

House Bill 2880

Sponsored by COMMITTEE ON HEALTH CARE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies that physician assistant may not practice fluoroscopy on person unless physician assistant holds certificate issued by Board of Medical Imaging authorizing such practice. Establishes criteria for certification and practice. Directs board to certify physician assistants who meet certification criteria.

Becomes operative August 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to radiography; creating new provisions; amending ORS 688.915; and declaring an emer-
3 gency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 688.405 to**
6 **688.605.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **"Fluoroscopy" means the use of a continuous beam of X-rays to create an image of**
9 **the movement of internal structures.**

10 (b) **"Physician assistant" means a physician assistant licensed under ORS 677.505 to**
11 **677.525.**

12 (c) **"Supervising physician" means a physician licensed under ORS chapter 677 who has**
13 **entered into a practice agreement with a physician assistant as described in ORS 677.510.**

14 (2) **Except as provided in subsection (7) of this section, a physician assistant may not**
15 **practice fluoroscopy on a person unless the physician assistant:**

16 (a) **Holds an active certificate issued by the Board of Medical Imaging under this section;**

17 (b) **Operates fluoroscopic X-ray equipment in compliance with this section and rules**
18 **adopted by the board under this section; and**

19 (c) **Fluoroscopy is among the medical duties delegated to the physician assistant pursu-**
20 **ant to a practice agreement described in ORS 677.510.**

21 (3) **The board shall issue a certificate to practice fluoroscopy to a physician assistant**
22 **who:**

23 (a) **Completes a fluoroscopy education program approved by the board;**

24 (b) **Submits an examination application to the board in a form and manner prescribed by**
25 **the board;**

26 (c) **Pays an examination fee established by the board by rule;**

27 (d) **Passes an examination on fluoroscopy approved by the board;**

28 (e) **Submits a certificate application to the board in a form and manner prescribed by the**
29 **board;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (f) Pays a certificate application fee established by the board by rule; and

2 (g) Meets the standards of ethical and professional conduct established by a credentialing
3 organization or professional society related to the practice of medical imaging.

4 (4) The board shall renew the certificate to practice fluoroscopy of a physician assistant
5 who:

6 (a) Submits a renewal application to the board in a form and manner prescribed by the
7 board;

8 (b) Pays a renewal fee established by the board by rule; and

9 (c) Completes continuing education requirements approved by the board.

10 (5) A supervising physician may delegate fluoroscopy procedures only to a physician as-
11 sistant who holds a certificate issued pursuant to this section.

12 (6)(a) A physician assistant who holds a certificate issued pursuant to this section may
13 practice fluoroscopy only as authorized by this section.

14 (b) A physician assistant may practice fluoroscopy only if:

15 (A) The supervising physician with whom the physician assistant has entered into a
16 practice agreement is in the room where the fluoroscopic procedure is taking place at the
17 time that the procedure is taking place; or

18 (B) The supervising physician with whom the physician assistant has entered into a
19 practice agreement is readily available at the time that the fluoroscopic procedure is taking
20 place and a medical imaging licensee who specializes in the medical imaging modality of
21 radiography is in the room where the procedure is taking place at the time that the proce-
22 dure is taking place.

23 (c) The board may adopt by rule an exception to the requirements of paragraph (b) of this
24 subsection if the board determines that the exception does not create a risk of harm to the
25 public health and safety.

26 (7) A physician assistant may practice fluoroscopy before being issued a certificate under
27 this section for the purpose of completing a fluoroscopy training program. A physician as-
28 sistant must be supervised, as determined by the board by rule, when practicing fluoroscopy
29 under this subsection.

30 (8) Subject to the provisions of ORS chapter 183, the board may refuse to issue or renew
31 a certificate under this section or may suspend or revoke a certificate under this section if
32 the applicant or certificate holder violates a provision of this section or any rule adopted by
33 the board under this section.

34 **SECTION 3.** ORS 688.915 is amended to read:

35 688.915. (1) In addition to any other sanction authorized by law, the Board of Medical Imaging
36 may impose a civil penalty not to exceed \$1,000 per occurrence for any violation of ORS 688.405 to
37 688.605, or of any rules adopted under those provisions. The penalty may be imposed whether or not
38 the person incurring the penalty has been licensed or been issued a permit **or certificate** under ORS
39 688.405 to 688.605, or has made application for a license [*or*], permit **or certificate** under those
40 sections. A civil penalty may be imposed in lieu of a refusal to grant or renew a license [*or*], permit
41 **or certificate**, or a suspension or revocation of a license [*or*], permit **or certificate**, under ORS
42 688.525 **or section 2 of this 2015 Act.**

43 (2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

44 (3) All penalties recovered under this section shall be credited to the Board of Medical Imaging
45 Account established under ORS 688.585.

1 **SECTION 4.** (1) Section 2 of this 2015 Act and the amendments to ORS 688.915 by section
2 3 of this 2015 Act become operative on August 1, 2016.

3 (2) The Board of Medical Imaging may take any action necessary before the operative
4 date specified in subsection (1) of this section that is necessary to enable the board to exer-
5 cise, on and after the operative date specified in subsection (1) of this section, all the duties,
6 functions and powers conferred on the board by section 2 of this 2015 Act and the amend-
7 ments to ORS 688.915 by section 3 of this 2015 Act.

8 **SECTION 5.** This 2015 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
10 on its passage.

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