-0030(6)(a), indicating that the fiscal impact statement was accurate. Lemler moved to approve the review; Hopkins seconded. Approved unanimously.

Public records request policy: Ed Conlow presented the Board with a proposed board policy that specifies the handling of requests for public records. He indicated that the policy is derived directly from Oregon

Department of Administrative Services Statewide Policy #107-001-030. Wayne Lemler made a motion, seconded by Hopkins, to approve the policy as presented. Approved unanimously.

Civil penalty schedule: Ed Conlow presented two options for a rulemaking to establish a civil penalty schedule for employing an unlicensed person. Dr. Edelman moved to adopt a penalty schedule that was half the amount of the draft rule proposed for discussion, but Dr. Edelman's motion did not receive a second. Following discussion, Lemler moved, and Hopkins seconded, with motion approved unanimously to initiate rulemaking as follows:

337-030-0010

(f) Employing an individual to practice medical imaging when the individual does not have a current, valid Oregon license or permit, ~~\$1,000;~~:

(A) While such employee provided unlicensed imaging services to no more than 50 individual patients, \$5,000;

(B) While such employee provided unlicensed imaging services to between 51 and 100 individual patients, \$10,000;

(C) While such employee provided unlicensed imaging services to between 101 and 150 individual patients, \$20,000;

(B) While such employee provided unlicensed imaging services to between 151 and 200 individual patients, \$30,000;

(B) While such employee provided unlicensed imaging services to more than 200 individual patients, \$50,000.

Rulemaking for public records fee schedule: Ed Conlow asked the Board to approve the public records fee schedule that is included in the public records request policy that the Board had earlier approved. He noted that any new agency fees must be adopted through rulemaking. Motion by Lemler; seconded by Hopkins, to initiate rulemaking to establish the fee schedule for public records requests. Approved unanimously.

Corrective amendment to clean up the CT rule: Motion by Lemler; seconded by Hopkins, to initiate rulemaking to delete outdated language from the CT rule, by deleting OAR 337-010-0011(1) through (4) and striking the phrase "On or after January 1, 2017" from OAR 337-010-0011(5), (6) and (7). Approved unanimously.

CT waiver request: Ed Conlow said that Traci Jenkins is requesting that the Board grant a CT waiver to allow her to take the ARRT examination under state sponsorship. Dr. Edelman noted that, for the waiver request to be considered, documentation from the rural hospital is required, to show that failure to provide the waiver would result in a substantial shortage to the hospital's ability to deliver services in the community. It was noted that, without this documentation, the waiver cannot be granted. No action was taken on this waiver request. But the Board noted that the hospital is free to come back at a later meeting and make a case that the waiver is necessary.

Draft rules for supervision of temporary limited permit holders: Ed Conlow explained that the Rules Advisory Committee (RAC) had met and discussed changes that were outlined in the draft rules document that had been distributed to the Board. As part of the discussion, Dr. Edelman suggested allowing LXMO students to apply to take the examination six weeks prior to graduation. Rick Hoylman noted that the Board is not making final decisions at this time, and that any Board members could provide comments to the RAC, for further discussion by the RAC. Ed Conlow said that he will report back at the July Board meeting, hopefully with a more refined rules draft.

Legislative update: Ed Conlow noted that the Oregon Nurses' Association introduced SB 801 and that, apparently in part due to opposition from imaging technologists and radiologists, the legislation was not considered in 2017. He said that the Oregon State Board of Nursing intends to re-engage the OBMI (and RPS)

to try to address some concerns that the OSBN thinks that OBMI, OSBN and RPS may be able to jointly resolve. He noted other legislation:

- HB 2267, the OBMI's noncontroversial legislation, has been enacted into law.
- OBMI's 2017-19 budget legislation is proceeding without incident, and is on track to be enacted during the 2017 legislative session in Salem.
- A separate bill is under consideration to legalize OBMI's \$4 fee that OBMI charges for the health data workforce questionnaire. This legislation is likely to be enacted into law.

Public comment:

- Byron Williams RVT(VT) commented on a request for CT waiver for technologists who work in rural hospitals. He urged the Board to adhere to the ARRT standard that an applicant gets three chances to pass the ARRT exam. He said that, as a resident of a rural community, he thinks that the professional standards should be the same as for urban areas, and that rural residents deserve the same level of care.
- Jennifer Clayton, Program Director, Linn Benton Community College, expressed concern that certain advanced practice nurses may be supervising fluoroscopy in some locations, in violation of state law or rules.

Adjournment: Chairperson Karraker adjourned the meeting at 3:52 p.m.

Minutes submitted by Ed Conlow

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, July 21, 2017
Portland State Office Building, 800 NE Oregon Street
Conference Room 1-D

APPROVED MINUTES

Board attendance: Kelly Karraker, chair; Brad Betz, Vice Chair; Dr. Ron Boucher; Robyn Cole; Dr. Katharine Hopkins; Dr. Steven Edelman; Dr. Nick Branting; Rick Hoylman; Jeff Kopecky; Melissa Downer-Valdez. Also: David Howe (RPS; Advisory Member); Rick Wendt (RPS; advisory member); Glenda Villamar (RPS; advisory member).

Staff in attendance: Ed Conlow, OBMI Executive Director; Sarah Anderson, Administrative Licensing Specialist; Vincent Mandina, Administrative LEDS Specialist; Thomas King, Health Care Advisor/Investigator; Joanna Tucker Davis, Senior Assistant Attorney General.

Board vote for chair and vice-chair:

- Dr. Boucher nominated Kelly Karraker for chair. Dr. Hopkins seconded the nomination of Kelly Karraker for chair. No other nominations were offered. Approved unanimously.
- Rick Hoylman nominated Brad Betz for vice chair. Dr. Hopkins seconded the nomination of Brad Betz for vice chair. No other nominations for vice chair were offered. Approved unanimously.

Chair Kelly Karraker left the meeting at noon.

Public session:

Vice Chair Brad Betz adjourned executive session at 1:25 p.m. and called the Board into public session at 1:33 p.m.

Approval of meeting minutes from prior Board meeting

- Executive session minutes: Boucher made the motion to approve the executive session minutes from the April 21, 2017 Board meeting; seconded by Hopkins. Approved unanimously.
- Public meeting minutes: Boucher made the motion to approve the public meeting minutes for the April 21, 2017 Board meeting; Hopkins seconded. Approved unanimously.

Ratification of licenses issued since previous Board meeting: Motion to ratify new licenses issued since the last Board meeting. Motion by Edelman; seconded by Boucher. Approved unanimously.

1. Radiographer licenses: From 174034 to 174145.
2. Nuclear medicine licenses: 500343 to 500350.
3. MRI licenses: From 400991 to 401011.
4. Sonography licenses: From 601569 to 601600.
5. Limited x-ray machine operator permits: From 4292 to 4303.
6. Radiation therapy licenses: 270183 to 270187.
7. All temporary initial medical imaging modality licenses and permits: CT52417 to L52473.

Motion by Edelman to ratify licenses issued since previous Board meeting; seconded by Boucher. Approved unanimously. Vice Chair Betz recused on radiation therapy licensee #270183.

Board ratification of stipulated orders issued for civil penalties for practicing on an expired license in violation of ORS 688.415(1):

- \$100 civil penalty for practicing on an expired license for less than six months, in accordance with OAR 337-030-0010(3)(a)(A), for the following cases: 16-11-04; 17-05-03.

- \$200 civil penalty for practicing on an expired license for six to 12 months, in accordance with OAR 337-030-0010(3)(a)(B): Case 17-04-02.

Motion to ratify stipulated orders by Edelman; seconded by Boucher. Approved unanimously.

Board votes on disciplinary cases:

Case 17-04-04: Offer a settlement agreement for \$500 civil penalty for making a false statement to the Board, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-03-10: Offer a settlement agreement for \$500 civil penalty for making a false statement to the Board, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-05-04: Offer a settlement agreement for \$500 civil penalty for making a false statement to the Board, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-05-05: No action; close case. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-06-02: Motion to approved licensure. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-06-01: No action; close case. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 16-08-06: No action; close case. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-01-02: Issue a notice of disciplinary action for \$500 civil penalty for making a false statement to the Board, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-03-03: Issue a notice of disciplinary action for \$500 civil penalty for making a false statement to the Board and failure to cooperate in a board investigation, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g); also motion to deny licensure for failure to cooperate in a board investigation, a violation of ORS 688.525(1)(c) and OAR 337-030-0002(8). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-07-02: Offer a settlement agreement for \$500 civil penalty for making a false statement to the Board, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-05-01: Motion to close the case with no further action. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-05-06: Motion to close the case with no further action. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-05-08: Motion to close the case with no Board action. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-05-02: Motion to offer a settlement agreement for \$500 fine for practicing prior to obtaining a license, in violation of ORS 688.415(1)(a).

Case 17-03-01A: Motion to close the case with no Board action. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-03-04: Motion to offer a settlement agreement for \$500 civil penalty for making a false statement to the Board, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g) and for unethical or unprofessional conduct in the practice of medical imaging, in accordance with ORS 688.525(1)(c). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-07-06: Motion to close the case with no Board action. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-02-03: Offer a settlement agreement for \$500 civil penalty for making a false statement to the Board, in accordance with ORS 688.525(1)(c), OAR 337-030-0002(8) and OAR 337-030-0010(3)(g). Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 15-11-07A: Motion to offer a settlement agreement for \$2,000 civil penalty for knowingly employing an unlicensed person for the purpose of practicing a medical imaging modality, in violation of ORS 688.415(1)(d).

Case 16-08-07A: Motion to offer a settlement agreement for \$1,000 civil penalty for knowingly employing an unlicensed person for the purpose of practicing a medical imaging modality, in violation of ORS 688.415(1)(d).

Case 10-10-01: Motion to close the case with no Board action. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Case 17-05-02A: Violation of ORS 688.415(1)(d), knowingly employing an unlicensed person to perform a medical imaging modality. Motion by Hopkins; seconded by Boucher. Approved unanimously.

Variance Discussion by Kaiser: Kelly Meyer and Ryan Garding from Kaiser Permanente approached the Board to inquire about a variance for Kaiser to allow cardiovascular technologists (CVT) who are not licensed radiographers to perform some of the functions that fall within the definition of “operating” fluoroscopy—not currently allowed under OBMI statutes and rules, which require a radiography license. Kaiser says the physician would be standing very close by, and a rad tech would be operating the controls but would not be scrubbed-in, which is why they would like to allow the scrubbed-in CVT to be able to assist with some of the operational functions. Kaiser described an educational curriculum that would be required for CVTs operating under the variance. Joanna Tucker Davis noted that the OBMI does not have statutory authority to provide a variance from licensure requirements. The Board did not take a position on this issue.

Dr. Chris Seuferling, President, Oregon Podiatric Medical Association: Dr. Seuferling discussed concerns that were expressed by OPMA members, primarily focused upon the high cost of earning and maintaining a limited permit, due to the costs of initial education and continuing education. He posed the question to the Board: How do you enable practitioners, particularly in rural areas, to employ LXMOs without the costs going out of control? He asked if there could be options for internet training or google classes, for initial LXMO training, to try to help keep costs under control? He distributed comments from OPMA members.

Dr. Seuferling questioned why, if a limited x-ray school graduate cannot complete all requirements within one year, they must go back and take the educational program again. He believes that the one-year timeline should

be extended. He noted that Washington has a five-year deadline. He distributed information regarding how some neighboring states regulate limited x-ray permits, gathered by the OPMA. Dr. Edelman said that he supports extending Oregon's time limit from one year to two years.

Proposed rules to obtain a limited x-ray permit: Ed Conlow explained the proposed changes to OBMI rules for how to earn a limited permit, using a side-by-side comparison table that he had prepared and that was available at the Board meeting. Dr. Edelman suggested issuing a temporary permit for a full year, with the option of renewing the temporary for a second year, if the individual was not able to obtain a permanent permit within that first year. Following discussion, the Board directed staff to continue meeting with interested parties and continue to work on the rules.

Update on the OBMI budget: Ed Conlow provided an update on the budget, which was recently passed by the Legislature.

Update on OBMI legislation: Ed Conlow noted that OBMI legislation introduced in 2017 was enacted into law, principally including HB 2267.

Update on Limited X-Ray School Inspections: Thomas King indicated that he completed an inspection of Abdill Career College and that the school is in compliance with OBMI requirements. He said that all the schools he has inspected have been in compliance with OBMI regulations.

Who may operate BodyTom and O-Arm: Justin Millar and others from Salem Hospital asked if they need a CT technologist to operate a BodyTom or O-arm. They said they use the bodytom for surgical guidance during spinal fusion cases. He said they are looking to purchase an o-arm to replace the bodytom and would use if for similar purposes, for localization during surgery, not for diagnostic purposes. The Board went into executive session for 15 minutes. Once back in public session, Vice-Chair Betz addressed the Salem Hospital representatives by stating that the Board's position is that Salem Hospital needs to have a CT technologist operate a BodyTom, and that Salem Hospital does not need a technologist with a CT subspecialty credential to operate an O-Arm.

Must medical images be ordered by an Oregon-licensed practitioner? This item was generated by a question from Teresa Adams at Mercy Medical Center in Roseburg. OBMI's statute requires an imaging order to be provided by an Oregon-licensed practitioner, and Ms. Adams asked – what if the order is coming from a provider in another state? Is it really necessary to require an Oregon license, for the ordering physician? And does that create a barrier to care? Dr. Boucher indicated that practitioners deal with this issue by obtaining licensure in multiple states, and that requiring a state license helps to assure quality of care and does not appear to be a roadblock to the provision of care.

Waiver request by Chris Stampke, Grande Ronde Hospital: He asked for a third six-month temporary post-primary MRI license. He indicated that he has completed 120 of the 125 exams required to sit for the registry exam. According to OAR 337-010-0045, a technologist at a state-designated rural hospital may apply for a third (or even fourth) temporary post-primary license, if the rural hospital is unable to provide a sufficient amount of imaging exams (to qualify to sit for the registry) within the first 12 months. Motion by Edelman; seconded by Boucher, to allow Mr. Stampke to have a third MRI temporary post-primary license.

Military waiver request for Sgt. Nuchols: House Bill 4063 (enacted in 2012) requires the OBMI (as well as other state licensing agencies) to waive the credential requirement for an applicant who can provide documentation of military training or experience that the Board determines to be substantially equivalent to what the national credentialing registries require. Ed Conlow explained that Sgt. Nuchols actually had an ARRT registry until 2016, but let it expire, and that he has substantial imaging education and experience through the military. In accordance with HB 4063 (2012), the Board

approved the military waiver request. Edelman moved to approve the waiver request; seconded by Boucher. Waiver request approved.

Consideration of public comments on rulemaking, and consideration of permanent rulemaking: Ed Conlow noted that six comments were submitted during the public comment period for the OBMI rulemaking. He noted that all the comments were compiled and emailed to the Board after the public comment period closed on June 30. The Board discussed the comments and reviewed the two amendments jointly suggested by the national and state offices of the Society for Nuclear Medicine Technology (SNMT), copied below:

- **Subsection (6): Computed Tomography/Nuclear Medicine Hybrid Imaging.** The language in this subsection is unclear and appears to imply that any person licensed by the Oregon Board of Medical Imaging can operate PET/CT and SPECT/CT systems.

Recommendation: Recognizing the education and training necessary to operate these systems, we suggest that the language state that the systems “must be operated by technologists *with the active credentials R.T. (N) or CNMT (NMTCB) and* licensed by the Oregon Board of Medical Imaging.”

- **Subsection (7): Computed Tomography for Radiation Therapy Treatment Planning Purposes.** The language in this subsection specifies that CT for radiation therapy treatment planning purposes can only be done by someone credentialed in radiation therapy or CT by the ARRT. OBMI needs to be aware that some institutions have trained and educated CNMT’s to perform this function.

Recommendation: To help cover these situations, we suggest adding language stating that the “licensee who operates CT equipment for radiation therapy treatment planning purposes may be credentialed by the ARRT *or the Nuclear Medicine Technology Certification Board (NMTCB).*”

Ed Conlow asked the Board to remove the part of the draft rules that establish fees for public records requests. He said that the Department of Administrative Services is still reviewing this issue and suggested that OBMI wait before adopting fees for public records requests.

Motion was offered by Edelman to approve the draft rules that were released for public comment, amended to delete the public records fee schedule and to include the two amendments proposed by the SNMT. Seconded by Hopkins. Approved unanimously.

Nursing proposal for overseeing fluoroscopy: Ruby Jason told the Board that she wants to make it clear that the nurse practitioner or CRNA can never operate fluoroscopy. She said that the technologist and the APRN must have agreement on how to manage the radiation exposure. She said that CRNAs have more education than NPs with regard to fluoroscopy and pain management. She said she would like to refocus the discussion to what was originally being discussed – fluoroscopy for pain management. NPs should only be doing this in a clinic where a qualified physician is present, and it would need to be part of the medical staff bylaws. CRNAs typically don’t go out and hang their own shingle – they are part of a group of some sort. She said you cannot do this unless you take the RPS-approved coursework. Goal is public safety and public access. She said that she would like to come forward with some draft language between now and the November deadline for submitting legislation for the 2018 session; She said she believes that would meet any expectation of Sen. Monnes Anderson. She said she would like to come back to this board in October and have some language to present, after discussing with the OSBN at their September meeting. She said either through rules or statutes, we’ll try to address this issue.

Public Comment: Barbara Smith said that she is “kinda OK” with not requiring a CT tech to operate the O-Arm (referring back to the earlier testimony by Kaiser), because it is somewhat like fluoroscopy but still somewhat like CT. She had other comments on this topic.

She commented on RCIS cardiovascular techs and the variance request presented by Kaiser. She said that, prior to 2013, to take the RCIS test, all you had to have was so many hours of on-the-job training; you didn’t need any medical background at all. After 2013, you could go to an accredited program or a non-accredited program, have so much clinic time and take the test--OR you could already have a medical certificate. So, for example, a radiographer could do on-the-job training for RCIS and take the test, OR a respiratory therapist could do on-the-job training and take the test. She said she thinks that an RCIS should be required to pass the ARRT fluoroscopy exam to show that they have education and training. Also, she said that, in her opinion, they should be required have an RT present to operate the equipment.

She commented on the request for a military waiver. She said to make sure the person requesting a military waiver understands that his license will only be good in Oregon, and that he be required to complete continuing education for his license renewal.

Adjournment: Chairperson Betz adjourned the meeting at 4:19 p.m.

Minutes submitted by Ed Conlow

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, October 20, 2017
Portland State Office Building, 800 NE Oregon Street
Conference Room 1-D

APPROVED MINUTES

Board attendance: Kelly Karraker, chair; Brad Betz, Vice Chair; Allison Bohlke; Dr. Ron Boucher; Dr. Nick Branting; Robyn Cole; Melissa Downer-Valdez; Dr. Steven Edelman; Dr. Katharine Hopkins; Rick Hoylman; Jeff Kopecky; Ellen Voss. Also: David Howe (RPS; Advisory Member).

Staff in attendance: Ed Conlow, OBMI Executive Director; Sarah Anderson, Administrative Licensing Specialist; Vincent Mandina, Administrative LEDS Specialist; Katharine Lozano, Senior Assistant Attorney General.

Chair Kelly Karraker convened public session at 8:40 a.m. Following announcements, Chair Karraker recessed public session and convened executive session at 8:41 a.m. Dr. Ron Boucher left the meeting at 1:00 pm, during executive session and prior to any votes taken in public session.

Public session:

Chair Kelly Karraker adjourned executive session at 1:52 p.m. and called the Board into public session at 2:02 p.m.

Approval of meeting minutes from prior Board meeting

- Executive session minutes: Edelman made the motion to approve the executive session minutes from the July 21, 2017 Board meeting; seconded by Hopkins. Approved unanimously.
- Public meeting minutes:
 - Edelman made the motion to approve the public meeting minutes for the July 21, 2017 Board meeting; Hopkins seconded. Approved unanimously.
 - Edelman made the motion to approve the public meeting minutes for the Feb. 24, 2017 Board meeting; Hopkins seconded. Approved unanimously.

Ratification of licenses issued since previous Board meeting: Motion to ratify new licenses issued since the last Board meeting. Motion by Betz; seconded by Hoylman. Approved unanimously.

1. Radiographer licenses: From 174146 to 174250.
2. Nuclear medicine licenses: 500351 to 500354.
3. MRI licenses: From 401012 to 401027.
4. Sonography licenses: From 601601 to 601632.
5. Limited x-ray machine operator permits: From 4304 to 4309.
6. Radiation therapy licenses: 270188 to 270195.
7. All temporary initial medical imaging modality licenses and permits: R52474 to L52492.

Board votes on disciplinary cases:

Case 17-02-02:

- Edelman moved to close the case with no further action; seconded by Kopecky. Ayes: Edelman; Kopecky. Nays: Betz; Bohlke; Branting; Cole; Downer-Valdez; Hopkins; Hoylman; Karraker; Voss. Motion defeated 2-9.
- Betz moved to issue \$1,000 civil penalty in accordance with OAR 337-030-0002(3) and OAR 337-030-0010(3)(c); seconded by Hopkins. Motion passed 9-2. Aye: Betz; Bohlke; Branting; Cole; Downer-Valdez; Hopkins; Hoylman; Karraker; Voss. Nay: Edelman; Kopecky.

Case 17-08-07: Motion by Cole, seconded by Hopkins, to offer a consent agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Approved unanimously.

Case 17-08-02: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-04-06: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-09-03: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-08-04: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-07-04: Motion by Cole, seconded by Hopkins, to offer a consent agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Approved unanimously.

Case 17-03-09: Motion by Cole, seconded by Hopkins, to close the case with no Board action taken, contingent upon the applicant withdrawing the applicant's license application by January 1, 2018.

Case 17-05-02A: Motion by Cole, seconded by Hopkins, to offer a consent agreement for \$1,000 civil penalty in accordance with ORS 688.915(1) for employing an unlicensed person to perform medical imaging. Approved unanimously.

Case 17-07-01: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-04-04: Motion by Cole, seconded by Hopkins, to issue a notice of civil penalty for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Approved unanimously.

Case 17-01-02: Motion by Cole, seconded by Hopkins, to agree to settlement terms and to issue final order accordingly.

Case 17-03-03: Issue an amended notice of \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Approved unanimously.

Case 17-07-07: Motion by Cole, seconded by Hopkins, to offer a consent agreement for \$100 civil penalty for practicing on an expired license, in accordance with ORS 688.415(1) and OAR 337-030-0010(3)(a)(A). Approved unanimously.

Case 17-07-07A: Motion by Cole, seconded by Hopkins, to open an investigation regarding the employer who employed the unlicensed technologist in Case 17-07-07. Approved unanimously.

Case 17-09-04: Motion by Cole, seconded by Hopkins, to offer a consent agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Approved unanimously.

Case 17-10-01: Motion by Cole, seconded by Hopkins, to offer a consent agreement for \$500 civil penalty for obtaining a license by misrepresentation, in accordance with ORS 688.525(1)(g) and OAR 337-030-0010(3)(i). Approved unanimously.

Case 17-10-03: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-08-05: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-08-06: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-10-02: Motion by Cole, seconded by Hopkins, to close the case with no Board action. Approved unanimously.

Case 17-06-04: Motion by Cole, seconded by Hopkins, to issue a notice to deny the license. Approved unanimously.

Forming an investigative committee: Dr. Edelman moved to establish a subcommittee of the board for the purpose of investigating cases and reporting results to the Board, with the chair establishing the mechanism for determining subcommittee membership and meetings. Seconded by Cole. Approved unanimously.

Intergovernmental agreements to share confidential information with other agencies:

- Dr. Edelman moved to provide the OBMI executive director with the authority to establish inter-governmental agreements (IGA) with various bodies and to report to the Board regarding the terms of the IGAs. Seconded by Kopecky. Approved unanimously.
- Cole moved to ratify the IGA with RPS; Betz seconded. Approved unanimously.

Board ratification of stipulated orders issued for civil penalties for practicing on an expired license in violation of ORS 688.415(1):

- \$100 civil penalty for practicing on an expired license for less than six months, in accordance with OAR 337-030-0010(3)(a)(A), for the following cases: Case 17-06-05.

Motion to ratify stipulated orders by Betz; seconded by Hoylman. Approved unanimously.

Waiver Requests: Ed Conlow noted that two technologists from Oregon Urology Institute in Springfield are requesting to be issued third CT temporary licenses, based upon OAR 337-010-0045(4)(b). Board members asked to know the requesters' specific plans to qualify for the exam, to know how close they are to qualifying for the exam, and how they plan to get whatever is still needed. From the letters that were submitted, the Board members expressed the opinion that they were not able to answer these questions. It was discussed that the Board should have documentation from the worksites where the technologists expect to obtain the necessary images. Betz made a motion to give Ed Conlow the authority to approve 3rd temporary licensure if the applicants provide a verifiable action plan. Seconded by Cole. Approved unanimously.

Proposed legislation to allow CRNAs to coordinate fluoroscopy during pain management procedures: There was some discussion regarding the difference between "supervision" and "coordination." The Board agreed to conceptually support the following language:

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

(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 or, under the circumstances described in ORS 688.435(6), a certified registered nurse anesthetist licensed by the Oregon State Board of Nursing.

(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 or, under the circumstances described in ORS 688.435(6), a certified registered nurse anesthetist licensed by the Oregon State Board of Nursing, using external ionizing radiation to produce radiographic, fluoroscopic or digital images.

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) Certified registered nurse anesthetists, as defined in ORS 678.245, supervising a technologist licensed under ORS 688.405 to 688.605 when the technologist is performing an interventional pain management procedure that requires fluoroscopic imaging. The supervision must be in accordance with any rules adopted by the Oregon Board of Nursing or the Oregon Health Authority under ORS 453.752 to 453.775. Supervision under this subsection does not include authority for a certified registered nurse anesthetist to operate fluoroscopy.

Proposed rulemaking governing temporary limited x-ray permits: Dr. Edelman moved to initiate rulemaking on the document entitled “Version #10 – Full Redraft – October 2017”, including a document referenced in the rules entitled “Practical Experience Evaluation Requirements.” Betz seconded the motion. Approved unanimously.

Proposed rulemaking to clarify maximum civil penalty for employing up to five unlicensed persons: Ed Conlow presented a proposed corrective amendment to specify that the civil penalty for employing an unlicensed person to perform medical imaging cannot exceed \$1,000 per occurrence, which is specified in statute. The proposed corrective amendment (with new language underlined) is printed in italics below:

OAR 337-030-0010(3)(f) Employing an individual to practice medical imaging when the individual does not have a current, valid Oregon license or permit;

(A) While such employee provided unlicensed imaging services to up to five individual patients, \$1,000 per patient;

~~(A)~~ (B) While such employee provided unlicensed imaging services to six or more individual patients and no more than 50 individual patients, \$5,000;

~~(B)~~ (C) While such employee provided unlicensed imaging services to between 51 and 100 individual patients, \$10,000;

~~(C)~~ (D) While such employee provided unlicensed imaging services to between 101 and 150 individual patients, \$20,000;

~~(D)~~ (E) While such employee provided unlicensed imaging services to between 151 and 200 individual patients, \$30,000;

~~(E)~~ (F) While such employee provided unlicensed imaging services to more than 200 individual patients, \$50,000.

Motion was made by Cole to initiate rulemaking for the above proposed rules amendment; seconded by Hoylman. Approved unanimously.

Request to amend rules governing computed tomography: Simone Adams from CurveBeam presented information and testified to the Board in support of an amendment to OBMI's rules (OAR 337-010-0011[1]) to say that a person who operates cone beam computed tomography (CT) for diagnostic purposes should not be required to have a CT subspecialty credential. OBMI's current rules require a technologist to have a CT subspecialty credential to operate any form of CT for diagnosis, including cone beam. Her main argument was that the radiation dosage is very low and that allowing non-CT-certified technologists to operate cone beam CT will reduce staffing challenges in certain medical settings. The information she provided indicates that a majority of states recognize non-CT-certified technologists as competent to operate cone beam CT. Dr. Edelman asked Ms. Adams if she is asking for the amendment to be applied only to the imaging of extremities, and she said "yes" to his inquiry. He concurred that she should limit her proposal to apply to extremities only. There was some discussion among Board members of checking with legal counsel on the Board's ability to amend this rule. There was a comment that cone beam machines might deliver varying dosages of radiation. The Board did not take action on this item.

Proposed strategic plan: Ed Conlow presented a draft agency strategic plan. He said that the state's chief operating officer had requested all agencies to submit their strategic plans, apparently in an effort to update the state's own strategic plan. Following discussion, Hopkins moved to approve the strategic plan, seconded by Downer-Valdez. Approved unanimously.

List of duties of the executive director: Ed Conlow compiled a list of duties that he performs as part of his job, and distribute the list to the Board, to review and possibly revise. Vice-chair Betz suggested that he send the list to board members electronically, and that Board members could review the list and submit any suggestions or comments back to Ed.

Board best practices self-assessment: Ed Conlow distributed a one-page document entitled "Board Best Practices Self-Assessment." Vice Chair Betz suggested that Ed email the document to Board members, who could review the document and email their comments or critique to Chair Karraker to collect.

Budget update: Ed Conlow said that the agency's balance is currently estimated at \$375,000, through the first three months of the 2017-19 biennium. This number is based upon a beginning balance of \$364,000, which is preliminary since the books on the previous biennium are still being finalized.

Public Comment: There was no public comment.

Adjournment: Chair Karraker adjourned the meeting at 4:41 p.m.

Minutes submitted by Ed Conlow