

House Committee on Business and Consumer Affairs Subcommittee No. 3  
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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS SUBCOMMITTEE NO. 3

March 18, 1991  
M.

Hearing Room 137 9:00 A.  
Tape 1

MEMBERS PRESENT: Rep. Hedy L. Rijken, Chair Rep. Lisa Naito Rep. Beverly Stein

MEMBER EXCUSED: Rep. John Schoon

STAFF PRESENT: Terry Connolly, Committee Administrator Annetta Mullins, Committee Assistant

MEASURES CONSIDERED: HB 2046 PH HB 2132 PH HB 2133 PH

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TAPE 1, SIDE A

010 CHAIR RIJKEN calls the meeting to order at 9:03 a.m. and opens the public hearing on HB 204 6.

HB 2046 - DELETES AUTHORITY OF BOARD OF RADIOLOGIC TECHNOLOGY TO ISSUE THREE-MONTH TEMPORARY PERMITS TO PRACTICE RADIOLOGIC TECHNOLOGY.

Witness: Jayne Bailey, Executive Officer, Board of Radiologic Technology

The Preliminary Staff Measure Summary is hereby made a part of these minutes (EXHIBIT A).

028 JAYNE BAILEY, Executive Officer, Board of Radiologic Technology: The board was established during the 1977 Legislative Session and requires that all persons taking medical radiographs in Oregon hold a valid license or permit. The board issues two types of licensure: a full diagnostic and or therapeutic license and a limited permit. The board is fee supported and is responsible for the establishment of educational standards, licensing and regulating the practice of radiologic technology in Oregon. We are here to present three bills.

She reviews a prepared statement in support of HB 2046 (EXHIBIT B).

HB 2046-1 proposed amendments (EXHIBIT C) are hereby made a part of these minutes.

080 CHAIR RIJKEN closes the public hearing on HB 2046 and opens the public hearing on HB 213 3.

(Tape 1, Side A) HB 2133 - INCREASES FEE FOR LICENSES OR PERMITS TO PRACTICE RADIOLOGIC TECHNOLOGY. Witness: Jayne Bailey, Executive Officer, Board of Radiologic Technology

The Preliminary Staff Measure Summary is hereby made a part of these minutes (EXHIBIT D).

082 JAYNE BAILEY, Executive Officer, Board of Radiologic Technology, reviews a prepared statement in support of HB 2133 (EXHIBIT E).

The board's administrative rules submitted by Ms. Bailey are hereby made a part of these minutes (EXHIBIT F).

110 REP. STEIN: Do other boards have authority for prorated fees?

119 MS. BAILEY: There are some. We are not proposing to prorate from the beginning of the period to the middle of it because we do not have the support to check up on the individuals to make sure they have quit practicing. But if we have an individual who has not been working and will sign a sworn statement, or if they want to apply for a license or permit at the end of the period, we would like to be able to do that for them.

134 CHAIR RIJKEN closes the public on HB 2133 and opens the public hearing on HB 2132.

(Tape 1, Side A) HB 2132 - AUTHORIZES BOARD OF RADIOLOGIC TECHNOLOGY TO IMPOSE CIVIL PENALTY NOT TO EXCEED \$1,000 FOR VIOLATIONS OF STATUTES AND RULES RELATING TO LICENSING OF RADIOLOGIC TECHNOLOGISTS. Witnesses: Jayne Bailey, Executive Officer, Board of Radiologic Technology Richard Shanahan, Chair, Board of Radiologic Technology

The Preliminary Staff Measure Summary (EXHIBIT G) and HB 2132-1 proposed amendments (EXHIBIT H) are hereby made a part of these minutes.

130 JAYNE BAILEY, Executive Officer, Board of Radiologic Technology, reviews a proposed statement in support of HB 2132 (EXHIBIT I). She submits and reviews a portion of support documents on violations reported to the board since 1985 (EXHIBIT J).

163 CHAIR RIJKEN: How are these cases being brought to your attention?

174 MS. BAILEY: Some are through patients, others are by other technicians. We are fortunate that we have radiation control in the Health Division who have a staff large enough to go out and look at the equipment to make sure it is operating correctly. During that inspection they will also look at who is taking film and report that information back to us. They provide most of the information on people who are violators.

183 CHAIR RIJKEN: How do you deal with the violators now, license revocation or suspension?

183 MS. BAILEY: That is about our only way to deal with them. Our current authority allows us to deal only with people that we license. Since most of our violations are done by people who are not licensed, we are having a terrible time enforcing.

181 REP. NAITO: Are there any criminal sanctions for operating without a license?

193 MS. BAILEY: We can criminally prosecute a licensee or a limited permit holder, but it is very expensive. Our financial resources are such that one suit like this could wipe out our budget for the entire biennium.

192 REP. NAITO: Do you feel the \$1,000 maximum penalty would be enough to get at the present violators?

205 MS. BAILEY; I do. One area we do have problems with is physicians who continually employ and require these individuals to take film even if they are not licensed. I think for a limited permit holder or

licensed person \$1,000 would be quite a penalty. I am not certain that a physician would respond in the same way.

219 REP. STEIN: Is there a procedure for reporting physicians to the Medical Board?

223 MS. BAILEY: Yes. I don't believe it was done from the very beginning. I am fairly new to the board, but I can tell you for the last year or year and one-half we do have records. We send our investigative files to the Board of Medical Examiners.

235 REP. STEIN: Does the Board of Medical Examiners censor these physicians?

238 MS. BAILEY: The Board of Medical Examiners recently called in one physician who we had been writing to and talking with for over a year. He continued to say that he wasn't aware that this person was in violation and wasn't aware that she had not had the proper training. Eventually the Board of Medical Examiners called him and amongst other charges they did include our violation. He then came to our office and advised us that he would be terminating that individual from his employment. The Board of Medical Examiners imposed a fine on him.

254 REP. STEIN: I hope as these activities come to your attention that doctors are doing this and if the Board of Medical Examiners are not aggressively pursuing some kind of sanction, that you would make legislators aware of it.

264 REP. NAITO: If you have a repetitive type of problem, you might want to increase the penalty for successive violations. We may want to put in another cap for a repeated offense.

272 MS. BAILEY: I appreciate your suggestion and I think it is an excellent idea. It is a real concern to the board. We are talking about people who are unskilled taking film that are a lot of the times of poor quality and the individual needs to have film taken again, which is more exposure to radiation. Also poor quality film can lead to a misdiagnosis. This is a public safety issue. I appreciate your support.

284 CHAIR RIJKEN: How many licensed radiologic technologists are there?

285 MS. BAILEY: There are presently 1,900 licensed radiologic technologists; that is the combination of diagnostic and therapeutic. There are 800 limited permit holders and there are approximately 200 temporary permits issued to students who are in a two-year radiologic technology program and approaching graduation and wishing to work in a community.

298 MS. BAILEY: The board believes HB 2132 would give us the foundation to pursue and bring these individuals into compliance. If we can do that, we feel our violations will decrease and if we have a mechanism to encourage our licensees and limited permit holders to keep up their mandatory continuing education, the public will receive better service.

344 TERRY CONNOLLY, Administrator: I will make the documents available to the committee.

348 RICHARD SHANAHAN, Chair, Board of Radiologic Technology: From the Board's point of view we feel it is very important that we have a civil penalty authority. One reason is to address those people who are not under our jurisdiction and secondly, to give the board some flexibility in dealing with licensed or permit holders. We have had the option to revoke or not issue a license and have not done that because it would take someone's job away. This would give us some sanction short of taking away their job, which we think would bring compliance higher.

379 CHAIR RIJKEN: What is your opinion of perhaps \$1,000 for the first violation and an increased penalty for an increased problem?

385 MR. SHANAHAN: I would have no objection to increasing it. We tried to plan this out very carefully, but it is an issue that we didn't consider.

399 REP. STEIN: You might think about it in terms of "each" violation and look to see how other boards treat repeated violations.

409 MR. SHANAHAN: In the materials submitted, Jayne has outlined the procedure for administering the penalties, which parallel the Board of Nursing policies.

420 REP. NAITO: Does the Board of Nursing have a limit of \$1,000 penalty?

426 MR. SHANAHAN: I believe it is \$1,000.

REP. STEIN: Maybe we need to look at how it is dealt with administratively by allowing the penalty to accrue by calling each day a violation.

440 CHAIR RIJKEN: We will get the information from Terry.

450 CHAIR RIJKEN closes the hearing on HB 2132 and declares the meeting adjourned at 9:32 a.m.

Respectfully submitted,

Reviewed by,

Annetta Mullins  
Assistant

Terry Connolly  
Administrator

EXHIBIT SUMMARY

A -HB 2046, Preliminary Staff Measure Summary, staff B -HB 2046, prepared statement, Jayne Bailey C -HB 2046, HB 2046-1 proposed amendments, Jayne Bailey D -HB 2133, Preliminary Staff Measure Summary, staff E -HB 2133, prepared statement, Jayne Bailey F -HB 2133, Administrative Rules, Board of Radiologic Technology, Jayne Bailey G -HB 2132, Preliminary Staff Measure Summary, staff H -HB 2132, HB 2132-1 proposed amendments, Jayne Bailey I -HB 2132, prepared statement, Jayne Bailey J -HB 2132, documentation on violations, Jayne Bailey