



Oregon

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BOARD OF MEDICAL IMAGING

****** September 2018 UPDATE ******

OBMI WORKS WITH NURSES AND RPS TO ALLOW APRN'S TO SUPERVISE FLUOROSCOPY

The Board of Medical Imaging (OBMI) is working with Oregon Radiation Protection Services (RPS) and with the Oregon State Board of Nursing to create a pathway for advanced practice registered nurses (APRN) to provide supervision of radiologic technologists during fluoroscopic procedures. The proposed legislation specifies that any APRN supervising fluoroscopy would need to meet any requirements spelled out in rule by the nursing board, OBMI, or RPS, and that an APRN could never *operate* fluoroscopic equipment. Before supervising a fluoroscopy exam, an APRN would need to obtain a permit from the OBMI.

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

The recently-proposed legislation, which will likely be considered during the 2019 session in Salem, would require an APRN to comply with any rules adopted by either OBMI, RPS or the nursing board. When this proposed legislation was discussed at a recent OBMI quarterly board meeting, David Howe, RPS section manager and OBMI advisory board member, indicated that RPS would likely adopt rules to require APRNs to complete didactic, clinical, and applications training, and to pass a fluoroscopy examination. In turn, the OBMI would require an APRN to obtain a fluoroscopy permit from OBMI, before supervising fluoroscopy, using RPS' proposed training and exam requirements as minimum permit requirements. The proposed legislation will be discussed at the OBMI's Oct. 19 Board meeting.

BOARD DOUBLES TIMEFRAME TO EARN LIMITED PERMIT – FROM ONE TO TWO YEARS

The Oregon Board of Medical Imaging (OBMI) recently implemented new regulations to *double* – from one year to two years – the maximum amount of time available to a limited x-ray school graduate, to complete all requirements to earn a permanent limited x-ray permit. Key provisions of the new rules, which went into effect Sept. 1, include:

1. Temporary limited x-ray permits are issued to allow recent graduates to complete clinical requirements (under supervision) to earn a *permanent* permit. Under these new rules, the limited x-ray school graduate can apply for an initial 6-month temporary limited x-ray machine operator (LXMO) permit after passing only the CORE exam, by far the largest single section of the ARRT exam, covering radiation protection, radiation physics, radiobiology, image production, and patient care. Once passing CORE, the temporary LXMO permit will be applicable to any anatomic areas that the student/graduate successfully completed in school. (Previously, the student/graduate needed to pass not just CORE but also at least one exam related to an anatomic area, and could only obtain a temporary permit for those anatomic areas for which the graduate passed the exam.) Under the new rule, to renew a temporary limited permit for a second six-month period, the applicant must have at least attempted to pass the ARRT exam in any anatomic area that the applicant wants to have on their permit renewal.
2. The overall timeframe to earn a permanent permit is extended from a previous maximum of 12 months (from course completion) to a new maximum of 24 months. Here is how the new timeframe works: Starting with the date on the school course completion certificate, the applicant has exactly 12 months from that date to pass the CORE exam and submit an application for a temporary permit. Then, starting with the date the applicant submits an application for the initial temporary permit (after passing the CORE exam), the applicant has a maximum of 12 additional months to pass any anatomical components of the ARRT exam, complete clinical requirements, and apply for a permanent permit.

3. Limited x-ray school students may *submit an application* for the ARRT limited x-ray exam up to 30 days prior to graduation, with verification of academic standing from the school. Previously, exam applications could not be submitted until all schooling was completed.
4. By statute, all LXMO permit holders, whether limited or temporary, must be supervised by a radiographer, physician, nurse practitioner or physician assistant. The new rules do not change that statutory requirement. The new rules do allow a temporary permit holder to gain the required one-on-one practical experience with a permanent LXMO permit holder who has been actively taking x-rays for at least the previous 12 months in any anatomic area that the temporary permit holder is imaging. Both the permanent and temporary permit holder under this scenario must work under the supervision of a radiographer, physician, nurse practitioner or physician assistant. A temporary permit holder may also work directly with a radiographer, physician, nurse practitioner or physician assistant in order to gain the required practical experience.
5. In addition to the new rules adopted above, several other related rules will go into effect on January 1, 2019:
 - o An updated list of practical experience evaluation requirements will have to be completed by temporary permit holders, including a specific number of exams in any anatomic area that the temporary permit holder is completing.
 - o Specific requirements for limited permit schools to provide a greater level of oversight during the time that their graduates are practicing (as temporary permit holders) to complete clinical requirements toward earning a permanent permit.

BOARD TO EXEMPT LOW-DOSE CONE BEAM CT FROM CT CREDENTIAL REQUIREMENT

The OBMI voted to initiate rulemaking to allow an ARRT-registered, OBMI-licensed radiographer to operate low-level cone beam computed tomography (CBCT) without needing to have a CT subspecialty credential, which is currently required for operation of any type of diagnostic computed tomography in Oregon. The Board's action was initiated at the request of CurveBeam, a company that markets CBCT equipment. The draft rule, which will be available for public comment during September, will specify that this exemption from the CT subspecialty requirement will only apply to CBCT used to image extremities, with a maximum setting of 120kVp at 60mAs.

Information on the rulemaking, including how to comment, are linked to the OBMI home page:

https://www.oregon.gov/OBMI/docs/Board-Proposes-Rules-for-CT-and-Civil-Penalties-Comment-Until_09.30.2018.pdf.

BOARD PROPOSES CHANGES TO CIVIL PENALTIES FOR UNLICENSED PRACTICE

The Board recently voted to change the following civil penalties:

- For an individual performing medical imaging on an expired OBMI license: Current penalty is \$100 for up to six months, \$200 for 7-12 months, and \$500 for 12-14 months. These draft rules would set the penalty at a flat \$100 per month.
- For an individual performing medical imaging without ever having had a license from OBMI: Current penalty is a flat \$1,000. These draft rules would set the penalty at \$500 per month. (This fine could be mitigated if the individual ever had a license from another state, or ever had a relevant registry credential.)
- For an employer who employs an individual to perform medical imaging when that individual is not licensed to perform medical imaging: The current penalty is based upon the number of patients imaged by the unlicensed person, ranging from \$1,000 up to \$50,000. These draft rules would set the penalty at a flat \$500 per day.

The Board is likely to make a final decision on these proposed rules at the next Board meeting.

Information on the rulemaking, including how to comment, are linked to the OBMI home page:

https://www.oregon.gov/OBMI/docs/Board-Proposes-Rules-for-CT-and-Civil-Penalties-Comment-Until_09.30.2018.pdf. All comments must be received during the month of September.

QUESTIONS/COMMENTS:

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Upcoming Board Meetings

Oct. 19, 2018

January 18, 2019

April 19, 2019