

OREGON BOARD OF MEDICAL IMAGING

INVESTIGATIVE COMMITTEE – January 7, 2020
Portland State Office Building, 800 NE Oregon Street
Conference Room 445

INVESTIGATIVE COMMITTEE SUMMARY PUBLIC SESSION

Board members in attendance: Brad Betz, Board Chair; Melissa Downer-Valdez Board Vice-Chair; Dr. Katharine Hopkins, MD; Ellen Voss, Public Member. Others: Stacy Katler, Executive Director; Joanna Tucker Davis, Senior Assistant Attorney General; Thomas King, OBMI Investigator.

Vice Chair Downer-Valdez called the committee into public session at 9:15 a.m. She then called the committee into executive session at 9:16 a.m. in accordance with ORS 192.660(2)(L) and ORS 196.660(2)(f). The Vice Chair noted there were no members of the media present. She adjourned executive session and reconvened public session at 11:23 a.m. The Vice Chair reconvened Executive session at 11:25. At 1:58 p.m. the Vice Chair adjourned executive session and reconvened public session.

All persons present understood the meeting was being recorded.

Committee motions for disciplinary recommendations:

19-08-03: The Investigative Committee recommended to close the case with no further discipline. Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-10-02: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$500, with \$400 stayed and waived after 2 years if no further violations, and denial of 2019 Permanent Permit application for violations of ORS 688.415(1)(g). Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-12-05: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$20,000, with all of it stayed and waived after 5 years if no further violation, for violations of ORS 688.415(1)(d). Betz moved and Hopkins seconded the motion, Voice vote was unanimous. Ellen Voss recused and did not vote.

19-12-02: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$500 for violations of ORS 688.415(1)(a). Betz moved and Hopkins seconded the motion, Voice vote was unanimous. Ellen Voss recused and did not vote.

19-12-03: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$1500 for violations of ORS 688.415(1)(a). Betz moved and Hopkins seconded the motion, Voice vote was unanimous. Ellen Voss recused and did not vote.

19-12-04: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$500 for violations of ORS 688.415(1)(a). Betz moved and Hopkins seconded the motion, Voice vote was unanimous. Ellen Voss recused and did not vote.

19-02-01: The Investigative Committee recommended to issue notice of discipline for violations of ORS 688.415(1)(d) with proposed civil penalty of \$50,000. Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

15-09-04: The Investigative Committee recommended to close the case. Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-07-02: The Investigative Committee recommended to issue notice of revocation for violations of ORS 688.525(1)(b) and OAR 337-030-0002(12). Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-08-05: The Investigative Committee recommended to offer a settlement agreement with a 2 year probation, random testing for violations of ORS 688.525(1)(b) and OAR 337-030-0002(1). Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-10-03: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$250 for violation of ORS 688.525(1)(g). Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-12-08: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$1,500 for violation of ORS 688.415(1)(a). Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-12-10: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$500 for violations of OAR 337-010-0011(1)(a). Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-09-02: The Investigative Committee recommended to issue a notice of suspension until compliance with Board under OAR 337-030-0002(12). Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

19-12-09 : The Investigative Committee recommended to close case with no further action. Betz moved and Hopkins seconded the motion, Voice vote was unanimous.

Other business:

The Committee discussed amending Board policies and this subject will be reviewed again at the April 2020 meeting. Stacy presented proposed legislative Concepts for 2021. The Committee discussed post-acquisition imaging processing. The Committee discussed and decided that CE offerings would be brought to the Investigator/Board Advisor and reviewed. The Advisor would consult with appropriate Board members and the Vice Chair would approve the CE or not after the Advisor review. The Committee discussed the process for APRNs to obtain a waiver for clinical and didactic experience for a permit supervising Fluoroscopy.

No decisions were made or voted upon.

There was no public comment

Adjournment: Vice Chair Downer-Valdez adjourned public session at 3:08 p.m.

Summary submitted by Stacy Katler

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, January 24, 2020
Portland State Office Building, 800 NE Oregon Street
Conference Room 1-D

DRAFT SUMMARY

Board attendance: Brad Betz, Chair; Melissa Downer-Valdez, Vice Chair; Ellen Voss; Dr. Ron Boucher; Jeff Kopecky; Dr. Yama Kharoti; Vanessa Bennett (On Phone); Allison Bohlke; Robyn Cole (On Phone); Dr. Katharine Hopkins; Also: David Howe (RPS; Advisory Member).

Staff in attendance: Stacy Katler, OBMI Executive Director; Vincent Mandina, Compliance Specialist; Joanna Tucker Davis, Senior Assistant Attorney General; Thomas King, Health Care Investigator/Advisor; Rick Wendt, RPS Invited Guest.

Public Hearing on rulemaking concerning minor edits to LXMO rules and updating LXMO Teaching Guide: At 8:00 a.m., prior to the Board meeting, Board Chair Brad Betz opened a public hearing on rulemaking referring to the aforementioned rules. No persons signed up to testify at the public hearing, and No persons stepped forward to testify during the period of the public hearing, from 8:00 a.m. to 9:00 a.m. There were no additional written comments submitted during the public comment period, and nobody had signed-in to testify. Chair Betz adjourned the public hearing and closed the public comment period at 9:00 a.m.

Meeting convened at 9:05 a.m. by Chair Brad Betz.

Discussion of Rulemaking for Proposed Fee Increase: During the Public Session the Board discussed the Proposed Rulemaking for an Increase in License and Permit Fees as had been announced on the OBMI website and posted as an Agenda Item. Two people from the public made comments regarding the proposed Fee increase. Barbara Smith was in complete support of the Fee Increase. Amy Rouse was in support of the increase and voiced concerns about what the Board was doing for Licensees and Permittees and she voiced concerns about the turnaround time for license verifications. Stacy Katler commented that there is a new link on the website that outlines what the Board does and urged everyone to take a look at it. License verifications are completed as quickly as possible and the staff will be working on streamlining that process. A motion was moved to initiate the Fee increase rulemaking by Downer-Valdez and Seconded by Voss, voice vote was Unanimous.

Chair Betz recessed public session 9:21 a.m. and convened executive session at 9:25 in accordance with ORS 192.660(2)(f), and 192.550(2)(L) and ORS 676.165. He noted that no members of the media are present in the room. Executive session adjourned at 10:28 a.m. Public session reconvened at 10:45 a.m. following a short break.

Approval of meeting summaries from prior Board meetings

- Public Board minutes from July 25, 2019; October 18, 2019 and December 6, 2019. A motion was made by Hopkins and seconded by Voss to approve the draft minutes. Voice Vote was unanimous.
- Executive session Board minutes from July 25, 2019; October 18, 2019 and December 6, 2019. A motion was made by Hopkins and seconded by Voss to approve the draft minutes. Voice Vote was unanimous.

Ratification of licenses issued since previous Board meeting: Motion to ratify new licenses issued since the last Board meeting. A Motion was made by Hopkins and seconded by Voss to approve the Licenses and Permits as follows. Voice Vote was unanimous.

1. Radiographer licenses: From 175048-175115.

2. Nuclear medicine licenses: 501027-501031.
3. MRI licenses: From 401158-401167.
4. Sonography licenses: From 601829-601872.
5. Limited x-ray machine operator permits: From 4371-4373.
6. Radiation therapy licenses: 270251-270267.
7. All temporary initial medical imaging modality licenses and permits: R52694-L52724.

Waiver Requests

1. A Motion was made by Hopkins and Seconded by Kopecky to grant Lina Dorfmeister and Rodney Carpenter waivers for the Clinical Experience required for the Application process for an APRN to obtain a limited permit to supervise fluoroscopy, voice vote was Unanimous.

Board votes on disciplinary cases:

A motion was made by Downer-Valdez and Seconded by Hopkins to accept the recommendation of the Investigative Committee. All motions were approved unanimously as follows:

19-08-03: close case

19-10-02: Offer a Settlement Agreement of \$500 with \$400 stayed and waived after 2 years if no further violations. ORS 688.415(1)(g) and denial of the 2019 Permanent Permit application.

19-02-01: Issue a notice of discipline for violations of ORS688.415(1)(d) with a proposed penalty of \$50,000

19-07-02: Issue a notice of revocation for ORS 688.525(1)(6) and OAR 337-030-0002(12)

19-09-02: Issue a notice of suspension until compliance with Board order under OAR 337-030-0002(12)

19-08-05: Offer settlement agreement with 2-year probation, with random testing for violations of under ORS 688.525(1)(b), OAR 337-030-0002(1)

19-10-03: Offer a Settlement Agreement with a \$250 civil penalty for violation of ORS 688.525(1)(g)

19-12-08: Offer a Settlement Agreement with a \$1500 civil penalty for violation of ORS 688.415(1)(a)

15-09-04 close case

19-12-09 close case

19-12-10: Offer a Settlement Agreement of \$500 civil penalty for violation of OAR 337-010-0011(1)(a)

The following votes were made with Voss recused:

19-12-02: Offer a Settlement Agreement with a \$500 civil penalty for violation of ORS 688.415(1)(a)

19-12-03: Offer a Settlement Agreement with a \$1500 civil penalty for violation of ORS 688.425(1)(a)

19-12-04: Offer a Settlement Agreement with a \$500 civil penalty for violation of ORS 688.415(1)(a)

19-12-05: Offer a Settlement Agreement with a civil penalty of \$20,000 with \$15,000 stayed and waived after 5 years with no further violations. ORS 688.415(1)(c)

No Stipulated agreements were ratified.

Temporary license extension request: A Motion was made by Downer-Valdez and Seconded by Hopkins to grant Jonathan Wager a Third Temporary MRI License, voice vote was Unanimous.

Approval of December 2019 Overview of Guidelines for Instructors of Courses in Preparation for the Limited Scope Examination in Diagnostic Radiologic Technology and Adoption of permanent rules regarding minor LXMO rule changes: Stacy Katler explained that the updated teaching guide is amended to allow for instruction to be provided through distance learning and the minor rule changes. A motion was made to adopt permanent rules and approve the December 2019 Teaching guide, by Downer-Valdez and Seconded by Voss, voice vote was Unanimous.

Consideration of Legislative Concepts for 2021: Stacy Katler outlined the need and the language for 4 Legislative Concepts. A motion was made to approve the Legislative Concepts by Downer-Valdez and Seconded by Voss, voice vote was Unanimous.

Adjournment: Board meeting adjourned at 12:59 p.m.

Summary submitted by Stacy Katler

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, April 7, 2020
Phone-in Only

DRAFT SUMMARY

Board attendance: Brad Betz, Chair; Melissa Downer-Valdez, Vice Chair; Ellen Voss; Jeff Kopecky; Vanessa Bennett; Robyn Cole; Dr. Katharine Hopkins; Dr. Nour Birouti.

Staff in attendance: Stacy Katler, OBMI Executive Director; Vincent Mandina, Compliance Specialist; Joanna Tucker Davis, Senior Assistant Attorney General; Angela Hunt, Senior Assistant Attorney General; Thomas King, Health Care Investigator/Advisor.

Meeting convened at 9:02 a.m. by Stacy Katler, Executive Director. Voice roll call was administered by Stacy Katler.

Discussion of Temporary Rulemaking: Stacy Katler discussed the need for 3 temporary rules due to the COVID-19 declared emergency.

A motion was moved by Brad Betz and seconded by Downer-Valdez, voice vote was Unanimous for the following rules:

1. Ratification of OAR 337-010-0047
2. Ratification of OAR 337-010-0039
3. Approval of OAR 337-010-0049
4. Initiate Permanent Rulemaking for the three above rules

Adjournment: Board meeting adjourned at 9:19 AM

Summary submitted by Stacy Katler

OREGON BOARD OF MEDICAL IMAGING

INVESTIGATIVE COMMITTEE – April 7, 2020
Phone-In only

COMMITTEE SUMMARY PUBLIC SESSION

Board members in attendance: Melissa Downer-Valdez, Chair; Brad Betz, Vice Chair; Ellen Voss; Jeff Kopecky; Vanessa Bennett; Robyn Cole; Dr. Katharine Hopkins; Dr. Nour Birouti.

Staff in attendance: Stacy Katler, OBMI Executive Director; Vincent Mandina, Compliance Specialist; Joanna Tucker Davis, Senior Assistant Attorney General; Angela Hunt, Senior Assistant Attorney General; Thomas King, Health Care Investigator/Advisor.

Public: Barbara Smith was in attendance

Stacy Katler called the committee into public session at 9:19 a.m. She then called the committee into executive session at 9:22 a.m. in accordance with ORS 192.660(2)(L) and ORS 196.660(2)(f). Stacy Katler noted there were no members of the media present. At 12:14 p.m. Stacy Katler adjourned executive session and reconvened public session at 12:25 p.m.

All persons present understood the meeting was being recorded.

Committee motions for disciplinary recommendations:

19-08-02: The Investigative Committee recommended to close the case with no further action. Downer-Valdez moved and Hopkins seconded the motion, Voice vote was unanimous.

19-12-01: The Investigative Committee recommended to close the case with no further action. Downer-Valdez moved and Hopkins seconded the motion, Voice vote was unanimous.

20-03-05: The Investigative Committee recommended to approve license application. Downer-Valdez moved and Hopkins seconded the motion, Voice vote was unanimous.

20-02-02: The Investigative Committee recommended to issue a notice of civil penalty of \$1000 for violation of ORS 688.415(1)(a). Downer-Valdez moved and Hopkins seconded the motion, Voice vote was unanimous.

20-03-02: The Investigative Committee recommended to offer a settlement agreement with a civil penalty of \$500 for violation of ORS 688.415(1)(a). Downer-Valdez moved and Hopkins seconded the motion, Voice vote was unanimous.

Other business:

The Committee discussed amending Board policies. A motion was made by Melissa Downer-Valdez and seconded by Dr. Katharine Hopkins and a voice a vote was unanimous to recommend the proposed changes to the full Board.

The Committee discussed amending Divisions of OAR. A motion was made by Melissa Downer-Valdez and seconded by Dr. Katharine Hopkins and a voice a vote was unanimous to recommend the proposed changes to the full Board.

No decisions were made or voted upon.

There was no public comment

Adjournment: Stacy Katler adjourned public session at 2:22 p.m.

Summary submitted by Stacy Katler

OREGON BOARD OF MEDICAL IMAGING
BOARD MEETING, April 24, 2020
PHONE-IN ONLY DUE TO COVID-19

DRAFT SUMMARY

Board attendance: Brad Betz, Chair; Melissa Downer-Valdez, Vice Chair; Ellen Voss; Dr. Ron Boucher; Jeff Kopecky; Dr. Yama Kharoti; Vanessa Bennett; Allison Bohlke; Robyn Cole; Dr. Katharine Hopkins; Dr. Nour Birouti Also: David Howe (RPS; Advisory Member).

Staff in attendance: Stacy Katler, OBMI Executive Director; Vincent Mandina, Compliance Specialist; Joanna Tucker Davis, Senior Assistant Attorney General; Angela Hunt Senior Assistant Attorney General, Thomas King, Health Care Investigator/Advisor; Rick Wendt, RPS Invited Guest.

Public Hearing on rulemaking concerning License and Permit Fee Increase: At 8:00 a.m., prior to the Board meeting, Board Chair Brad Betz and Stacy Katler opened a public hearing on rulemaking referring to the aforementioned rules. No persons signed up to testify at the public hearing, and No persons stepped forward to testify during the period of the public hearing, from 8:00 a.m. to 9:00 a.m. There were no additional written comments submitted during the public comment period, and nobody had signed-in to testify. Amy Rouse was in attendance by phone. Stacy Katler adjourned the public hearing and closed the public comment period at 9:00 a.m.

Meeting convened at 9:06 a.m. by Stacy Katler and the Board went into Executive session. At 10:32 a.m., Public Session re-convened.

There were 5 public attendees by phone.

Approval of meeting summaries from prior Board meetings

- Public Board minutes from January 24, 2020 and April 7, 2020. A motion was made by Betz and seconded by Hopkins to approve the draft minutes. Roll Call Voice Vote was unanimous.
- Executive session Board minutes from January 24, 2020. A motion was made by Betz and seconded by Hopkins to approve the draft minutes. Roll Call Voice Vote was unanimous.

Board votes on Policy Changes: Motion to adopt the Policy Changes recommended by the Committee: A motion was made by Betz and seconded by Hopkins to approve the policy Amendments. Roll Call Voice Vote was unanimous.

Discussion of Rulemaking for Proposed Fee Increase: The Board discussed that in light of the COVID-19 situation, the Board would make the fee increase permanent, but have the effective date January 1, 2021. The Board has not had a licensee fee increase in 10 years. This has left the agency constantly depleting its annual financial reserves. At this point, with the compounding effects of inflation and increased costs of operation, the OBMI needs to stabilize its revenue stream in order to continue to be effective in upholding its mission into the future.

Board votes on Fee Increase: Motion to adopt the Fee Increase Rules with a January 1, 2021 effective date: A motion was made by Betz and seconded by Hopkins to adopt the fee increase for all licenses and permits. Roll Call Voice Vote was unanimous.

Board votes to initiate rulemaking for Divisions 10,20,21,30 amendments: Motion to initiate rulemaking for Divisions 10,20,21,30 amendments: A motion was made by Betz and seconded by Hopkins to initiate rulemaking for Divisions 10,20,21,30 amendments. Roll Call Voice Vote was unanimous.

Board votes on Withdrawing Legislative Concept for a Fee for license verifications: Motion to withdraw Legislative Concept for a Fee for license verifications: A motion was made by Betz and seconded by Hopkins to withdraw Legislative Concept for a Fee for license verifications. Roll Call Voice Vote was unanimous.

Ratification of licenses issued since previous Board meeting: Motion to ratify new licenses issued since the last Board meeting. A motion was made by Betz and seconded by Hopkins to approve the policy Amendments. Roll Call Voice Vote was unanimous.

1. Radiographer licenses: From 175116-175212.
2. Nuclear medicine licenses: 501032-501036.
3. MRI licenses: From 401168-401189.
4. Sonography licenses: From 601973-602011.
5. Limited x-ray machine operator permits: From 4374-4378.
6. Radiation therapy licenses: 270678-270283.
7. All temporary initial medical imaging modality licenses and permits: R52725-L52754.

Board votes on disciplinary cases:

A motion was made by Betz and seconded by Hopkins for the following disciplinary cases. Roll Call Voice Vote was unanimous for the following cases:

19-08-02: close case with no further action

19-12-01: close case with no further action

20-03-04: close case with no further action

20-03-05: approve license application

20-02-02: Issue a Notice of Civil penalty of \$1000 civil penalty for violation of ORS 688.415(1)(a)

20-03-02: Offer settlement agreement with a civil penalty of \$500 for violation of ORS 688.415(1)(a)

19-09-02: Accept the settlement offer from Licensee and issue a stipulated settlement agreement and consent order with a 15-month probationary period with required treatment and therapy during the probation.

19-07-02: Amend the notice of revocation in case 19-07-02 to add ORS 688.525(1)(b), 2 additional violations of ORS 688.525(1)(b) and OAR 337-030-0002(12), and a violation of ORS 676.150(3).

19-07-02: Issue a suspension, without a hearing, of the license in case 19-07-02 under ORS 183.430.

Ratified Stipulated Agreements. The following stipulated agreements were ratified for \$100 Civil penalty for working on an expired license. A motion was made by Betz and seconded by Hopkins for the following cases. Roll Call Voice Vote was unanimous for the following cases

19-12-06; 19-12-07; 20-01-05; 20-01-03; 20-03-03; 20-03-06; 20-03-07

Discussion of Temporary Rules during a declared Emergency: The Board discussed the feedback regarding the APRN temporary rule and will be revisiting this discussion at the July Committee meeting. No permanent rulemaking will be initiated for these rules at this time.

Adjournment: Board meeting adjourned at 11:43 a.m.

Summary submitted by Stacy Katler