

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 337  
BOARD OF MEDICAL IMAGING

**FILED**

07/25/2022 11:11 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Adopt rules for applicants with reinstated credentials; amend licensure, unprofessional conduct and Radiographer qualifications rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2022 9:00 AM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Filed By:  
Stacy Katler  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 10/21/2022

TIME: 8:00 AM - 9:00 AM

OFFICER: Stacy Katler

ADDRESS: Stacy Katler

800 NE Oregon St. Suite 1160A

Portland, OR 97232

SPECIAL INSTRUCTIONS:

ZOOM ONLY

NEED FOR THE RULE(S)

Update existing rules for errors and statute changes; clarification of licensure regarding applicants with reinstated credentials.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Revised Statutes and Administrative Rules

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no affect on Racial Equity anticipated for these changes.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact anticipated for these changes.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No cost is expected for small businesses or other members of the public. No Expected costs for professional services, equipment supplies, labor or increased administration.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small Businesses are not involved with these rule changes.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The minor changes to the rules did not warrant a Rule Advisory Committee.

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RULES PROPOSED:

337-010-0010, 337-010-0051, 337-010-0052, 337-030-0002, 337-030-0010

AMEND: 337-010-0010

RULE SUMMARY: Provides for including Cardiac Credentialing International (CCI), specific to the Registered Cardiovascular Invasive Specialist (RCIS) in the qualifications for Radiographers.

CHANGES TO RULE:

337-010-0010

Qualifications of Radiographer in Diagnostic Field ¶

In addition to those qualifications set out in ORS 688.465, applicants for licensure as a radiologic technologist in the diagnostic field must submit evidence of current credentialing by the American Registry of Radiologic Technologists (ARRT) in radiography or Cardiac Credentialing International (CCI); specific to the Registered Cardiovascular Invasive Specialist (RCIS). The Board will verify current credential status through review of the ARRT directory. If the applicant is not listed in the current ARRT directory, the applicant must request written verification from the ARRT and have the current credential directly submitted to the Board by the ARRT.

Statutory/Other Authority: ORS 688 ORS 688.555(1)

Statutes/Other Implemented: ORS 688.455

AMEND: 337-010-0051

RULE SUMMARY: Correct a typographical error

CHANGES TO RULE:

337-010-0051

Expedited Licensure Process During an Emergency

(1) When an emergency has been declared, a person who does not hold a license issued by the Board but does hold a Board recognized national medical imaging credential that is current and in good standing, may apply for a Permanent Initial License from the OBMI. Under a declared emergency, the Board chair and Executive Director may modify established initial licensing processes to assist with the healthcare response to the emergency circumstances.¶

(2) An Emergency may be declared by the Governor or Board chair.¶

(3) With the exception of any modified licensure process established pursuant to subsection (1) of this rule, this license is subject to all other statutes and rules regarding applications and licensure, including fees.¶

(4) Regarding any modification of the initial licensing processes related to fingerprint background checks, an initial license may be issued prior to review of the fingerprint background check results only if:¶

(a) The applicant has submitted fingerprints as part of the initial application process for a full background check;¶

(b) The applicant has never been convicted of any crime; and¶

(c) Board staff runs a LEADS check before issuing the license.¶

(5) If an initial license is issued pursuant to subsection (4) of this rule and after review of the fingerprint background check results it is determined that the applicant has been convicted of any crime or provided inaccurate attestations or declarations to questions on the initial licensure application, licensee may be disciplined, up to revocation of licensure and including issuance of civil penalties.¶

(6) Failure to comply with any modified licensure procedure established pursuant to subsection (1) of this rule will ~~may~~ result in an application being processed based on established licensure processes.

Statutory/Other Authority: ORS 688.555, ORS 688.455, ORS 688.557

Statutes/Other Implemented: ORS 688.455, ORS 688.557, ORS 688.520(8)

ADOPT: 337-010-0052

RULE SUMMARY: Provides a process for applicants with previously revoked status or credentials that have been reinstated to apply for licensure.

CHANGES TO RULE:

337-010-0052

Initial Applicants with a Reinstated Credential from Revoked Status or a Reinstated License from Revoked Status from Another State

(1) When an initial applicant has had a credential reinstated from revoked status or a license from another state reinstated from revoked status, the Board will require that the applicant provide as part of their application the following:¶

(a) A copy all documents relating to the revocation and reinstatement of the applicants' credential or license.¶

(b) A written statement describing the events that occurred that lead to the revocation of the credential or license.¶

(c) Proof that all requirements imposed on the applicant by the credentialing or licensing authority have been completed.¶

(2) An application that does not include the required documentation in subsection (1) will be considered incomplete. An incomplete application is deemed to be voluntarily withdraw six months from the date of receipt of the application in the Board office. ¶

(3) The Board will review completed applications and will make a determination of if the Board will issue a new license under these circumstances on a case-by-case basis. ¶

(4) The Board will not issue a new license to an applicant with a reinstated credential or reinstated license from another state that is on probation or under any requirements with the applicants credentialing or licensing authority related to the reinstated credential or license.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented:

AMEND: 337-030-0002

RULE SUMMARY: Amend rule to reflect changes statutes. These violations are now provided for in ORS 676.525.

CHANGES TO RULE:

337-030-0002

Unprofessional Conduct ¶

Unprofessional Conduct includes but is not limited to the following:¶

- (1) Engaging in the practice of medical imaging technology while under the influence of intoxicating liquor, controlled substance, or any other drugs which impair consciousness, judgment, or behavior to the extent that normal physical or mental faculties are impaired. For purposes of this definition, a person is "under the influence" of intoxicating liquor if either the person has 0.08 % or above of alcohol in the blood as shown by a chemical analysis of breath or blood or other evidence establishes that the person's normal physical or mental faculties are impaired after having consumed intoxicating liquor; or¶
  - (2) Making or filing false reports or records impeding or obstructing the proper making and filing of reports or records, or failing to file the proper report or record in the practice of medical imaging technology or during the licensure process; or¶
  - (3) Accessing, disclosing, misusing or altering information in violation of state and federal law; or¶
  - (4) Discrimination in the practice of medical imaging against any person on account of sex, race, religion, creed, color, gender identity or national origin; or¶
  - (5) Repeatedly failing to abide by city, state, and federal regulations or laws pertaining to the practice of medical imaging; or¶
  - (6) Engaging in sexual harassment or misconduct in the practice of medical imaging or otherwise. Sexual harassment or misconduct includes but is not limited to: comments or gestures of a sexual nature or touching of a person when the recipient states expressly or it can be reasonably inferred, that the comment, gesture or touching is unwanted by the recipient; Physical or verbal behavior that is sexually exploitative or demeaning; seductive commentary or gestures; or¶
  - ~~(7) Failing to respond to inquiries by the Board within the time requested; or¶~~
  - ~~(8) Failing to cooperate in investigations conducted under ORS chapter 688; or¶~~
  - ~~(9) Failing to provide competent care to a patient. Competent care requires the technical knowledge, skill, thoroughness, and preparation reasonably necessary for the care; or¶~~
  - ~~(10) Violation of ORS 688.405 to 688.605 or any rule of the Board; or¶~~
  - ~~(11) Failure to timely pay any civil penalty imposed by the Board; or¶~~
  - ~~(12) Violation of any order of the Board; or¶~~
  - ~~(13) Failure, assisting or permitting others to fail to protect client confidentiality or manage patient records in accordance with state or federal privacy laws; or¶~~
  - ~~(14) Failure to report pursuant to ORS 676.150, a known or probable violation of Oregon Statutes or Rules.~~
- Statutory/Other Authority: ORS 688.555(1)  
Statutes/Other Implemented: ORS 688.525(1)(b)

AMEND: 337-030-0010

RULE SUMMARY: Adds provisions for penalties for not notifying Board of changes to contact information and providing incorrect information to the Board.

CHANGES TO RULE:

337-030-0010

Imposition of Civil Penalties ¶¶

(1) When a civil penalty is imposed it does not preclude the imposition of any other disciplinary sanction against the licensee or permittee.¶¶

(2) The civil penalty shall be payable to the Board by cash, cashier's check, or money order.¶¶

(3) Civil penalties shall be imposed per violation according to the following schedule in the absence of a finding of aggravating or mitigating circumstances:¶¶

(a) Practicing medical imaging without a current Oregon license or permit - \$500 per month;¶¶

(b) Unprofessional conduct by a licensee or permittee - \$1,000;¶¶

(c) Violation of ORS 688.405 to 688.605 or any rule of the Board of Medical Imaging unless otherwise provided in this schedule, \$1,000;¶¶

(d) Gross negligence in the practice of medical imaging, \$1,000;¶¶

(e) Employing an individual to practice medical imaging when the individual does not have a current, valid Oregon license or permit: \$500 per day;¶¶

(f) Making a false statement to the Board, \$500;¶¶

(g) Practicing medical imaging outside the scope for which the license or permit is issued, \$500;¶¶

(h) Obtaining or attempting to obtain a license or permit or a renewal of a license or permit by false representation, \$500;¶¶

(i) Purporting to be a licensee or permit holder when the person does not hold a valid license or permit, \$1,000;¶¶

(j) Practice medical imaging under a false or assumed name, \$500;¶¶

(k) Conviction of a crime where such crime bears a demonstrable relationship to the practice of medical imaging, \$1,000;¶¶

(l) Has undertaken to act as a medical imaging licensee or as a LXMO without the required supervision under ORS chapter 688, \$1,000.¶¶

(m) Employing or allowing an individual to practice medical imaging outside the scope of the license or permit, \$1,000;¶¶

(n) Failure to notify the board within 30 days any changes to the contact information, \$100;¶¶

(o) Providing incorrect or incomplete information, \$100;¶¶

(4) The Board must report to the appropriate credentialing organizations all Board disciplinary actions and all cases where the Board issues a conditional license.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.415; ORS 688.915