



Oregon

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Agency Concept Number: 833426-002

LC Number: 477

Agency: Oregon Board of Medical Imaging

Division: OBMI

Concept Subject or Title: Expand Board's grounds to take disciplinary action

LC 477

By the Oregon Board of Medical Imaging (OBMI)

PROBLEM TO BE SOLVED:

1. OBMI's current law states that the Board may refuse to issue a license or permit to any applicant, may refuse to renew the license of any medical imaging licensee or the permit of a limited X-ray machine operator or may suspend or revoke the license or permit of a person for specified circumstances or situations. The statute does not provide for the board to impose probation or issue a letter of reprimand under the current grounds for discipline. The way the law is currently written, the board is unable to statutorily impose probation or issue a letter of reprimand for the specified circumstances or situations. Other health licensing boards have statutory language that provides for the board to impose probation or issue a letter of reprimand. The Board's concern is that current law does not give the board latitude to utilize mitigating or aggravating circumstances to adjust for imposing discipline by using probation or reprimand letters and that limitation disables the board's ability to fully discipline licensees. For example, a violation causing grounds for discipline may most appropriately be adjudicated by suspension rather than revocation while other violations may be served best with a letter of reprimand rather than a refusal for renewal.

2. OBMI's current law states that the Board may refuse to renew the license of any medical imaging licensee or the permit of a limited X-ray machine operator or may suspend or revoke the license or permit of a person for specified circumstances or situations. The statute does not provide for the board to consider any other reason that renders the applicant, licensee or permittee unfit to perform the duties required of licensees or permittees. The way the law is currently written, the board is unable to statutorily consider any other reason that renders the applicant, licensee or permittee unfit to perform the duties required of licensees or permittees. Other health licensing boards have statutory language that provides for the consideration of reasons other than listed in the statute that may render the applicant, licensee or permittee unfit to perform the duties required of licensees or permittees. The Board's concern is that current law does not give the board latitude to consider other reasons and that limitation disables the board's ability to fully discipline licensees. For example, conduct that occurs outside the practice of medical imaging such as harassment of co-workers not occurring near patients, may be considered by the Board an action that renders the licensee or permittee unfit to perform duties required by licensees or permittees.

HOW THIS LEGISLATION ADDRESSES THE PROBLEM:

This legislative concept would provide law to allow the board to have more options when considering imposing discipline, expand the circumstances that constitute grounds for discipline and better align with statutes of other Health Licensing Boards. In consideration that the Board's current statutes are not broad enough to include conduct that occurs outside the practice, but that is connected to the fitness to practice the profession, this legislative concept would remedy that problem. In consideration that the Board's current statutes do not include options for disciplinary action that include probation and issuing a letter of reprimand, this legislative concept would remedy that problem. Additionally, this legislative concept would align the Board's statutes with other Health Related Licensing Boards. These



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proposed changes would give the Board latitude in consideration regarding disciplinary action which supports the agency's mission to protect the public health, safety and welfare of Oregonians undergoing medical imaging studies. The latitude provided by adding probation and a letter of reprimand gives the Board greater flexibility in imposing discipline on licensees and permittees.

OPPOSITION TO LC 477: No known opposition. The OBMI reached out to several interest groups, seeking comment on LC 477. No comments were submitted.

FISCAL IMPACT: No fiscal impact expected.

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