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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 337
BOARD OF MEDICAL IMAGING

FILED

04/29/2024 3:02 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Defines RPS and clarifies Supervision

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/25/2024 2:00 PM

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

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Filed By:
Stacy Katler
Rules Coordinator

HEARING(S)

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

DATE: 07/25/2024

TIME: 1:00 PM - 2:00 PM

OFFICER: Stacy L Katler

REMOTE HEARING DETAILS

PHONE NUMBER: 971-673-0216

SPECIAL INSTRUCTIONS:

ZOOM INSTRUCTIONS ON WEBSITE

NEED FOR THE RULE(S)

Clarification of LXMO supervision and definition of RPS

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Current ORS/ OAR

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

There is no impact on racial equity for these changes.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact anticipated for these changes.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

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

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

Small Businesses are not involved with these rule changes.

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

minor clarification and definition changes

RULES PROPOSED:

337-010-0006, 337-010-0026, 337-010-0030

AMEND: 337-010-0006

RULE SUMMARY: acronym RPS is being used in rules

CHANGES TO RULE:

337-010-0006

Definitions ¶¶

For purposes of ORS 688.405 to 688.620; 688.915 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, the handling of the ionizing radiation equipment and workplace conduct.¶¶

(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.¶¶

(4) "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.¶¶

(5) "Board" means Board of Medical Imaging.¶¶

(6) "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 who holds a current and valid license by the board and who is credentialed by a board approved credentialing organization in the medical imaging modality being studied by a student.¶¶

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

(8) "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.¶¶

(9) "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.¶¶

(10) "Direct supervision" means that the supervisor is physically present in the building and immediately available to furnish assistance as needed.¶¶

(11) "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.¶
- (12) "Fluoroscopy" means a technique for generating X-ray images and for presenting the X-ray images simultaneously and continuously as a visible image.¶
- (13) "General supervision" means that the supervisor is not required to be on-site, but must be available for direct communication, either in person, by telephone, or other electronic means.¶
- (14) "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.¶
- (15) "Hybrid imaging or radiation therapy equipment" means equipment that combines more than one medical imaging modality into a single device.¶
- (16) "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.¶
- (17) "License" means a license issued by the Board to practice one or more of the medical imaging modalities.¶
- (18) "Licensed nurse practitioner" means a nurse practitioner licensed in Oregon.¶
- (19) "Licensed physician" means a physician or surgeon licensed in Oregon as defined by the Oregon Medical Board. ¶
- (20) "Licensed physician assistant" means a physician assistant licensed in Oregon.¶
- (21) "Licensed Advanced Practice Registered Nurse" means an advanced practice registered nurse licensed in Oregon.¶
- (22) "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.¶
- (23) "Limited X-ray machine operator course of study" means a 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.¶
- (24) "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.¶
- (25) "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.¶
- (26) "Medical imaging" means the use of specialized equipment to produce 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.¶
- (27) "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.¶
- (28) "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.¶
- (29) "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.¶
- (30) "Personal supervision" means that the supervisor is always physically present in the room during the performance of the procedure.¶
- (31) "Physician Assistant" means a person who is licensed in accordance with ORS 677.505 to 677.525.¶
- (32) "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.¶
- (33) "Radiography" means the use of ionizing radiation to produce radiographic, fluoroscopic or digital images of human anatomy for diagnostic purposes.¶
- (34) "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.¶

(35) "RPS" means Oregon Health Authority, Public Health Division, Oregon Radiation Protection Services.¶

(36) "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.¶

(367) "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.¶

(378) "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.¶

(389) "Waiver" means that the Board may prescribe terms for a licensure 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.

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

Statutes/Other Implemented: ORS 688.415 - 688.605, 688.915

AMEND: 337-010-0026

RULE SUMMARY: clarifies supervision

CHANGES TO RULE:

337-010-0026

Permit Renewal ¶¶

- (1) Permit holders must submit evidence of continuing education (CE) on an application for permit renewal. ¶¶
- (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 or 24 hours for a 2-year renewal.¶¶
- (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 those two years the Board may require permit holders to produce those documents for purposes of an audit by the Board.¶¶
- (4) Permit holders must provide current verification of supervision upon renewal. Supervision must be provided by a licensed physician, licensed nurse practitioner, licensed physician assistant. Direct Supervision is required (Direct supervision means that the supervisor is physically present in the building and immediately available to furnish assistance as needed.).¶¶
- (5) Continuing Education Activities shall be directly appropriate to the anatomical areas practiced by the permit holder and include: independent or directed reading of professional and scientific journals and newsletters; video or audio education with an associated post-test; attendance to educational portions of professional organizations meetings; symposia, workshops, lectures, refresher courses, correspondence courses, or other Board accepted CE; in-service education.¶¶
- (~~a~~6) For LXMO permit holders, a minimum of one hour of 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.¶¶
- (~~5~~7) 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 requirements to obtain an initial permanent LXMO permit under OAR 337-010-0030.

Statutory/Other Authority: ORS 688.555(1)

Statutes/Other Implemented: ORS 688.445, 688.505

AMEND: 337-010-0030

RULE SUMMARY: clarifies supervision

CHANGES TO RULE:

337-010-0030

Limited X-Ray Machine Operator (LXMO) Permits ¶¶

- (1) Applicants are required to complete multiple steps to obtain a Permanent LXMO Permit. An applicant for an Initial Permanent LXMO permit must provide evidence of and complete all of the following within a 12-month period starting with the date on the course completion certificate from course of study that is approved by the Board and ending with the date of the Initial Permanent LXMO application:¶¶
- (a) An applicant for a LXMO permit must be at least 18 years of age; and¶¶
 - (b) Pay a non-refundable application fee; and¶¶
 - (c) Successfully attend, pass and obtain a signed course completion certificate from a course of study that: is approved by the Board; taught by a board-approved instructor; includes Core module and at least one didactic portion of a Radiographic Procedure Module (anatomic areas in: Skull/Sinus, Spine, Chest, Extremities, and/or Podiatric); includes a course of instruction in laboratory practice approved by Board; includes all subjects outlined in the Board's "Limited X-Ray Machine Operator (LXMO) Instruction Manual" dated October 2023 which is incorporated by reference and made a part of this rule. "Limited X-Ray Machine Operator (LXMO) Instruction Manual" dated October 2023 is found on the OBMI website: <https://www.oregon.gov/obmi/Documents/LXMO-Instruction-Manual-current.pdf>; and¶¶
 - (d) Provided an applicant has a valid course completion certificate as described in this rule, apply through OBMI, take, and pass with a score of at least 70 percent, the American Registry of Radiologic Technologists (ARRT) Limited Scope Examination in Diagnostic Radiologic Technology in CORE module. A passing score in CORE module is required to apply for a Temporary Initial LXMO Permit; and¶¶
 - (A) Apply through OBMI, take, and pass with a score of at least 70 percent, the ARRT Limited Scope Examination in Diagnostic Radiologic Technology Radiographic Procedure Module(s) in which the applicant passed in an approved course of study and wishes to include on the Permanent LXMO Permit¶¶
 - (B) A person is allowed three attempts to pass an individual section of the ARRT exam during the 12-month time frame. Upon failure of the three attempts for CORE Module, all course work must be repeated, and a new course completion certificate is required for Core module and all Radiographic Procedure Module(s) regardless of a previous passing score for any individual Radiographic Procedure Module(s); and¶¶
 - (e)(A) Provided an applicant has passed the ARRT examination in at least CORE Module, apply for and obtain a Temporary Initial LXMO Permit through OBMI. A Temporary Permit will only be issued for anatomic areas that the applicant successfully completed from an approved course of study, as reflected on the course completion certificate. A person cannot perform a radiographic procedure on a patient without a LXMO Permit. With a temporary LXMO Permit, a person may only perform a radiographic procedure on the anatomic area(s) for which the Temporary LXMO Permit is valid;¶¶
 - (B) A Temporary Initial LXMO Permit holder may apply to renew a Temporary LXMO Permit in an anatomic area in order to have additional time to complete the practical experience requirements. A temporary LXMO permit may be renewed one time and can extend no longer than the 12-month time frame outlined in this rule, starting with the date on the course completion certificate from a course of study that is approved by the Board; and¶¶
 - (C) Temporary Permit holders must provide current verification of supervision for the duration of a temporary permit. Supervision must be provided by: licensed physician, licensed nurse practitioner or a licensed physician assistant with adequate training in radiography in accordance with RPS rules. Personal Supervision is required (Personal supervision means that the supervisor is always physically present in the room during the performance of the procedure.); and¶¶
 - (f) Provided the applicant holds a valid temporary LXMO Permit, obtain an instructor's certification that the applicant has demonstrated all the positions, projections and requirements as described in the "Limited X-Ray Machine Operator (LXMO) Instruction Manual" dated October 2023 for each category; and¶¶
 - (g)(A) Provided an applicant has completed the above requirements, apply for Permanent Initial LXMO Permit through OBMI¶¶
 - (B) A Permanent LXMO Permit will only be issued to applicants who have passed the ARRT CORE module exam, at least one Radiographic Procedure Module anatomic area and completed all required clinical experience. With a LXMO Permit, a person may only perform a radiographic procedure on the anatomic area(s) for which the LXMO Permit is valid¶¶
- (2) In the event that a person is unable to complete all requirements to obtain a Permanent LXMO Permit in the 12 months' time frame, a person must retake the Core Module and didactic portions of the Radiographic Procedure

Module as described in this rule and obtain a new course completion certificate.¶

(3) A Permanent LXMO Permit holder may add an anatomical area to their existing Permit by obtaining a course completion certificate from a course of study that is approved by the Board as described in this rule and apply to OBMI for a temporary LXMO permit to complete practical experience requirements in that anatomic area. The applicant can only work on live patients in the desired anatomic area if the applicant has a Temporary LXMO Permit in the desired anatomic area. The applicant has one year from the date on the course completion certificate to complete practical experience requirements as specified in this rule for that specific anatomic area, pass the ARRT examination for that anatomic area, and notify OBMI to add the anatomic area to their existing Permanent LXMO Permit. The applicant is eligible for one six-month Temporary LXMO Permit, which may be renewed one time and can extend no longer than 12 months from the date on the course completion certificate. A permanent limited permit holder does not need to pass the CORE module exam to attempt to add an anatomic area.¶

(4) The Board, at its discretion and upon a showing of good cause, upon written request, may extend specific deadlines established in this rule 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 board, and cannot be applicable to time limitations governed by entities other than the Board or that are otherwise governed by statute.¶

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

(a) The ARRT examination fees and procedures to apply are set by ARRT; and ¶

(b) A \$20 additional fee is required for each examination module for which the applicant is tested; and¶

(c) All fees, along with the required certifications and verifications that the applicant has completed Board-approved Core Module course and Radiographic Procedure Module courses, must be submitted to the Board. Upon submission and acceptance of the application materials, OBMI shall begin the ARRT exam registration for the applicant; and ¶

(d) The examination shall consist of sections as described in the "Limited X-Ray Machine Operator (LXMO) Instruction Manual" dated October 2023; and¶

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

(f) All application fees are non-refundable.¶

(6) Application for a permanent Bone Densitometry Limited Permit. ¶

(a) Applicants are required to complete multiple steps to obtain a Bone Densitometry Limited Permit. An applicant for a Bone Densitometry Limited Permit must provide evidence of and complete all of the following within a 12-month period starting with the date on the course completion certificate from a course of study that is approved by the Board and ending with the date of the Bone Densitometry Limited Permit application:¶

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

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

(d) Successfully attend and pass a course of study that is approved by the Board and obtain a signed course completion certificate that meets the didactic and practical experience requirements stated in the Board's publication "Bone Densitometry Instruction Manual" dated October 2023 which is incorporated by reference and made a part of this rule and is found on the OBMI website: <https://www.oregon.gov/obmi/Documents/Bone-Densitometry-Instructor-manual-current.pdf>; and¶

(e)(A) Provided an applicant has a valid course completion certificate as described in this rule, apply through OBMI, take, and pass with a score of at least 70 percent, the ARRT Bone Densitometry Equipment Operators Examination ¶

(B) A person is allowed three attempts to pass the ARRT Bone Densitometry Equipment Operators Examination during the 12-month time frame. Upon failure of the three attempts, all course work must be repeated, and a new course completion certificate is required; and¶

(f) Provided an applicant has passed the ARRT Bone Densitometry Equipment Operators Examination, apply for a Permanent Bone Densitometry Limited Permit. ¶

(g) In the event that a person is unable to complete all requirements to obtain a Bone Densitometry Limited Permit in the 12 months' time frame, a person must repeat all course work and obtain a new course completion certificate.¶

(h) Every person who performs bone densitometry procedures must have 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.¶

(i) Permit holders must provide current verification of supervision upon renewal. Supervision must be provided by a licensed physician, licensed nurse practitioner or licensed physician assistant. Direct Supervision is required (Direct supervision means that the supervisor is physically present in the building and immediately available to furnish assistance as needed.).¶

(7) The Board, at its discretion and upon a showing of good cause, upon written request, may extend specific deadlines established in this rule 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 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 Board.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: ORS 688.515