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## PERMANENT ADMINISTRATIVE ORDER

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#### CHAPTER 337

#### BOARD OF MEDICAL IMAGING

### FILED

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#### RULES:

337-010-0006, 337-010-0007, 337-010-0008, 337-010-0009, 337-010-0010, 337-010-0011, 337-010-0013, 337-010-0014, 337-010-0015, 337-010-0016, 337-010-0023, 337-010-0026, 337-010-0030, 337-010-0031, 337-010-0033, 337-010-0037, 337-010-0045, 337-010-0080, 337-020-0015, 337-020-0040, 337-021-0020, 337-021-0055, 337-021-0070, 337-021-0073, 337-021-0075, 337-021-0080, 337-030-0002, 337-030-0010, 337-030-0015, 337-030-0025

AMEND: 337-010-0006

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity and includes Advanced Practice Registered Nurse in the definitions.

#### CHANGES TO RULE:

337-010-0006

#### Definitions ¶¶

For purposes of ORS 688.405 to 688.605 and these rules:¶¶

(1) The "Practice of Medical Imaging" shall be defined as but not limited to the use of ionizing radiation, ultrasound, radio waves or magnetic fields upon human anatomy for diagnostic or therapeutic purposes including the physical positioning of the patient, the determination of exposure parameters, and the handling of the ionizing radiation equipment.¶¶

(2) "Advanced Practice Registered Nurse" means a person who is licensed in accordance with ORS 678.025.¶¶

(3) "Application" means documentation submitted to the Board for a license or permit, including the Board's application form and any required documentation that is specified in the application instructions. An application is considered incomplete if the form or any of the required documentation or fees are not provided. An incomplete application is deemed to be voluntarily withdrawn six months from the date of receipt in the Board office.¶¶

(34) "Approved school" means a school accredited in one of the medical imaging modalities or subspecialties by a national or regional post-secondary accreditation body and whose graduates are qualified to sit for a credentialing

examination recognized by the Board of Medical Imaging in the graduate's medical imaging modality or subspecialty.¶¶

(45) "Board" means ~~b~~Board of ~~m~~Medical ~~i~~Imaging.¶¶

(56) "Clinical instructor" means an individual assigned to supervise students in a clinical setting who is:¶¶

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

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

(67) "Credential" means the recognition awarded to an individual who meets the requirements of a credentialing organization.¶¶

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

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

(910) "Extremity Computed Tomography Machine" (ECT) means a machine that is specifically designed, with a maximum setting of 120kVp at 60 mAs, to perform computed tomography (CT) exams on extremities only. For the purpose of extremity computed tomography only, "extremity" includes the following body parts:¶¶

(a) Lower extremities including: toe; foot; calcaneus; ankle; tibia; fibula; knee; patella; and distal femur.¶¶

(b) Upper extremities including: finger; hand; wrist; forearm; elbow; and distal humerus. ¶¶

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

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

(123) "Hybrid imaging or radiation therapy equipment" means equipment that combines more than one medical imaging modality into a single device.¶¶

(134) "Ionizing radiation" means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons or other particles capable of producing ions. "Ionizing radiation" does not include radiation such as radiofrequency or microwaves, visible, infrared or ultraviolet light or ultrasound.¶¶

(145) "License" means a license issued by the ~~b~~Board to practice one or more of the medical imaging modalities.¶¶

(156) "Licensed nurse practitioner" means a nurse practitioner licensed in Oregon.¶¶

(167) "Licensed physician" means a physician or surgeon licensed in Oregon.¶¶

(178) "Licensed physician assistant" means a physician assistant licensed in Oregon. ¶¶

(189) "Licensed Advanced Practice Registered Nurse" means an advanced practice registered nurse licensed in Oregon.¶¶

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

(219) "Limited X-ray machine operator course of study" means a ~~b~~Board-approved set of didactic and clinical experience elements designed to prepare a person for gaining practical experience and for passing the limited X-ray machine operator examination.¶¶

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

(213) "Medical physicist" is a person who is certified in diagnostic radiological physics or radiological physics by the American Board of Radiology, or in diagnostic imaging physics by the American Board of Medical Physics, or in diagnostic radiology physics by the Canadian College of Physicists in Medicine.¶¶

(224) "Medical imaging" means the use of specialized equipment for the production of visual representations of human anatomy, tissues or organs for use in clinical diagnosis and treatment and includes but is not limited to X-ray, single photon emission, positron emission technology, ultrasound, magnetic fields, visible light and radio waves.¶

(235) "Medical imaging licensee" means a person other than a licensed physician or 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.¶

(246) "Medical imaging modality" means:¶

(a) Diagnostic medical sonography and all its subspecialties;¶

(b) Magnetic resonance imaging and all its subspecialties;¶

(c) Nuclear medicine technology and all its subspecialties;¶

(d) Radiation therapy and all its subspecialties; or¶

(e) Radiography and all its subspecialties.¶

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

(268) "Physician Assistant" means a person who is licensed in accordance with ORS 677.505 to 677.525.¶

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

(2830) "Radiography" means the use of ionizing radiation to produce radiographic, fluoroscopic or digital images of human anatomy for diagnostic purposes.¶

(2931) "Radiologist" means a person licensed to practice medicine in the State of Oregon who is certified by or board eligible for certification by the American Board of Radiology, the American Osteopathic Association, the Royal College of Radiologists or the Royal College of Physicians and Surgeons of Canada.¶

(302) "Student" means an individual enrolled in:¶

(a) An approved school, college or university academic training program in medical imaging; or¶

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

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

(324) "Positioning" is the act of placing the patient in the standard or appropriate position for a medical imaging examination or radiation therapy based on the medical condition of patient.

Statutory/Other Authority: ORS 183.310(7), 688.555

Statutes/Other Implemented: ORS 688.415 - 688.605, 688.915

AMEND: 337-010-0007

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0007

## Recognized Credentialing Organizations and Credentials ¶¶

Licensees will be recognized on their licenses with listing of their credentials by listing a licensee's major modality and all sub-specialties for which they have been a licensee is currently certified. Currently recognized subspecialties are listed as follows under each credentialing organization:¶¶

(1) American Registry for Diagnostic Medical Sonographers (ARDMS)¶¶

(a) Registered Diagnostic Medical Sonographer - RDMS¶¶

(b) Registered Diagnostic Cardiac Sonographer - RDCS¶¶

(c) Registered Vascular Technologist - RVT¶¶

(d) Registered Musculoskeletal Sonographer - RMSKS¶¶

~~(e)~~ The following specializations, that are subject to change, under the main categories above will also be listed as provided by the ARDMS, subject to change and recognized as for example as: John Doe, RDMS (AB, OB), RDCS (AE, PE):¶¶

(A) AB - Abdomen.¶¶

(B) AE - Adult Echocardiography.¶¶

(C) BR - Breast Specialty.¶¶

(D) FE - Fetal Echocardiography.¶¶

(E) MSKS - Musculoskeletal Sonographer.¶¶

(F) NE - Neurosonology.¶¶

(G) OB - Obstetrics & Gynecology.¶¶

(H) PE - Pediatric Echocardiography.¶¶

(I) VT - Vascular Technology.¶¶

(J) PS - Pediatric Sonography.¶¶

~~Example: John Doe, RDMS (AB, OB), RDCS (AE, PE):~~¶¶

(2) American Registry of Magnetic Resonance Imaging Technologists (ARMRIT) Primary designation: MRI-~~N~~.  
There are no sub-specialties¶¶

~~E~~ and is recognized as for example: John Doe MRIT (ARMRIT):¶¶

(3) American Registry of Radiologic Technologists (ARRT). An ARRT certificate confers upon its holder the right to use the title "Registered Technologist" and its abbreviation "R.T.(ARRT)" or "Registered Radiologist Assistant" and its abbreviation "R.R.A. (ARRT)" in connection with ~~his or her~~ licensee's name as long as the registration of the certificate is in effect. The category designation should be inserted between the "R.T." and the "(ARRT)" and should be shown as "R.T. (\*) (ARRT)" where the asterisk is replaced by the letter or letters are are recognized as for example: Joe Doe RT (R) (ARRT) and indicated in the list below following list:¶¶

(a) (R) For Radiography.¶¶

(b) (N) For Nuclear Medicine Technology.¶¶

(c) (T) For Radiation Therapy.¶¶

(d) (MR) For Magnetic Resonance Imaging.¶¶

(e) (S) For Sonography.¶¶

(f) (CV) For Cardiovascular-Interventional Radiography.¶¶

(g) (M) For Mammography.¶¶

(h) (CT) For Computed Tomography.¶¶

(i) (QM) for Quality Management.¶¶

(j) (BD) For Bone Densitometry.¶¶

(k) (VS) For Vascular Sonography.¶¶

(l) (CI) For Cardiac-Interventional Radiography.¶¶

(m) (VI) For Vascular-Interventional Radiography.¶¶

(n) (BS) For Breast Sonography.¶¶

~~Example: Joe Doe RT (R) (ARRT).¶¶~~

(4) Certification Board of Radiology Practitioner Assistants (CBRPA) "Radiology Practitioner Assistant" (R.P.A.)

An RPA means an American Registry of Radiologic Technologists (A.R.R.T.) technologist who has successfully completed an advanced training program and is certified by the CBRPA.¶¶

~~¶ and will be recognized for example: Jane Doe RT (ARRT) (RPA) (CBRPA).¶¶~~

(5) Cardiovascular Credentialing International (CCI). are recognized as for example: Jane Doe RCES (CCI) and are indicated in the following list:¶¶

(a) ACS - Sonography - Advanced Cardiac Sonographer.¶¶

(b) CCT - Angiography - Certified Cardiographic Technician.¶¶

(c) RCCS - Sonography - Registered Congenital Cardiac Sonographer.¶¶

(d) RCES - Angiography - Registered Cardiac Electrophysiology Specialist.¶¶

(e) RCIS - Angiography - Registered Cardiovascular Invasive Specialist.¶¶

(f) RCS - Sonography - Registered Cardiac Sonographer.¶¶

(g) RPhS - Sonography - Registered Phlebology Sonographer.¶¶

(h) RVS - Sonography - Registered Vascular Specialist.¶¶

~~Example: Jane Doe RCES (CCI).¶¶~~

(6) Nuclear Medicine Technology Certification Board (NMTCB) Primary certification: Nuclear Medicine

Technologist - CNMT. The following Sub-specialties are recognized as for example: John Doe NMT, NCT (NMTCB) and are indicated in the following list:¶¶

(a) Nuclear Cardiology - NCT.¶¶

(b) Positron Emission Tomography - PET.¶¶

(c) Computed Tomography - CT.¶¶

~~Example: John Doe NMT, NCT (NMTCB).~~

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.425(1)

AMEND: 337-010-0008

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0008

Change of Contact Information ¶

(1) Every licensee or permittee holder, whether active, pending or sanctioned, shall maintain on file with the Board ~~their~~ correct current contact information including: telephone number, email address, residence address, employer and name. ¶

(2) ~~The~~ Every licensee or permittee holder must notify the board within 30 days ~~if there are~~ any changes to the contact information. ¶

(3) Agency notice by mail, whether registered, certified, or regular, to the licensee's or permittee's holder current mailing address on file with the board constitutes service on the licensee. A Notice of Proposed Disciplinary Action sent to the licensee or permittee holder at the licensee's or permittee's holder address of record by certified mail or registered mail is sufficient notice even if the licensee or permittee holder fails to or refuses to respond to the service or never receives the Notice. Such mailing permits the ~~b~~Board to proceed with disciplinary action in the absence of a request for a hearing.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.525(1)

AMEND: 337-010-0009

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0009

Change of Credentialing or License Status ¶

Every licensee or permittee holder must:¶

(1) Maintain credentialing in their licensed specialty throughout the licensure period.¶

(2) Notify the Board within 30 days of any pending or final actions against the licensee or permit holder by the credentialing organization ~~against the licensee.~~¶

(3) Notify the Board within 30 days of lapse or suspension of any professional license.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.455

AMEND: 337-010-0010

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0010

Qualifications of Radiographer in Diagnostic Field II

In addition to those qualifications set out in ORS 688.465, applicants for licensure as a radiologic technologist in the diagnostic field must: ~~S~~ submit evidence of current credentialing by the American Registry of Radiologic Technologists (ARRT) in radiography. 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 or she~~ the applicant must request written verification ~~of from the ARRT and have the~~ current credential be ~~directly~~ submitted ~~directly~~ to the Board by the ARRT.

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

Statutes/Other Implemented: ORS 688.455

AMEND: 337-010-0011

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0011

Qualifications of Computed Tomography Equipment Operators and Merged Technology Equipment Operators Licensing ¶¶

(1)(a) Diagnostic Computed Tomography: A licensee who operates computed tomography (CT) equipment, including cone beam CT; for diagnosis, must be credentialed in Computed Tomography (CT) by either the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board or have an active temporary CT license issued by OBMI.¶¶

(b) Notwithstanding Paragraph (1), a licensee, with a radiography credential from the American Registry of Radiologic Technologists (ARRT), may operate an Extremity Computed Tomography (ECT) machine; without having earned a computed tomography credential.¶¶

(2) Computed Tomography/Nuclear Medicine Hybrid Imaging: Positron Emission-Computed Tomography (PET/CT) or Single Photon Emission-Computed Tomography (SPECT/CT) 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 (OBMI).¶¶

(a) A registered radiographer with the credential R.T. (R), or a registered radiation therapist with the credential R.T. (T)-m; and¶¶

(A) May only operate CT for ~~attenuation, not localization; and~~ ¶¶

(B) May ~~not operate CT~~ for diagnostic purposes. ~~They m; and~~ ¶¶

(C) May operate the diagnostic portion of the CT hybrid imager if they hold a CT credential from ARRT, or have an active temporary CT license issued by OBMI.¶¶

(b) Registered certified nuclear medicine technologists with the active credentials R.T. (N) or CNMT (NMTCB) may operate SPECT and PET with non-diagnostic CT and the attenuation correction portion of the hybrid imager. ~~Registered Certified Nuclear Medicine technologists may operate the diagnostic portion of the CT scanner if they that~~ hold a CT credential or have an active temporary CT license issued by OBMI. ~~, may operate the diagnostic portion of the CT scanner.~~ ¶¶

(3) Computed Tomography for Radiation Therapy Treatment Planning Purposes: A licensee who operates CT equipment for radiation therapy treatment planning purposes must be credentialed in Radiation Therapy or CT by the ARRT or the Nuclear Medicine Technology Certification Board (NMTCB).¶¶

(4) On a case-by-case basis, the ~~b~~Board may waive a credential requirement of this rule for a licensed technologist, based upon the ~~b~~Board's determination that the following two conditions are met:¶¶

(a) The licensee seeking a waiver:¶¶

(A) Has substantial experience, ~~as determined by the board~~, practicing computed tomography, as determined by the Board; and¶¶

(B) Seeks to perform computed tomography as an employee or contractor of a specified rural hospital, as defined in ORS 442.470; and¶¶

(C) Under state sponsorship, passes a computed tomography examination by a registry recognized by the ~~b~~Board; and¶¶

(D) Must have completed and documented vendor-provided applications training specific to any CT machine the waiver applicant will work on; and¶¶

(E) Must have completed a minimum of 16 hours in structured CT education requirements, as recognized by the Board, within the 24 months prior to applying for the waiver.; and¶¶

(F) Meets clinical experience requirements as specified in the waiver.; and¶¶

(G) Must have completed five supervised diagnostic-quality repetitions of any anatomic area that the waiver

recipient will image with computed tomography. The waiver will only be applicable to cover images of anatomic areas for which the waiver recipient has met this requirement. Supervision must be provided by a licensed technologist with a CT registry credential recognized by the ~~the~~ Board.¶

(b) Failure to grant the waiver would result in a substantial shortage in the rural hospital's ability to deliver necessary health services to the community.¶

(5) The ~~the~~ Board may prescribe terms of the waiver, including but not limited to: time duration of the waiver; supervisory requirements; and clinical experience requirements. The waiver may include deadlines for completing specified requirements included in the waiver. The Board may grant a preliminary waiver conditioned upon the waiver applicant's completion of all Board-specified waiver requirements within no more than 100 days from the date the applicant submits an initial waiver request, the ~~Within no more than 60 days from the time the applicant submits an initial waiver request to the Board.~~

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.480

AMEND: 337-010-0013

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0013

Qualifications of Magnetic Resonance Imaging Technologist ~~II~~

An individual who operates Magnetic Resonance Imaging (MRI) equipment must submit evidence of current credentialing in MRI by the American Registry of Radiologic Technologists (ARRT) or the American Registry of Magnetic Resonance Imaging Technologists (ARMRIT). The Board will verify current credential status through review of the ARRT or ARMRIT directory. If the applicant is not listed in the current applicable directory, ~~the or she~~ the applicant must request written verification of current credential ~~be~~ and have the current credential submitted directly to the Board by their credentialing organization.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.455

AMEND: 337-010-0014

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0014

Qualifications of Diagnostic Medical Sonographer ¶

An individual who operates ultrasound equipment for medical imaging purposes must submit evidence of current credentialing in diagnostic medical sonography from the American Registry of Diagnostic Medical Sonography (ARDMS), American Registry of Radiologic Technologists (ARRT), or Cardiac Credentialing International (CCI). The Board will verify current credential status through review of the ARDMS, ARRT or CCI directory. If the applicant is not listed in the current applicable directory, ~~the or she~~the applicant must request written verification of current credential ~~be~~and have the current credential submitted directly to the Board by their credentialing organization.

Statutory/Other Authority: ORS 688.555(1 )

Statutes/Other Implemented: ORS 688.455

AMEND: 337-010-0015

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0015

Qualifications of Radiation Therapist **II**

In addition to those qualifications set out in ORS 688.475, applicants for licensure as a radiation therapist must: ~~S~~  
~~submit~~ evidence of current credentialing from the American Registry of Radiologic Technologists (ARRT) in  
radiation therapy. 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 or she applicant~~ must request written verification of  
current credential ~~be~~ and have the current credential submitted directly to the Board by the ARRT.

Statutory/Other Authority: ORS 688

Statutes/Other Implemented: ORS 688.455

AMEND: 337-010-0016

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0016

Qualifications of Nuclear Medicine Technologist II

An individual who operates nuclear medicine equipment must submit evidence of current credentialing by the Nuclear Medicine Technology Certification Board (NMTCB) or the American Registry of Radiologic Technologists (ARRT) in Nuclear Medicine. The Board will verify current credential status through review of the NMTCB or ARRT directory. If the applicant is not listed in the current applicable directory, ~~the or she~~ the applicant must request written verification of current credential ~~be~~ and have the current credential submitted directly to the Board by the ~~it~~ credentialing organization.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.455

AMEND: 337-010-0023

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0023

Determination of Fitness; State and Nationwide Criminal Background Checks ¶¶

(1) The purpose of this rule is to provide for the reasonable screening of persons: applicants for licensure; ~~h~~Board members; employees; contract vendors; and individuals subject to investigation by the Board, in order to determine if ~~they have~~ a history of criminal behavior ~~such that they are not~~ renders that person unfit to be granted or to retain a license or permit issued by the Board.¶¶

(2) "Subject individual" means a person from whom the Board may require fingerprints for the purpose of enabling the Board to request a state or nationwide criminal records check. In this rule, subject individual means: applicants for licensure or renewal of a license or permit; ~~h~~Board members; employees; contract vendors; and individuals subject to an investigation by the Board.¶¶

(3) This rule is to be applied when evaluating the criminal history of a subject individual and conducting fitness determinations based upon such history. The fact that a subject individual does not have an adverse criminal history does not guarantee the granting or renewal of a license or permit.¶¶

(4) The Board may request that the Department of State Police conduct a state criminal history check and a national criminal history check, using fingerprint identification of subject individuals. The Board may conduct state criminal records checks on subject individuals and any licensee or permit holder through the Law Enforcement Data System (LEDS) maintained by the Department of State Police in accordance with rules adopted, and procedures established, by the Department of State Police. Criminal history information obtained from the Law Enforcement Data System must be handled in accordance with ORS Chapter 181, OAR 257-010 to 257-015 and applicable Oregon State Police procedures.¶¶

(5) Additional Information Required. In order to conduct a state and national criminal history check and fitness determination, the Board may require additional information from the subject individual as necessary. Additional information may include, but is not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial, or other background information.¶¶

(6) In making the fitness determination, the Board may consider:¶¶

(a) The nature of any record that may include, but is not limited to any record of arrest or conviction for:¶¶

(A) Any drug or alcohol offence;¶¶

(B) Any felony;¶¶

(C) Any offence involving fraud, theft, identity theft or other instance of dishonesty;¶¶

(D) Any offence involving violation of federal importation or customs laws or rules;¶¶

(E) Any offence requiring registration as a sex offender.¶¶

(b) The facts that support the conviction or indictment or that indicate the making of the false statement;¶¶

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's license; and¶¶

(d) Intervening circumstances relevant to the responsibilities and circumstances of the license or permit. Intervening circumstances include, but are not limited to:¶¶

(A) The passage of time since the commission of the crime;¶¶

(B) The age of the subject individual at the time of the crime;¶¶

(C) The likelihood of a repetition of offenses or of the commission of another crime;¶¶

(D) The subsequent commission of another relevant crime;¶¶

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and¶¶

(F) A recommendation of an employer.¶¶

(e) Any false statement made by the individual regarding the criminal history of the individual;¶¶

(f) Any refusal to submit or consent to a criminal record check including a refusal to provide fingerprint identification;¶

(g) Any other pertinent information obtained as part of an investigation.¶

(7) If a subject individual is determined to be unfit, then the individual may not be granted a license, permit or a renewal of a license or ~~registration~~permit. The Board may make a fitness determination conditional upon applicant's acceptance of probation, conditions, limitations, or other restrictions upon licensure.¶

(8) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an ~~acceptable alternative~~alternative acceptable to the Board.¶

(9) Criminal offender information is confidential. Dissemination of information received under this rule may only be made to people with a demonstrated and legitimate need to know the information. When the information is part of the investigation of an applicant ~~or~~, licensee or permit holder, it is confidential pursuant to ORS 676.175. Any fingerprint cards used to conduct a check shall be destroyed by either the Federal Bureau of Investigation or the Department of State Police as specified in ORS 181.534.¶

(10) The Board will permit the subject individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.¶

(11) If an applicant, licensee or ~~permittee~~ holder is determined ~~not~~ to be unfit for a license or permit, ~~they are~~ applicant, licensee or permit holder is entitled to a contested case hearing pursuant to ORS 183.413 to 470 and in accordance with OAR 855-001-0005 to 0017.¶

(12) A challenge to the accuracy or completeness of the information provided by the Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through the contested case process.¶

(13) Request for re-evaluation following correction. If the subject individual successfully contests the accuracy or completeness of the information provided by the Oregon State Police, the Federal Bureau of Investigation or other agency reporting information to the Board, the Board will conduct a new criminal history check and re-evaluate the criminal history upon submission of a new criminal history request form.¶

(14) If the subject individual discontinues the application or fails to cooperate with the criminal history check process ~~then~~, the application is considered incomplete.¶

(15) Subject individuals will be required to pay the actual costs charged by the Department of State Police for the state and national criminal background check.

Statutory/Other Authority: ORS 181.534, 688.557

Statutes/Other Implemented: ORS 688.557

RULE SUMMARY: Amends rule for clarity and requires LXMO that have more than a 24-month lapse in licensure to perform required steps for obtaining a new Permit within a 1-year time period.

CHANGES TO RULE:

337-010-0026

Permit Renewal ¶

(1) Permit holders must submit evidence of continuing education ~~at the time they file~~ (CE) on an application for ~~license~~ permit renewal. ~~An initial permanent initial Limited X-ray Machine Operator (LXMO) permit that is prorated for a period of less than 24 months includes the requirement of an average of~~ requires one hour of continuing education per month, depending on the number of anatomic areas ~~in a designated on the limited permit.~~ ¶

(2) Permit holders must obtain a minimum of continuing education hours according to the following schedule: ¶

(a) One to three LXMO anatomic areas: requires 9 hours of CE per year or 18 hours for a 2-year renewal. ¶

(b) Four or more LXMO anatomic areas: requires 12 hours of CE per year. ¶

~~(c) Fluoroscopy permit: Four hours per year, including two hours or 24 hours for a 2-year renewal.~~ ¶

(c) Fluoroscopy permit for Physician Assistants requires 4 hours of CE per year or 8 hours for a 2-year renewal. Two of the yearly required 4 hours must be related to radiation use and safety, and two hours must be related to the clinical use of fluoroscopy. ¶

(3) The Board may require permit holders to produce documents verifying continuing education activities for purposes of an audit by the Board. Permit holders are required to retain verification documents for a period of two years following the renewal date. At any time during that two years the Board may require permit holders to produce those documents for purposes of an audit by the Board. ¶

(4) Verification Documents for Renewal Applicants include: ¶

(a) A completed OBMI worksheet, listing all continuing education activities performed during the immediately preceding licensing period. ¶

(b) All renewal applicants are subject to audit of their Continuing Education hours by the Board. ¶

(5) Acceptable Types of Continuing Education Activities: ¶

(a) Any independent reading, video or audiocassette education must include a pre-approved post-test in order to be acceptable for ~~meeting~~ complying with OMBI's continuing education requirements. ¶

(b) Acceptable forms of continuing education activities for permit holders ~~(no maximum)~~ include, with one hour of credit for each hour spent in the activity include: ¶

(A) Attendance at ~~meeting~~ educational portions of professional organizations meetings that are directly appropriate to the modality practiced by the permit holder ~~(educational portions of the meetings only).~~ ¶

(B) Directed reading of professional and scientific journals and newsletters appropriate to the modality practiced by the permit holder, listening to or viewing video recordings appropriate to the modality practiced by the permit holder, all of which include a post-test. ¶

(C) Symposia, workshops, lectures, refresher courses, correspondence courses, ~~etc.~~ or other Board accepted CE that is appropriate to the modality practiced by the permit holder. ¶

(D) In-service education when appropriate to the modality practiced by the permit holder. ¶

(E) For LXMO permit holders, a minimum of one hour of education approved CE in one permit area is required per year and 2 hours of either radiation use and safety or radiographic technique is required per year. ¶

(6) LXMO limited X-ray Machine Operator (LXMO) permit renewal requirements following 24-month lapse: A LXMO permit holder with a permit that is expired for a period in excess of 24 continuous months must complete all of the following within the one-year time frame specified in this section. The application process and fee structure under this section follows the rules outlined under OAR 337-010-0030. ¶

- (a) A LXMO permit holder whose permit is expired for a period in excess of 24 continuous months must pass the ARRT examination in any specific anatomic area which is:
- (A) Apply for, take and pass the ARRT Limited Scope Examination in Diagnostic Radiologic Technology in CORE (referred to as CORE); and
  - (B) Take and pass the ARRT Limited Scope Examination in Diagnostic Radiologic Technology in any specific anatomic area or current anatomical equivalent listed on their most recently expired permit and for which they wish to be reauthorized to practice in. All applicants under this new permit is desired; and
  - (C) Apply for and obtain a Temporary Limited Permit in order to perform radiographic procedures for acquiring the required practical experience; and
  - (D) Obtain a signed certificate of completion of paragraph, except bone densitometry applicants, must also have clinical experience in the anatomical area(s) for which the permit is desired; and
  - (E) Apply for and obtain a Permanent Limited Permit from the Oregon Board of Medical Imaging.
  - (F) The expired LXMO permit holder has twelve months to pass the CORE ARRT examination.
- (b) The application process and fee structure under this paragraph is the same in CORE and at least one anatomic area and apply for a permanent limited permit. The twelve months begin from the time the applicant first takes the ARRT exam as for first time and ends with the date the permanent limited permit application is received by the Board. Time frame for passing the limited examination: the expired permit holder can re-test in any authorized area up to three times until a passing score is received by the Board.
- (G) Passing the CORE exam and an anatomic area exam will qualify an applicant to apply for a temporary permit for that anatomic area.
- (H) The expired permit holder is allowed three attempts to pass an individual exam provided the one-year time frame is adhered to.
- (I) The required passing score is 70 percent.
- (J) An applicant that does not pass the exams in CORE and an anatomic area listed on the most recently expired permit for which the new permit is desired within the one-year time frame, must follow the rules outlined under OAR 337-010-0030 for a new applicant, starting with retaking the CORE module course application to re-test. Passing score is 70 percent and didactic portion of the Radiographic Procedure Module and obtaining a new course completion certificate.
- (K) Failure to pass CORE within the one-year time frame will negate a passing score on any anatomic area exam and will result in reinstatement of taken in accordance with this section.
- (b) A Bone densitometry permit holder with a permit for that anatomic area is expired for a period in excess of 24 continuous months must complete all of the following in the time frames specified in this section:
- (A) For CORE or any anatomic area exam not passed within the maximum time period, the applicant must apply for, take and pass the ARRT Bone Densitometry Exam. Bone Densitometry applicants area exam not passed within the maximum time period, the applicant must apply for, take and pass the ARRT CORE examination in order to reapply for a permit expired for longer than 24 continuous months.
  - (B) Apply for and obtain a Permanent Limited Permit. Bone densitometry applicant will do not need to follow the same procedures under OAR 337-010-0030 as a new applicant for a temporary permit and do not need to complete practical experience in order to obtain a permanent permit applicant.
  - (c) Failure to pass CORE within the maximum time period will negate a passing grade on any anatomic area exams taken in accordance with this paragraph limited permit following a 24-month lapse.
  - (C) The expired permit holder has twelve months to pass the ARRT Bone Densitometry Exam and apply for a permanent permit. The twelve months begin from the time the applicant first takes the ARRT exam and ends with the date the permanent permit application is received by the Board.
  - (D) The expired permit holder is allowed three attempts to pass the exam provided the one-year time frame is adhered to.
  - (E) The required passing score is 70 percent.
  - (F) An applicant that does not pass the exam within the one-year time frame, must follow the rules outlined under OAR 337-010-0030 for a new applicant, starting with a Board approved course of instruction including a new course completion certificate.

(~~f~~c) Under this ~~paragraph~~section, limited permit holders who received ~~their~~ permits under the pre-2007 radiographic positioning can only be reinstated to practice using the current Board-approved radiographic positions, as follows: [Table not included. See ED. NOTE.]¶¶

(7) Fluoroscopy permit renewal requirements:¶¶

(a) To renew a fluoroscopy permit, a person must:¶¶

(A) Possess a current unexpired physician assistant license in good standing from the Oregon medical board indicating active, locum tenens, or military/public health active registration;¶¶

(B) Complete and submit a permit application to the board of medical imaging, in the form and manner specified by the board of medical imaging;¶¶

(C) Provide documentation, as specified by the board, of completed continuing education requirements;¶¶

(D) Pay the nonrefundable permit fee established by the board of medical imaging; and¶¶

(E) Submit to a criminal background check as specified by the board of medical imaging.¶¶

(b) For a fluoroscopy permit applicant whose permit has been expired for 24 continuous months, the applicant must follow all the steps in ~~Paragraphs outlined in subsection (17) plus~~in this section and provide documentation of having passed, ~~within the previous 12 months~~, the ARRT ~~Fluoroscopy e~~Examination.¶¶

~~[ED. NOTE: Tables referenced are available from the agency.]~~ within the previous 12 months.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.445, 688.505

AMEND: 337-010-0030

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule language for clarity and amends time-line for obtaining a LXMO permit

CHANGES TO RULE:

337-010-0030

Limited X-Ray Machine Operator (LXMO) Permits ¶

(1) Applicants for LXMO Permits Qualifications: An applicant for a LXMO permit must provide evidence of and complete all of the following:¶

(a) An applicant for a LXMO permit must be at least 18 years of age; ~~pay an;~~ and¶

(b) Pay a non-refundable application fee; ~~;~~ and¶

(c) Have successfully passed a course of instruction that reflects the current Core Module of the "Content Specifications for the Examination for the Limited Scope of Practice in Radiography" published by the American Registry of Radiologic Technologists (ARRT). ~~The; and~~¶

(d) Successfully attend a course of instruction which must be provided by a school that is approved by the Board and licensed by the Oregon Department of Education, Private Career School Section, or otherwise approved or accredited by the Oregon Department of Higher Education. ~~The; and~~¶

(e) Attend a Board approved school with a curriculum ~~must~~ that consists of not less than 52 hours of instruction approved by the Board in all of the following subjects:¶

(A) Radiation physics;¶

(B) Interaction of radiation with matter;¶

(C) Radiation exposure, monitoring, and radiation units;¶

(D) Principle of the radiographic equipment;¶

(E) Biological effects of radiation;¶

(F) Low-dose technique and minimizing patient exposure;¶

(G) Applicable Federal and State radiation regulations;¶

(H) Quality assurance;¶

(I) Image critique;¶

(J) Personnel protection;¶

(K) Digital and computer-generated radiographic imaging;¶

(L) Developing and using technique charts; and¶

(M) Patient care.¶

~~(b)f)~~ Have received a course of instruction in laboratory practice approved by the Board that satisfies all of the following criteria:¶

(A) Meeting the requirements stated in the Board's publication "Overview of Guidelines for Instructors of Courses in Preparation for the Limited Scope Examination in Diagnostic Radiologic Technology dated "December- 2019" which is incorporated by reference and made a part of this rule; and¶

(B) Reflects the current Radiographic Procedure Module(s) of the "Content Specifications for the Examination for the Limited Scope of Practice in Radiography" published by the American Registry of Radiologic Technologists.; and¶

(C) Taught by a board-approved instructor; ~~and have~~ and¶

(D) Received the instructor's certification that the applicant has demonstrated all the positions/ and projections described in the Behavioral Objectives as part of the "Overview of Guidelines for Instructors of Courses in Preparation for the Limited Scope Examination in Diagnostic Radiologic Technology dated "December 2019" for each category. The minimum hours in each category is ~~are~~ as follows:¶

(i) Skull/Sinus, 18 hours;¶

(ii) Spine, 30 hours;¶

(iii) Chest, 12 hours;¶

(iv) Extremities, 60 hours;¶

(v) Podiatric 10 hours.¶

(2) Process and timeframe for obtaining a limited x-ray permit:¶

(a) ~~Students currently enrolled in a Board approved school may, up to 30 days prior to course completion, a student may~~ submit an application to the Board to sit for the ARRT examination Limited Scope Examination in Diagnostic Radiologic Technology. The application must include a statement from the school indicating that the applicant is a student in good standing and expected to graduate. The applicant ~~can~~ may not sit for the ARRT examination prior to the date on the applicant's course completion certificate from the limited x-ray school.¶

(b) ~~To A graduate may qualify to sit for an the ARRT Limited x-ray eScope Examination, a limited x-ray school graduate must have in Diagnostic Radiologic Technology by completing all of the following:¶~~

(A) Having successfully completed a Board-approved Core Module course; and must have¶

(B) Having successfully completed the didactic portion of a Radiographic Procedure Module (Skull/Sinus, Spine, Chest, Extremities, and/or Podiatric) relative to the anatomical area(s) for which the graduate wishes to radiograph be issued a permit.¶

(c) Graduate status begins on the date indicated on the student's course completion certificate, ~~and may extend no longer than 24 months and seven days. After 24 months, from the date on the graduate indicated on the student's~~ course completion certificate.¶

(d) ~~The graduate must pass the ARRT CORE exam with a score of 70 or above and must apply for an initial temporary permit w status is void and a person must retake the CORE module course and didactic portion of the Radiographic Procedure Module as described in this section.¶~~

(d) A graduate has no longer than twelve 12 months of starting from the date on the course completion certificate, measured from and ending on the date on the course completion certificate to the date that the graduate's application for an initial temporary permit is received at the Board applicant's Temporary Initial LXMO Permit application is received by the Board to complete the following:¶

(A) Apply for, take and pass the ARRT Limited Scope Examination in Diagnostic Radiologic Technology in CORE with a score of 70 percent or above; and¶

(B) Apply for a Temporary Initial LXMO Permit. A temporary permit will only be issued for anatomic areas that the applicant successfully completed in school, as reflected on the course completion certificate. A graduate cannot perform a radiographic procedure on a patient without a temporary permit in. With the anatomic area that is being radiographed.¶

(e) A temporary permit holder must deliver an application for a permanent limited permit to the Board within seven days of completing all requirements for temporary permit, a graduate may only perform a radiographic procedure on the anatomic area(s) for which the temporary permit is valid.¶

(C) A Graduate is allowed three attempts to pass the CORE section of the ARRT exam provided CORE is successfully passed within the one-year time frame.¶

(e) Graduates or Temporary permit holders may apply for the ARRT Limited Scope Examination in Diagnostic Radiologic Technology in the anatomic area(s) in which the applicant passed in school and wishes to include on the pPermanent pPermit, including practical experience requireme.¶

(f) A temporary permit holder has no longer than 12 months and passing the ARRT exam in a particular anato starting from the date on the Temporary Initial Limited Permiel area. This seven-day deadline begins when the following two steps are completed in any order:¶

(A) the graduate ending on the date the applicant's Permanent Initial LXMO Permit application is received by the Board to complete the following:¶

(A) Complete all practical experience requirements as documented by obtaining a signed practical experience certification form in an¶ anatomic area, and¶

(B) the graduate receives notification f(s) the permit holder wishes to have designated on the Permanent Limited Permit. The practical experience component must consist of experience with live patients with one of the following people present in the room the board that they passed the ARRT exam in the same anatomic area.¶

(f) A temporary permit holder has no longer during the radiographic exposures: a licensed radiographer;

radiologist; or licensed physician, licensed nurse practitioner or licensed physician assistant with adequate training in radiography in accordance with RPS rules; or a person who has been actively taking radiographs under the authority of a permanent LXMO permit within twelve months from the date of issuance of the initial temporary limited permit to complete all requirements for a permanent limited permit and deliver an application to the Board for a permanent limited permit in accordance with paragraph (e).

(g) To qualify to apply to renew a temporary limited permit in an anatomic area, the applicant must provide documentation of having taken the immediate previous twelve months in the same anatomic area that is being imaged. Processed images made by the graduates are evaluated and critiqued by an Evaluator with one of the following credentials: an ARRT-registered, Oregon-licensed radiographer Practical Experience Evaluator; licensed radiographer; radiologist; licensed physician, licensed nurse practitioner or licensed physician assistant with adequate training in radiography in accordance with RPS rules; or a person who has been actively taking radiographs under the authority of a permanent LXMO permit within the immediate previous twelve months. The graduate shall be evaluated for imaging by using either the On-Site or Peer Positioning Practical Experience Evaluation Form developed by the Board. The Practical Experience Evaluator must provide the graduate with a certificate of completion in the categories in which the graduate has successfully completed practical experience; and

(B) Pass the ARRT examination in that anatomic area. If qualified, the temporary permit holder may apply for one six-month in all anatomic area(s) the temporary permit holder wishes to have designated on the Permanent Limited Permit.

(C) Temporary permit renewal and must deliver holders are allowed the renewal application to the Board no later than the expiration date of the initial.ree attempts to pass an individual section of the ARRT exam within the 12-month time frame

(D) A temporary permit.

(h) The graduate must obtain a temporary permit to successfully limited permit is required to complete a the practical experience program approved by the Board specific to each category for which the applicant seeks a LXMO permit. The graduate's Permanent Initial LXMO permit.

(E) A temporary initial limited permit holder may apply to renew a temporary limited permit can only include an anatomic area in order the anatomic areas that the applicant successfully completed in school, as reflected in the course completion certificate. The practical experience component must consist of experience with live patients with a licensed radiographer, o have additional time to complete the practical experience requirements. The following steps must be taken to apply for a temporary limited permit renewal:

(i) The applicant must provide documentation of having taken the ARRT Limited Scope Examination in Diagnostic Radiologic Technology in the anatomic area in which more time is needed to complete practical experience; and

(ii) The applicant must deliver the renewal application to the Board no later than the expiration date; or license physician, licensed nurse practitioner or licensed physician assistant with adequate training in radiography in accordance with RPS rules, or a person who has been actively taking radiographs under the authority of a permanent limited permit within the immediate previous twelve month date indicated on the initial temporary permit; and

(iii) The applicant must complete all practical experience requirements and apply for a Permanent Permit within the twelve-month time-frame starting from the date of the Initial Temporary Permit and ending with the date the applicant's Permanent Initial Permit is received at the Board office

(g) A Permanent Initial LXMO Permit must be obtained within the 24-month time frame as outlined in this in the same anatomic area that is being imaged, present in the room during radiographic exposures. Processed images made by the graduate section. A temporary permit holder must submit an application for a Permanent Initial LXMO Permit to the Oregon Board of Medical Imaging within seven days of completing all requirements to obtain a Permanent Initial Limited Permit as outlined in this section. This seven-day deadline begins when the following two steps are evaluated and critiqued by an ARRT-registered, Oregon-licensed radiographer. In any order:

(A) The graduate obtains a signed practical Experience Evaluator. The graduate shall be evaluated for imaging by

using either the On-Site or Peer Positioning Practical Experience Evaluation Form developed by the Board. The Practical Experience Evaluation form in an anatomic area, and¶

(B) The graduate receives notification from the Board of successfully passing the ARRT exam in the same anatomic area.¶

(3) The Board, at its discretion and upon a showing of good cause, upon written request, may extend specific deadlines established in this section to a later date. The Board must provide the graduate with a certificate of completion in the categories in which the graduate has successfully completed practical experience.¶

(3) Graduates are allowed three attempts to pass an individual section of the ARRT exam.¶

(4) Limited Scope Examinations specified date, based upon a demonstration of compelling circumstances by the individual making the request for an extension. The Board may grant an extension that is based upon factors including but not limited to pregnancy, military service, or disability. This provision only applies to time limitations established by the board, and cannot be applicable to time limitations governed by entities other than the Board or that are otherwise governed by statute.¶

(4) ARRT Limited Scope Examination in Diagnostic Radiologic Technology Fees and application process:¶

(a) The examination fee consists of:¶

(A) \$20 for each examination category for which the student is tested, combined with a; and¶

(B) An administration fee set by the American Registry of Radiologic Technologists (ARRT). These fees, together¶

(b) All listed fees, along with the necessary certifications and verifications that the applicant has completed Board-approved Core Module course and Radiographic Procedure Module courses, must be submitted to the Board office. Upon submission and acceptance of the application materials, OBMI shall register the graduate applicant with the ARRT for the ARRT exam.¶

(b) Graduates are allowed three attempts to pass an individual section of the ARRT exam.¶

(d) The Board, upon advance request, may approve a student to submit an application for the examination prior to the timeline specified in subsection (2), based upon school verification that the student is expected to complete all coursework. Verification must include a preliminary course completion certificate, endorsed by a responsible school official, indicating the courses for which the student is enrolled, expected completion date, and the student's status in each course. The final approved course completion certificate is required as part of the application for a temporary limited permit. A temporary limited permit will only be issued for anatomical areas for which the applicant has successfully completed coursework and obtained a passing grade score on the ARRT Core examination.¶

(e) The examination shall consist of sections:¶

(A) Core Section (Radiation Use and Safety, Equipment Operation, Quality Control, Image Production, Image Evaluation, and Patient Care); and¶

(B) Specific Radiographic Procedures (positioning and techniques) in the category or categories (Skull/Sinus, Spine, Chest, Extremities, and Podiatric).¶

(C) A score of 70 percent constitutes a minimum passing score for each section of the limited scope examination;¶

(D) Limited scope examinations will be administered at computer-based testing sites identified by ARRT. The graduate is subject to rules regarding test administration at the testing site.¶

(E) The application fee for the LXMO permit examination is non-refundable.¶

(5) A permanent limited x-ray LXMO permit will only be issued to graduates who have passed the ARRT CORE exam, and will only be issued in anatomic areas for which the graduate has passed the respective ARRT exam and completed clinical experience requirements. A permanent limited permit can only be issued to applicants who have passed CORE and at least one anatomic area.¶

(6) To add an anatomic area to an existing permit: Once a permanent LXMO permit holder completes an approved educational program to add an anatomic area to their permit, the applicant may apply to OBMI for a temporary permit to complete practical experience requirements in that anatomic area. The applicant can only work on live patients in the added anatomic area if the applicant has a temporary permit in the added anatomic area. The applicant has one year from the date on the course completion certificate to complete practical experience requirements as specified in rule for that specific anatomic area, pass the ARRT examination for that anatomic

area, and notify OBMI to add the anatomic area to their permanent permit. The applicant is eligible for one six-month temporary permit, which may be renewed one time and ~~which can extend no longer than 12 months from the date on the course completion certificate.~~ To qualify for a temporary permit renewal, the applicant must show that they have taken the ARRT exam in the relevant anatomic area. A permanent limited permit holder does not need to pass the CORE exam to add an anatomic area.¶

(7) Bone densitometry permit application process:¶

(a) An applicant for a limited permit in x-ray bone densitometry must ~~be at least 18 years of age, pay an application fee set by the Board, and~~ complete all of the following and adhere to all time frames indicated:¶

(A) Must be at least 18 years of age; and ¶

(B) Have successfully passed a Board approved 24-hour course of instruction which includes not less than 20 hours of radiation protection, equipment operation and quality control specific to x-ray bone densitometry, and meets the didactic and practical experience requirements stated in the Board's publication "Behavioral Objectives and Teaching Guide Bone Densitometry Equipment Operators" dated October 2019 which is incorporated by reference and made a part of this rule; and¶

(bC) Graduate status will continue for one year from the date of completion of the "Bone Densitometry Equipment Operators Examination" given by the American Registry of Radiologic Technologists. Obtain a signed course completion certificate from the Board approved course¶

(i) Graduate status begins with the date indicated on the course completion certificate. A graduate has no longer than 12-months to complete all requirements. ¶

(ii) Graduate status expires at the end of the one-year period specified above; and after 12 months or seven days after the date on which an applicant becomes eligible for a permanent bone densitometry permit.¶

(c) Except for a person who has a radiography license from OBMI or who is exempted from OBMI's licensure requirements, eiii) A Graduate has 12 months to complete all of the requirements starting from the date on the course completion certificate and ending on the date the applicant's Permanent Initial LXMO Permit application is received by the Board.¶

(D) Apply for, take and pass the ARRT Bone Densitometry Equipment Operators Examination. ¶

(i) The passing score is 70 percent¶

(ii) A graduate is allowed three attempts to pass the exam provided the one-year time frame is adhered to; and¶

(E) Apply for and obtain a bone densitometry Permanent Initial limited permit from OBMI including paying the fee set by the Board.¶

(b) Every person who performs bone densitometry procedures must have passed the ARRT Bone Densitometry Equipment Operators Examination and be in possession of an active bone densitometry limited permit from OBMI ; except for a person who has a radiography license from OBMI or who is exempted from OBMI's licensure requirements. ¶

(8) The ~~b~~Board, at its discretion and upon a showing of good cause, upon ~~request submitted to the Board~~written request, may extend specific deadlines established in this section to a later specified date, based upon a demonstration of compelling circumstances by the individual making the request for an extension. The Board may grant an extension that is based upon factors including but not limited to pregnancy, military service, or disability. This provision only applies to time limitations established by the ~~b~~Board, and cannot be applicable to time limitations governed by entities other than the board or that are otherwise governed by statute. The extension may be provided through authorization for an additional temporary permit for a period of time specified by the ~~b~~B oard.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: ORS 688.515

AMEND: 337-010-0031

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: amends rule for clarity

CHANGES TO RULE:

337-010-0031

#### Requirements for LXMO Permit Program Sponsors ¶¶

(1) Instructors, program directors, or authorized school officials of Core Module or Radiographic Procedure Module classes must provide the Board with the names of all students who have successfully completed the didactic portions of the LXMO permit program. The list must indicate the specific didactic portion(s) of the LXMO permit program the student has successfully completed and the completion date.¶¶

(2) Retention of Student Records: instructors, program directors, or authorized school officials of Core Module or Radiographic Procedure Module classes and practical experience evaluators must retain student grades and attendance records for a period of two years.¶¶

(3) LXMO permit program sponsors must annually submit to the Board for review an outline of the LXMO permit program. The outline along with the names of all instructors teaching in the program must be submitted to the Board office no later than July 1 each year. The plan must include details on the respective school's compliance with Paragraph (5). In addition to a written outline, and as a condition of Board approval, each LXMO permit program site shall be inspected every two years or as needed by a Board member or an authorized representative of the Board. The site visit shall include an inspection of the physical premises on which LXMO permit programs are conducted as well as interviews with students currently enrolled in the LXMO permit program. Additionally, ¶¶The Board may obtain a list of students and their respective clinical experience sites from each school, and may make inquiries or site visits to clinical experience sites to assure that temporary permit holders are being properly trained and supervised. ¶¶

Each LXMO permit program must provide oversight of the clinical experience component for a specific number of exams for each anatomic area in which the student completed and passed coursework at an approved school. For any anatomic area in which the temporary ~~licensee~~ permit holder is permitted to perform under supervision, the following minimum number of exams must be included. The minimum number of exams must include at least one of each of the "required" exams as specified in the Board's most recently approved version of the Clinical Demonstration Checklist. Each exam must include the minimum diagnostic series, established in accordance with the July 2018 edition of the Board of Medical Imaging's Practical Experience Evaluation Requirements:¶¶

(a) Chest:¶¶

(A) Required: 1 exam (2 views)¶¶

(B) Total of all views to be completed, including required and elective:-5¶¶

(b) Extremities:¶¶

(A) Required: 11 exams (25 views)¶¶

(B) Total of all views to be completed, including required and elective:-29¶¶

(c) Skull/Sinus:¶¶

(A) Required: 4 exams (11 views)¶¶

(B) Total of all views to be completed, including required and elective:-15¶¶

(d) Spine:¶¶

(A) Required: 3 exams (9 views)¶¶

(B) Total of all views to be completed, including required and elective:-16¶¶

(e) Podiatric:¶¶

(A) Required: 4 exams (9 views)¶¶

(B) Total of all views to be completed, including required and elective:-16¶¶

(5) The clinical experience component must have a designated clinical coordinator who will minimally fulfill the following functions:¶¶

- (a) Complete a clinical experience agreement for each student, formalizing the responsibilities of the school, the student, and the clinical experience site;¶¶
- (b) Provide orientation to students regarding clinical experience requirements and expectations;¶¶
- (c) Placement of students in clinical experience sites, for students who are not already employed at their clinical experience site;¶¶
- (d) Assure proper supervision of temporary permit holders during clinical procedures, in compliance with OBMI statutes and rules; and¶¶
- (e) Assure proper evaluation of practical clinical experience requirements.-¶¶
- (6) A resource library shall be maintained at the program site and the resource materials shall be made available to students.¶¶
- (7) Prior to the first class meeting, Board-approved LXMO permit programs must provide students with clear statements describing the course and program policies. These must include, but are not ~~necessarily~~ limited to information regarding the following:¶¶
  - (a) Student costs including tuition, books, lab fees, LXMO permit examination fees, LXMO permit application and renewal fees;¶¶
  - (b) Tuition refund policies;¶¶
  - (c) How the practical experience requirement will be fulfilled including a clear explanation of the responsibilities to be assumed by the program and the responsibilities that will be assumed by the student;¶¶
  - (d) Employment guarantees, if any;¶¶
  - (e) Course outlines and minimum hourly requirements for each section of the course;¶¶
  - (f) The LXMO permit examination process including applications, deadlines for filing for the examination, and examination fees;¶¶
- (8) Failure by the LXMO permit program sponsor to submit the outline required under this section or to cooperate in the site visit procedure shall constitute grounds for the Board's refusal to approve the program.¶¶
- (9) If the Board's inspection of a LXMO permit program site reveals that corrective action needs to be taken, the Board or its representative will so notify the program director. The program director shall respond in writing to the Board within 20 days of receiving the information. The response shall ~~consist of~~include a description of the corrective action that will be taken.¶¶
- (10) Any LXMO Permit course of instruction, approved by the Board in order to satisfy the Board's requirement for didactic and clinical experience portions of the LXMO Permit course of instruction, shall be made generally available to the public for purposes of enrollment in and completion of the course, unless the Board, for good cause, decides otherwise.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.515

AMEND: 337-010-0033

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0033

Fluoroscopy Permits for Physician Assistants ¶

~~(1) Process to enroll for the fluoroscopy examination: Applicants~~ Physician Assistant (PA), as defined in ORS 677.505 to 677.525, may apply for a Limited Fluoroscopy Permits must submit to the board office a completed OBMI examination application form to enroll the applicant to sit for the fluoroscopy examination offer Permit to Supervise Fluoroscopy provided all of the following are completed in the order listed and time frames indicated by in the American Registry of Radiologic Technologists (ARRT). The examination application must be accompanied by:¶

~~(a) Certification of successful completion is section. A Physician Assistant must:¶~~

(a) Successfully complete and obtain certification of a passing score on the post-test of the didactic component of the latest Board-approved version of the Fluoroscopy Educational Framework (Fluoroscopy Framework) dated December 2009 for the Physician Assistant; a program that was developed through collaboration of the American Academy of Physician Assistants (AAPA) and the American Society of Radiologic Technologists.¶

~~(b) Documentation of full completion of the clinical component of the Fluoroscopy Educational Framework for the Physician Assistant, includ (ASRT); and¶~~

(b) Complete and submit to the OBMI a Board-approved device orientation checklist for each manufacturer and model intended to be used ing the:¶

~~(A) Fluoroscopic device orientation check-off; and¶~~

~~(B) Clinical experience documentation form. While the physician assistant is completing the clinical experience educational component, a permit from OBMI course of practicing fluoroscopy; and¶~~

(c) Document and submit to the OBMI all required clinical experience as outlined in the Fluoroscopy Framework and by adhering to all of the following:¶

(A) A Temporary Permit is not required and the physician assistant to complete Clinical requirements; however, the PA must have the supervisor-evaluator in the room to personally supervise and evaluate the all clinical training.¶

(B) Supervision and evaluation must be provided by either the physician assistant's supervising physician, or by a licensed radiologist, licensed radiographer or medical physicist. Supervision during this clinical component while obtaining clinical experience must be personally provided, (in the room), during all clinical procedures.¶

(ed) Copy of current physician assistant license in good standing from the Oregon Medical Board; the license must indicate active, locum tenens, or military/public health active registration.¶

~~(d) The examination fee, which is \$20 combined with an examination fee set by the ARRT.¶~~

~~(2) Upon submission of the complete application and fee, the OBMI will register the examination applicant with the ARRT.¶~~

~~(3) The applicant can sit for the examination up to three times. An applicant who fails three times to pass the ARRT fe) Apply for, take and pass the American Registry of Radiologic Technologists (ARRT) Fluoroscopy Examination.¶~~

(A) Applicants desiring to sit for the Fluoroscopy eExamination is required to confirm that they have completed the didactic and clinical compone are designated as "applicants" again, in order to re-apply to sit for the examination.¶

(4) Persons whose examination applications and fees are properly submitted to the OBMI are designated as "and must properly submit to the Board applications for examinations and fees in accordance with this rule. Applicants" and are the only persons authorized by the board to submit to submit ARRT examination applications to the bB oard and to sit for the fARRT Fluoroscopy examination. Applicant status expires upon the earlier of whichever of the following occurs first:¶

- (aj) One year from the date of successful completion of the didactic component of the educational fluoroscopy framework, as reflected on the certificate indicating a passing score on the post-test;~~ff~~  
~~(b, or~~ff
- (ii) Immediately upon failure of the third attempt to pass the ARRT fluoroscopy examination within the one-year ~~period~~time-frame, or~~ff~~
- (~~ejii~~) Immediately upon ~~passage of the ARRT~~ fing the ARRT fluoroscopy examination.~~ff~~
- (B) The examination application must be accompanied by a non-refundable processing fee of \$20 plus the examination fee set by the ARRT for each examination application submitted.~~ff~~
- (C) Upon submission of the complete application, which includes completed requirements as specified in this section, the OBMI will register the applicant for the ARRT Fluoroscopy eExamination.~~ff~~  
~~(5 with the ARRT.~~ff
- (D) A passing score is 75%. The applicant may attempt to pass the examination up to three times. An applicant who fails to pass the ARRT Fluoroscopy Examination after the third attempt is required to retake and complete all of the didactic and clinical components before applying to sit for the examination again. A new exam application and associated non-refundable fees must be submitted to the OBMI for each time an applicant wishes to sit for the exam.~~ff~~
- (E) The examination will be administered at computer-based testing sites identified by the ARRT. The applicant is subject to the rules regarding test administration at the testing site.~~ff~~
- (~~6E~~) The application fee for the examination is non-refundable.~~ff~~
- (~~72~~) ~~Fluoroscopy permit. To obta~~To obtain a 2-year Permanent Initial Limited Permit in a fluoroscopy permit, a person must, a PA must submit to the Board and adhere to all of the following:~~ff~~
- (a) Possess a current unexpired physician assistant license in good standing from the Oregon medical board indicating active, locum tenens, or military/public health active registration; and~~ff~~
- (b) ~~Have p~~Provided documentation of successful completion of the didactic and clinical components of the fluoroscopy educational framework developed jointly by the ASRT and the AAPA; and~~ff~~
- (c) Pass the ARRT fluoroscopy examination; and~~ff~~
- (d) Complete and submit a ~~p~~Permit~~anent Initial Limited Permit in fluoroscopy~~ application to the ~~b~~Board of m~~Medical i~~limaging, in the form and manner specified by the ~~b~~Board of m~~Medical i~~limaging; and~~ff~~
- (e) Pay the non-refundable permit fee established by the ~~b~~Board of m~~Medical i~~limaging; and~~ff~~
- (f) Submit to a criminal background check as specified by the ~~b~~Board of m~~Medical i~~limaging.
- Statutory/Other Authority: ORS 688.555
- Statutes/Other Implemented: 2015 HB 2880, ORS 688.510

RULE SUMMARY: Amends rule for clarity and adds a continuing education requirement for renewal of Permit pursuant to ORS 688.505

CHANGES TO RULE:

337-010-0037

Fluoroscopy Supervision Permits for Advanced Practice Registered Nurses

~~(1) Process to enroll for the fluoroscopy examination: An aAn Advanced pPractice rRegistered nNurse (APRN), as defined in ORS 678.025, who is an applicant for a Limited Fluoroscopy Permit must submit to the board office a completed OBMI examination application form to enroll the applicant to sit for the fluoroscopy examination offered by the American Registry of Radiologic Technologists (ARRT). The examination application must be accompanied by:~~

~~(a) Certification of successful completion may apply for a Limited Permit to Supervise Fluoroscopy provided all of the following are completed in the order listed and time frames indicated in this section. An APRN must:~~

~~(a) Successfully complete and obtain certification of a passing score on the post-test of the didactic component of the board-approved version of the Fluoroscopy Educational Framework (Fluoroscopy Framework) dated December 2009 for the Physician Assistant;; a program that was developed through collaboration of the American Academy of Physician Assistants and the American Society of Radiologic Technologists. The bBoard shall waive some or all didactic requirements based upon submission by the applicant of documentation confirming that the applicant has already completed the equivalent of the didactic requirements;~~

~~(b) Documentation of full completion of the clinical component as approved by the board, including:~~

~~(A) the board-approved APRN device orientation checklist; and~~

~~(B) the clinical experience documentation form.~~

~~(C) While the advanced practice registered nurse is completing the clinical experience educational component, a permit from OBMI is not required and outlined in the Fluoroscopy Framework; and~~

~~(b) Complete and submit to the OBMI a Board-approved APRN device orientation checklist for each manufacturer and model intended to be used in the course of fluoroscopy supervision; and~~

~~(c) Document and submit to the OBMI all required clinical experience as outlined in the Fluoroscopy Framework and by adhering to all of the following;~~

~~(A) A Temporary Permit is not required to complete Clinical requirements; however, the advanced practice registered nurse must have the supervisor-evaluator in the room to personally supervise and evaluate all clinical training.~~

~~(B) Supervision and evaluation must be provided by either a physician licensed under ORS Chapter 677 or an advanced practice registered nurse with an active license from the Oregon State Board of Nursing and who holds an active fluoroscopy permit issued in accordance with this rule.~~

~~(C) The bBoard shall waive some or all the clinical experience requirements specified in this paragraph (b) section based upon submission by the applicant of documentation confirming that the applicant has already completed the equivalent of the clinical experience requirements;; and~~

~~(ed) VSubmit verification of active advanced practice licensure with the Oregon State Board of Nursing; and~~

~~(de) A processing fee of \$20 plus the examination fee set by the ARRT for each examination application submitted.~~

~~(2) Upon submission of the complete application, which includes complete elements as specified in paragraphs (1)(a), (1)(b), (1)(c) and (1)(d), except for any elements waived in accordance with this rule, the OBMI will register the applicant for examination with the ARRT. ppply for, take and pass the American Registry of Radiologic Technologists (ARRT) Fluoroscopy Examination.~~

~~(3A) The aApplicant can sit for the examination up to three times. An applicant who fails three times to pass the ARRT fs desiring to sit for the Fluoroscopy eExamination is required to retake and complete the didactic and~~

clinical components again, in order to re-apply to sit for the examination.

(4) Persons whose examination applications and fees are properly submitted in accordance with paragraph (2) to the board are designated as "a are designated as "applicants" and must be Advanced Practice Registered Nurses who properly submit to the Board applications for examinations and fees in accordance with this rule. Applicants" and are the only persons authorized by the board to submit to submit ARRT examination applications to the board and to sit for the ARRT Fluoroscopy examination. Applicant status expires upon the earlier of whichever of the following occurs first:

(ai) One year from the date of successful completion of the didactic component of the educational fluoroscopy framework or Board approved waiver, as reflected on the certificate indicating a passing score on the post-test;

~~(b) or on the date the Board approves the waiver, or~~

(ii) Immediately upon failure of the third attempt to pass the ARRT fluoroscopy examination within the one-year period, or time-frame, or

(iii) Immediately upon passing the ARRT fluoroscopy examination.

(B) The examination application must be accompanied by a non-refundable processing fee of \$20 plus the examination fee set by the ARRT for each examination application submitted.

~~(c) Immediately upon passing~~ Upon submission of the complete application, which includes completed requirements as specified in this section or a Board waiver in accordance with this rule, the OBMI will register the applicant for the ARRT Fluoroscopy Examination with the ARRT.

(D) A passing score is 75%. The applicant may attempt to pass the examination up to three times. An applicant who fails to pass the ARRT Fluoroscopy Examination after the third attempt is required to retake and complete all of the didactic and clinical components before applying to sit for the examination again. A new exam application and associated non-refundable fees must be submitted to the OBMI for each time an applicant wishes to sit for the exam.

(5E) The examination will be administered at computer-based testing sites identified by the ARRT. The applicant is subject to the rules regarding test administration at the testing site.

(6E) The application fee for the examination is non-refundable.

~~(7G) Fluoroscopy permit. To obtain a fluoroscopy permit, a person must~~ The Limited Permit to Supervise Fluoroscopy is not an authorization to operate fluoroscopy equipment.

(2) To obtain a 2-year Permanent Initial Limited Permit to supervise fluoroscopy, an APRN must submit to the Board and adhere to all of the following:

(a) Possess a current unexpired license in advanced practice registered nursing from the Oregon State Board of Nursing; and

(b) Comply with the Board's requirements to sit for the ARRT fluoroscopy examination and have passed the ARRT fluoroscopy examination; and

(c) Complete and submit a permit application to the board of medical iPermanent Initial Limited Permit to supervise fluoroscopy application to the Board of Medical Imaging, in the form and manner specified by the Board; and

(d) Pay the non-refundable permit fee established by the Board of Medical Imaging; and

(e) Submit to a criminal background check as specified by the Board of Medical Imaging.

(3) Permanent Limited Permit to Supervise Fluoroscopy Renewal. Permit holders must renew a Limited Permit and pay all renewal application fees every 2 years in accordance with established Oregon Board of Medical Imaging Birth month renewal OAR 337-020-0015 and including all of the following:

(a) Possess a current unexpired license in advanced practice registered nursing from the Oregon State Board of Nursing; and

(b) Complete and submit a permit application to the Board of Medical Imaging, in the form and manner specified by the Board of Medical iImaging; and

~~(d) Pay the nonrefundable permit fee established by the Board of Medical iImaging; and~~

(d) Complete required Continuing Education (CE) as follows: 4 hours of CE per year or 8 hours for a 2-year renewal. Two of the yearly required 4 hours must be related to radiation use and safety, and two hours must be

related to the clinical use of fluoroscopy; and

(e) Submit to a criminal background check as specified by the ~~b~~Board of ~~m~~Medical ~~i~~Imaging.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: SB 128 (2019), ORS 688.620, ORS 688.505

337-010-0045

Temporary Licensee ¶¶

(1) Temporary Licensee ¶¶

~~(a) Students who have successfully completed, or will successfully complete within six months, an approved school's didactic and clinical programs may apply for a temporary license that will be effective upon completion of the approved school's~~ A temporary license is intended to allow graduates of an approved school to gain additional paid medical imaging experience in the applicable imaging modality before completing required credentialing examinations. ¶¶

~~(b) Students may apply for a temporary license under the following conditions: ¶¶~~

~~(A) Students that have successfully completed an approved school's didactic and clinical program-s; or ¶¶~~

~~(bB) A temporary license is intended to allow graduates of an approved school to gain additional paid medical imaging experience in the applicable imaging modality before completing required credentialing examinations. Students that will successfully complete an approved school's didactic and clinical programs within 6 months and will be effective upon completion of the approved school's program; or ¶¶~~

~~(cC) W~~ Students with an endorsement to OBMI from the medical imaging program director at a student's school, indicating that the student is in good standing and is in the process of meeting educational requirements for graduation on a date-specified date, and that the student is competent to work under supervision. In this case, a temporary license may be issued which will be valid for up to five months prior to the specified course completion date. ¶¶

~~(dC) A temporary license is valid for 6 months and may be renewed for a single six-month renewal period upon Board approval. ¶¶~~

~~(ed) A temporary licensee must apply to the Board for a Permanent medical imaging license within 30 days of being awarded a credential in a medical imaging modality by a recognized credentialing organization. ¶¶~~

~~(fe) If a temporary licensee is also licensed by the Board in another medical imaging modality, the restrictions of this subsection shall only apply when the individual is functioning as a temporary licensee. ¶¶~~

(2) Temporary Licensee Supervision. A temporary licensee may only operate the applicable medical imaging modality under the indirect supervision of a licensed physician, or an individual licensed by the Board and credentialed by a credentialing organization in the medical imaging modality identified on the temporary license. For purposes of this subsection, indirect supervision means that the supervisor is physically present in the building and available to assist the temporary licensee as needed. ¶¶

(3) Temporary License to add modality through post-primary pathway: ¶¶

~~(a) The an imaging modality to a current license. ¶¶~~

(a) The temporary post-primary license (TPPL) is intended for current licensees who are desiring to complete clinical requirements necessary to add a different licensure modality to their current license become credentialed in an additional and different modality. In order for a licensee to acquire the clinical experience, a temporary post-primary license in the desired modality must be acquired from the OBMI. Supervision must be provided by a physician or technologist fully licensed to practice in the same modality as the modality listed on the temporary post-primary license. All practice completed under the post-primary license TPPL must be specific to the modality on the post-primary temporary license TPPL and must be applicable to the temporary post-primary licensee's clinical requirements for the licensure modality being desiring to be added. ¶¶

~~(b) A post-primary tempo~~ temporary post-primary license is valid for six months and may be renewed for a single six-month period upon Board approval. In addition, the temporary license issued under this subsection may be permitted to have extended license renewals for up to two additional six-month periods based upon a showing of

good cause, upon application for each six-month extension renewal, demonstrating that the credentialing registry's clinical requirements cannot be completed within the prescribed timeframe due to limitations of the clinical practice site. ~~Provisional licensees may apply and receive a temporary post-provisional license in the same modality for which they were issued a provisional license.~~¶

(c) Levels of supervision for ~~post-primary tempor~~temporary post-primary license: For purposes of this subdivision, ~~post-primary tempor~~temporary post-primary licensees must receive direct supervision for at least the initial six months of the temporary license duration, with indirect supervision for the remaining period of temporary licensure. For purposes of this subdivision, direct supervision means that the supervisor is physically present with the temporary licensee and patient. Indirect supervision has the same meaning as Paragraph (2).¶

(d) Application process: ~~As part of the application for a post-primary tempor~~The following conditions must be met in order to obtain a temporary post-primary license, t.¶

(A) The applicant must provide documentation that the applicant has completed a minimum of 16 hours of category "A" content-related education. The Board may require confirmation of clinical supervision and clinical practice site, and may limit the ~~post-primary tempor~~temporary post-primary licensee to one or more specific practice sites.¶

(B) The Board may require confirmation that the applicant is eligible for credentialing in the new modality, if the relevant clinical experience requirements are met, and may deny an application based upon a lack of evidence of eligibility.¶

(e) Educational Plan: The supervising institution shall provide an outline of the training provided to each licensee under this subsection. The outline must be individualized for each licensee and must identify authorized institutional personnel who will supervise the licensee. This outline must be submitted with the application. ~~As part of the application process, t~~The Board may consult with the institution and may require revisions to the educational plan.¶

(4) Temporary Computed Tomography (CT) License: Technologists with active OBMI licensure in radiography, radiation therapy or nuclear medicine who are in the process of obtaining CT experience in order to sit for a CT credentialing examination shall first obtain a temporary license from the Board while they perform their required CT competencies under this section. Competencies shall be performed under supervision of a licensed physician or credentialed CT technologist who ~~is at least~~ physically present in the building and available to assist the temporary licensee as needed. The Board may require documentation or confirmation of supervision and that a technologist who has a temporary license under this paragraph or who is applying for a temporary license under this paragraph is in the process of obtaining a CT credential under this paragraph, and may deny an application for a temporary license based upon the Board's determination that an applicant is not working toward a CT credential, does not have a realistic possibility of earning the CT credential, or that the applicant does not have the required supervision. As a condition of holding a temporary CT license, the board may require temporary CT license holders to file periodic reports with the board, including information the board seeks to determine progress toward completing clinical requirements. ¶

(a) Education prerequisite: As part of the application for a temporary CT license, the applicant must provide documentation of a minimum of eight (8) hours of Category "A" didactic education in CT and eight (8) hours of Category "A" didactic training in cross sectional anatomy. These hours must have been earned within the 24-month period directly preceding submission of the application.¶

(b) Duration of temporary CT license: A temporary CT license is valid for six months and may be renewed for a single six-month period upon Board approval. In addition, the temporary license issued under this subsection may be permitted to have extended ~~license~~ renewals for up to two additional six-month periods based upon information the applicant provides to support the request for an extension. ~~The b~~Board may make a ruling on the application for extended extension for temporary CT licensure for CT based upon factors including, but not limited to a review and evaluation of information submitted by the applicant, which must ~~minimally~~ include:¶

(A) Documentation that the credentialing registry's clinical requirements cannot be completed within the prescribed timeframe due to limitations of the applicant's clinical practice site; and¶

(B) The applicant's written plan regarding how the applicant expects to meet the prerequisites to sit for the

registry exam, including information to confirm how many prerequisites have already been completed and will be eligible for inclusion as registry prerequisites. ¶

(5) The ~~h~~Board, at its discretion and upon a showing of good cause, upon written request submitted to the Board, may extend specific deadlines established in this section to a later specified date, based upon a demonstration of compelling circumstances by the individual making the request for an extension. The Board may grant an extension that is based upon factors including but not limited to pregnancy, military service, or disability. This provision only applies to time limitations established by the ~~h~~Board, and cannot be applicable to time limitations governed by entities other than the board or that are otherwise governed by statute. The extension may be provided through authorization for an additional temporary license for a period of time specified by the ~~h~~Board.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: ORS 688.520(7)

AMEND: 337-010-0080

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-010-0080

Processing of Applications **II**

Applications for licensure under the auspices of the Board will be processed in the order received ~~in~~by the Board office. Paper documents will be date-stamped. Electronic documents will be dated and timed, to the extent possible by existing technology.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.445(1)

AMEND: 337-020-0015

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-020-0015

Timely Renewal of Medical Imaging Permanent Licenses and Permits ~~~Permanent~~ ¶

- (1) Before the expiration date of a license or permit, the Board ~~will, as a courtesy, may~~ mail or email notice for renewal of license or permit to the ~~last address~~ current contact information on file ~~in~~ with the Board's records to every person holding a current license or permit.¶
- (2) An applicant for renewal of a license or permit must accurately complete the renewal form and pay the applicable ~~licensing~~ non-refundable fees.¶
- (3) An ~~OBMI~~ license or permit ~~renewal application must be received by OBMI 30 days before a~~ expires biennially on the first day of the birth month of the licensee or permit expiresholder.¶
- (4) An ~~OBMI~~ license or permit ~~expires biennially~~ renewal application must be postmarked or electronically on the first day of received at the OBMI office on or before the birth monthst day of the licensee renewal month.¶
- (5) No person is allowed to practice after a license or permit expires.¶
- (6) No applicant for initial or renewal licensure may practice medical imaging until ~~s/he~~ the applicant has received a certificate of licensure, either a license or a permit, from the Board, or until the applicant can verify the approved license or permit electronically on the OBMI website.¶
- (7) No person who has allowed ~~his or her~~ a license or permit to expire may practice medical imaging until ~~s/he~~ each person has renewed or reinstated a license or permit and has received a certificate of licensure from the Board or until the applicant can verify the approved license or permit electronically on the OBMI website.¶

[ED. NOTE: Forms referenced are available from the agency.]

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.445(5), 688.515(4)

AMEND: 337-020-0040

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-020-0040

Requirements for Prorating of Fees II

License and permit renewal fees will be prorated only if the applicant can demonstrate to the Board that ~~(s)he~~the  
applicant did not practice medical imaging in Oregon during the time the license or permit was expired.

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

Statutes/Other Implemented:

AMEND: 337-021-0020

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-021-0020

Fee for a Delinquent Renewal ¶

An additional \$25 delinquent fee must accompany license or permit renewals not postmarked ~~by the last day of the month that the license or permit expires~~ or electronically received at the OBMI office on or before the first day of the renewal month.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.445(4), 688.515(4)

AMEND: 337-021-0055

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-021-0055

FBI Fingerprint Background Check ¶

~~¶~~ The fingerprinting – \$52 fee is determined by the current Oregon State Police fingerprinting fees.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: ORS 688.557, 688.560(5)

AMEND: 337-021-0070

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-021-0070

Application Fees Non-Refundable ¶

~~The application fee for an initial~~All fees associated with obtaining and maintaining a license or initial permit or  
~~Permit Examination application fee is non-~~permit are nonrefundable.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.455, 688.515(3)

AMEND: 337-021-0073

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-021-0073

Renewal Surcharge for Workforce Data Questionnaire ¶

With each renewal, the ~~h~~Board may assess the surcharge established by the Oregon Health Authority pursuant to ORS 676.410, for the workforce data questionnaire ~~that license renewal applicants~~. License and permit renewal applicants must complete the workforce data questionnaire.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.425, 676.410(7)

ADOPT: 337-021-0075

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Creates a rule to enable the Board to assess a fee for supplying public records.

CHANGES TO RULE:

337-021-0075

Fees for Public Records

(1) When determining fees associated with the processing of requests for public records, the Board office will follow the statewide standardized fee-structure policy number 107-001-030 maintained by the Department of Administrative Services and adopted on Feb. 15, 2017.¶

(2) Notwithstanding section (1), the Board adopts the following for determining fees generated by providing paper or electronic copies to requestors:¶

(a) The 2017-2019 Oregon state printing and distribution price list.¶

(b) The March 31, 2020, Oregon statewide price agreement with Office Depot.¶

(c) Actual cost for delivery of records such as postage and courier fees.¶

(3) All requests for copies of public records pertaining to the Board, or any program it administers, shall be submitted in writing, electronic mail, or by completion of an electronic form provided by the Board office. Requests are subject to disclosure according to the Public Records Law, ORS 192.410 to 192.505, and rules adopted thereunder.¶

(4) All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.¶

(5) Charges to the general public shall be payable in cashier's check or money order. Payment by personal check for copies of official documents is not accepted.¶

(6) "Page" refers to the number of copies produced. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy will be charged as two single pages.¶

(7) Charges for regular Board publications and media requests, such as computer disks, video cassettes, audio tapes or other types of public record formats, shall be available upon request.¶

(8) When mailing records or responding to special requests, the Board shall charge for staff time required to prepare the records for mailing, in addition to actual postage.¶

(9) The Board shall charge for staff time required to fill public record requests that require electronic reproduction. Charges include time spent locating, downloading, formatting, copying and transferring records to media. Charges for reproduction media are available upon request.¶

(10) Due to the threat of computer viruses, the Board office will not permit individuals to provide diskettes or other technology for electronic reproduction of computer records.¶

(11) Persons may obtain a printed copy of rules or related documents upon written request and payment of fees as specified in OAR 331-010-0030.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: ORS 688.560(4)

AMEND: 337-021-0080

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends the rule for clarity

CHANGES TO RULE:

337-021-0080

Refunds 1

When the ~~b~~Board determines that ~~moneys have been received in excess of the amount~~ a licensee or permit holder has overpaid fees legally due in ~~an~~ the amount of \$25 or less, the ~~b~~Board will refund the overpaid amount upon receipt of a written request from the person ~~who paid the money~~ or the legal representative of that person who paid the fee.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 293.445(4)

AMEND: 337-030-0002

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

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 ~~more~~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 ~~in the practice of medical imaging technology~~, impeding or obstructing the proper making and filing of reports or records, or ~~willfully~~ failing to file the proper report or record; ~~or¶~~
- ~~(3) Disclosure of 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 ~~radiologic technology~~medical imaging; or¶
- (6) Engaging in sexual harassment or misconduct in the practice of medical imaging or otherwise. "Sexual Harassment" ~~is defined as deliberate or repeated~~ or misconduct includes but is not limited to: comments or gestures of a sexual nature or touching of ~~the sexual or other intimate parts 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 ~~by the Board or a Temporary Peer Review Committee;~~ 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

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

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 due to nonpayment of fees: \$100 per month;¶¶
- (b) Practicing medical imaging without a current Oregon license or permit, not related to nonpayment of fees - \$500 per month;¶¶
- (c) Unprofessional conduct by a licensee or permittee - \$1,000;¶¶
- (d) 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;¶¶
- (e) Gross negligence in the practice of medical imaging, \$1,000;¶¶
- (f) Employing an individual to practice medical imaging when the individual does not have a current, valid Oregon license or permit: \$500 per day;¶¶
- (g) Making a false statement to the Board, \$500;¶¶
- (h) Practicing medical imaging outside the scope for which the license or permit is issued, \$500;¶¶
- (i) Obtaining or attempting to obtain a license or permit or a renewal of a license or permit by false representation, \$500;¶¶
- (j) Purporting to be a licensee or permittee holder when the person does not hold a valid license or permit, \$1,000;¶¶
- (k) Practice medical imaging under a false or assumed name, \$500;¶¶
- (l) Conviction of a crime where such crime bears a demonstrable relationship to the practice of medical imaging, \$1,000;¶¶
- (m) Has undertaken to act as a medical imaging licensee ~~independently of the supervision of a practitioner licensed by the State of Oregon to practice one of the healing arts~~ or as a LXMO without the required supervision under ORS chapter 688, \$1,000.¶¶
- (n) Employing or allowing an individual to practice medical imaging outside the scope of the license or permit, \$1,000;¶¶
- (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

AMEND: 337-030-0015

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-030-0015

#### Aggravation and Mitigation ¶¶

After misconduct has been established, aggravating and mitigating circumstances may be considered in ~~deciding~~  
~~what the decision of any sanction to be imposed.~~ ¶¶

(1) Aggravation or aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed. Mitigation or mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. ¶¶

(2) Factors which may be considered as aggravating factors include: ¶¶

(a) Prior disciplinary offenses; ¶¶

(b) A pattern of misconduct; ¶¶

(c) Multiple offenses; ¶¶

(d) Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; ¶¶

(e) Submission of false evidence, false statement, or other deceptive practices during the disciplinary process; ¶¶

(f) Refusal to acknowledge wrongful nature of conduct. ¶¶

(3) Factors which may be considered mitigating factors include: ¶¶

(a) Absence of a prior disciplinary record; ¶¶

(b) Timely good faith effort to make restitution or to rectify consequences of misconduct; ¶¶

(c) Full and free disclosure to disciplinary board or cooperative attitude toward proceeding; ¶¶

(d) Physical or mental disability or impairment; ¶¶

(e) Interim rehabilitation; ¶¶

(f) Imposition of other penalties or sanctions; ¶¶

(g) For persons who practice medical imaging without ever having had a license from the board, in violation of OAR 337-010-0010(3)(b): if they have ever held a relevant license in another state or have ever held a relevant and recognized imaging registry credential.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: ORS 688.415(1), ORS 688.525

AMEND: 337-030-0025

NOTICE FILED DATE: 05/14/2020

RULE SUMMARY: Amends rule for clarity

CHANGES TO RULE:

337-030-0025

Hearing Request and Answers: Consequences of Failure to Answer ¶

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or ~~the party's~~ the party's attorney and an answer shall include the following:¶

(a) An admission or denial of each factual matter alleged in the notice;¶

(b) A short and plain statement of each relevant affirmative defense the party may have.¶

(2) Except for good cause:¶

(a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;¶

(b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;¶

(c) New matters ~~alleged in the answer or (affirmative defenses)~~ alleged in the answer shall be presumed to be denied by the agency; and¶

(d) Evidence shall not be taken on any issue not raised in the notice and answer.

Statutory/Other Authority: ORS 688

Statutes/Other Implemented: