

**Chapter 337 Board of Radiologic Technology**  
**OREGON ADMINISTRATIVE RULES 1997 COMPILATION**

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**DIVISION 1**

**PROCEDURAL RULES**

**337-001-0000**  
**Notice of Proposed Rule**

Prior to the adoption, amendment, or repeal of any rule, the State Board of Radiologic Technology shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.

(2) By mailing a copy of the Notice to persons on the Board's mailing list established pursuant to ORS 183.335(6).

(3) By mailing a copy of the Notice to the following persons, organizations, or publications:

- (a) Associated Press;
- (b) United Press International;
- (c) Oregon Society of Radiologic Technologists;
- (d) Oregon Medical Association;
- (e) Oregon Association of Hospitals;
- (f) Oregon Association of Chiropractic Physicians;
- (g) Oregon Association of Naturopathic Physicians;
- (h) Oregon Osteopathic Association;
- (i) Oregon Podiatry Association

Stat. Auth.: ORS Ch. 183

Stats. Implemented: ORS

Hist.: RT 1-1978, f. & ef. 5-11-78

**337-001-0005**  
**Model Rules of Practice and Procedure**

The Model Rules of Practice and Procedure, dated March 3, 1988, as promulgated by the Attorney General of the State of Oregon, are by this reference adopted as the rules of practice and procedure of the Board of Radiologic Technology and shall be controlling except as otherwise required by statute or rule.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Radiologic Technology.]

Stat. Auth.: ORS Ch. 171, 183 & 688

Stats. Implemented: ORS

Hist.: RT 1-1978, f. & ef. 5-11-78; RT 1-1980, f. & ef. 6-10-80; RT 1-1982, f. & ef. 3-11-82; RT 1-1985, f. & ef. 2-21-85; RT 1-1986, f. & ef. 1-31-86; RT 2-1988, f. & cert. ef. 11-9-88

**DIVISION 10**

**LICENSURE**

**337-010-0006**

**Definitions**

For purposes of ORS 688.405 to 688.605 and these rules:

(1) The "Practice of Radiologic Technology" shall be defined as but not limited to the use of ionizing radiation upon a human being 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) "Unprofessional Conduct" shall be defined as but not limited to the following:

(a) Engaging in the practice of radiologic 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 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

(b) Willfully making or filing false reports or records in the practice of radiologic technology, willfully impeding or obstructing the proper making and filing of reports or records, or willfully failing to file the proper report or record; or

(c) Disclosure of information relating to a patient or his/her records except to the patient's physician without the patient's consent; or

(d) Discrimination in the practice of radiologic technology against any person on account of sex, race, religion, creed, color, or national origin; or

(e) Repeatedly or knowingly failing to abide by city, state, and federal regulations or laws pertaining to the practice of radiologic technology; or

(f) Engaging in sexual harassment in the practice of radiologic technology. "Sexual Harassment" is defined as deliberate or repeated 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;

(g) Failing to respond to inquiries by the Board;

(h) Failing to cooperate in investigations conducted by the Board;

(i) Failing to provide competent care to a patient. Competent care requires the technical knowledge, skill, thoroughness, and preparation reasonably necessary for the care;

(j) Violation of ORS 688.405 to 688.605 or any rule of the Board;

(k) Failure to timely pay any civil penalty imposed by the Board.

Stat. Auth.: ORS 183.310(7) & 688.555(1)

Stats. Implemented: ORS

Hist.: RT 2-1986, f. 4-29-86, ef. 7-1-86; RT 1-1989, f. & cert. ef. 1-24-89; RT 1-1990, f. & cert. ef. 2-2-90; RT 1-1992, f. & cert. ef. 1-15-92

**337-010-0008**

**Change of Name and/or Address**

Every licensee or permittee shall maintain on file with the Board their correct current residence address and name.

Stat. Auth.: ORS 183.310(7) & 688.555(1)

Stats. Implemented: ORS

Hist.: RT 1-1992, f. & cert. ef. 1-15-92

**337-010-0010**

**Qualifications of Radiologic Technologist in Diagnostic Field**

In addition to those qualifications set out in ORS 688.465, applicants for licensure as a radiologic technologist in the diagnostic field must:

(1) Submit evidence of certification by the American Registry of Radiologic Technologists (ARRT) in x-ray technology. This evidence shall consist of applicant being listed in the current ARRT directory. When the applicant is not listed in the current ARRT directory, he or she shall submit to the Board a certified copy issued by ARRT of the original registration certificate; or

(2) Submit evidence of certification after December 31, 1974, by the American Registry of Clinical Radiography Technologists (ARCRT) as a Radiography Technologist (RT) or Master Radiography Technologist (MRT). This evidence shall consist of applicant submitting to the Board a certified copy issued by ARCRT of the original registration certificate listing the date the applicant was initially certified; or

(3) Have successfully completed a course of study in an approved school of radiologic technology as defined in ORS 688.405(1) and obtain a passing score on the examination in diagnostic radiologic technology given by The American Registry of Radiologic Technologists. A scaled score of 75 constitutes a minimum passing score.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1978, f. & ef. 7-7-78; RT 2-1982, f. & ef. 3-11-82; RT 2-1986, f. 4-29-86, ef. 7-1-86

**337-010-0012**

**Examination Fee and Deadline for Submitting Examination Fee and Supporting Documents**

The examination fee for individuals wishing to take Oregon's licensure examination in diagnostic, therapeutic, or diagnostic and therapeutic radiologic technology is \$20. The examination fee along with copies of transcripts and/or diplomas showing evidence of completion of a course of study in an approved school of radiologic technology must be submitted to the Board office by May 15 for a July examination, by August 15 for an October examination, and by January 15 for a March examination.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1979, f. & ef. 11-9-79; RT 2-1985, f. & ef. 7-1-85

**337-010-0015**

**Qualifications of Radiologic Technologist in Therapeutic Field**

In addition to those qualifications set out in ORS 688.475, applicants for licensure as a radiologic technologist in the therapeutic field must:

(1) Submit evidence of certification from the American Registry of Radiologic Technologists (ARRT) in radiation therapy. This evidence shall consist of applicant being listed in the current ARRT directory. When the applicant is not listed in the current ARRT directory, he or she shall submit to the Board a certified copy issued by ARRT of the original registration certificate; or

(2) Have successfully completed a course in radiation therapy in an approved school or radiologic technology as defined in ORS 688.405(1) and obtain a passing score on the examination in radiation therapy given by the American Registry of Radiologic Technologists. A scaled score of 75 constitutes a minimum passing score; or

(3) Meet the qualifications for licensure as a radiologic technologist in the diagnostic field:

(a) Provide evidence of two years of full-time employment in radiation therapy under the supervision of a radiation oncologist. (Two years full-time employment equals 4,000 hours.) Full-time employment in radiation therapy must be verified by a signed letter from the radiation oncologist supervisor attesting to the fact that the applicant has been employed full-time as a radiologic technologist for a period of two years; and

(b) Obtained a passing score on the examination in radiation therapy given by the Board. A scaled score of 75 constitutes a minimum passing score.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1978, f. & ef. 7-7-78; RT 2-1982, f. & ef. 3-11-82; RT 2-1986, f. 4-29-86, ef. 7-1-86

**337-010-0020**

**Reciprocity**

In addition to those qualifications set out in ORS 688.495(2) applicants for reciprocal licensing must:

(1) Submit a certified copy of the current license or certificate issued by the state, country, or territory from which he or she seeks to be licensed by reciprocal agreement; and

(2) Currently hold a full or unlimited license issued from those states which the Board finds has requirements equivalent to or exceeding those of this licensing Board; or

(3) Currently hold a certificate issued from those countries or territories which the Board finds has requirements equivalent to or exceeding those of this licensing Board.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1978, f. & ef. 7-7-78

**337-010-0025**

**Continuing Education**

(1) At or before the time a licensee or an individual who holds a limited permit submits the annual renewal fee and as a condition of renewal, licensees, both diagnostic and therapeutic, and those who hold limited permits must submit to the Board satisfactory evidence of having completed continuing education pursuant to the area of licensure or limited permit issued by the Board. Diagnostic and therapeutic licensees are required to obtain a minimum of 12 clock hours of continuing education per year. Limited permit holders are required to obtain continuing education hours based upon the number of categories in which a limited permit is held. The required hours are as follows:

(a) 1 or 2 categories — A minimum of six clock hours per year;

(b) 3 categories — A minimum of eight clock hours per year;

(c) 4 categories — A minimum of ten clock hours per year;

(d) 5 through 8 categories — A minimum of 12 clock hours per year.

(2) Radiologic Technology Licensees:

(a) Licensees, both diagnostic and therapeutic, who wish to renew for the period January 1, 1990 through March 31, 1991 shall show evidence of having participated in 12 clock hours of continuing education during 1989;

(b) Licensees, both diagnostic and therapeutic, who wish to renew for the period April 1, 1991 through March 31, 1993 shall show evidence of having participated in 12 clock hours of continuing education during calendar year 1990 or the months of January, February, or March 1991;

(c) Effective April 1, 1993, licensees, both diagnostic and therapeutic, are required to obtain a minimum of 24 clock hours of continuing education in order to renew a license for the 24-month period specified in ORS 688.445(4).

(3) Limited Permit Holders:

(a) Limited permit holders who wish to renew for the period from January 1, 1990 through December 31, 1990, January 1, 1991 through March 31, 1992, and April 1, 1992 through March 31, 1994 must meet the requirements outlined for limited permit holders in section (1) of this rule;

(b) Effective April 1, 1994 limited permit holders are required to obtain continuing education hours based upon the

number of categories in which a limited permit is held;

(c) The required hours are as follows:

(A) 1, 2, or 3 categories — A minimum of 18 clock hours for the 24-month period specified in ORS 688.515(4);

(B) 4, 5, 6, 7, or 8 categories — A minimum of 24 clock hours for the 24-month period specified in ORS 688.515(4).

(4) Requirements for Prorating Continuing Education Hours:

(a) Continuing education hours will be prorated only for those applicants who have not previously held an Oregon license or limited permit. Continuing education hours will be prorated as stated in the document **"Prorated Continuing Education Hours" dated November 1989** which is incorporated by reference and made a part of this rule;

(b) Individuals wishing to renew a lapsed/ inactive license or limited permit are required to submit evidence of having obtained a minimum of 12 clock hours of continuing education during the time the license or limited permit was lapsed/ inactive. In order to qualify, the licensee or limited permit holder must certify that s/he did not practice radiologic technology in the State of Oregon during the time the license or limited permit was lapsed/inactive.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Board of Radiologic Technology.]

Stat. Auth.: ORS 183.310(7) & 688.555(1)

Stats. Implemented: ORS

Hist.: RT 2-1978, f. & ef. 7-7-78; RT 1-1985, f. & ef. 2-21-85; RT 1-1987, f. & ef. 1-27-87; RT 2-1990, f. & cert. ef. 4-27-90; RT 1-1992, f. & cert. ef. 1-15-92

### 337-010-0030

#### Limited Permits

(1) Applicants for Limited Permits in Diagnostic Radiologic Technology. Qualifications:

(a)(A) An applicant for a limited permit in diagnostic radiologic technology shall be at least 18 years of age, pay an application fee of \$70, and have successfully passed a course of instruction in radiation use and safety specific to diagnostic radiologic technology consisting of not less than 36 hours of instruction approved by the Board in the following subjects:

- (i) Nature of x-rays;
- (ii) Interaction of x-rays with matter;
- (iii) Radiation units;
- (iv) Principle of the x-ray machine;
- (v) Biological effects of x-ray;
- (vi) Principles of radiation protection;
- (vii) Low-dose technique;
- (viii) Applicable radiation regulations;
- (ix) Darkroom and film processing;
- (x) Film critique.

(B) Otherwise meeting the requirements stated in the Board's publication **"Radiation Use/ Safety" dated January 1, 1988**, which is incorporated by reference and made a part of this rule.

(b) Have received a course of instruction in laboratory practice approved by the Board meeting the requirements stated in the Board's publication **"Behavioral Objectives and Teaching Guides" dated January 1, 1990**, which is incorporated by reference and made a part of this rule and taught by an Oregon-licensed registered technologist specific to each category for which a limited permit is sought and have received the instructor's certification that the applicant has demonstrated all the positions/projections described in the Behavioral Objectives for each category. Effective January 1, 1990, the minimum hours in each category are as follows:

- (A) Skull/Sinus, 15 hours;
- (B) Spine, 25 hours;
- (C) Chest/Ribs, 10 hours;
- (D) Upper Extremity, 15 hours;
- (E) Lower Extremity, 15 hours;
- (F) Abdomen/Pelvis, 6 hours;
- (G) Foot/Ankle for Podiatric Use, 8 hours.

(c) Have successfully completed a practical experience program approved by the Board specific to each category for which the applicant seeks a limited permit. The practical experience component shall consist of experience with live

patients during which radiographs are exposed and the developed radiographs made by the students are evaluated and critiqued by an ARRT-registered, Oregon-licensed radiologic technologist Practical Experience Evaluator. If the Practical Experience Evaluator is not present to observe the student perform the radiographic examination, the following protocol must be used:

(A) Peer positioning must be used to demonstrate the positioning used to achieve the radiographs being evaluated;

(B) The student must provide the radiographic exposure factors used to achieve the radiographs being evaluated.

(d) The student may be evaluated using the Practical Experience Evaluation Form developed by the Board. If the Practical Experience Evaluator chooses to use a method for evaluation other than the Practical Experience Evaluation Form, that method must receive prior approval from the Board. The Practical Experience Evaluator must provide the student with a certificate of completion in the categories in which the student has successfully completed practical experience;

(e) Student status shall begin when an individual has successfully passed a Board-approved course in radiation use/safety and has successfully completed the didactic portion of a positioning/techniques class relative to the anatomical area he wishes to radiograph. If a student fails the limited permit examination, his student status shall continue for one year from the date of completion of the didactic portion of the corresponding positioning/techniques course. Student status expires at the end of the one-year period specified above; *or* seven days after the date on which an applicant becomes eligible for a limited permit. Student status may be reinstated by the Board only upon verification of the student's re-enrollment in Board-approved courses in radiation use/safety and positioning/techniques.

(2) Applicants for Limited Permits in X-ray Bone Densitometry: Qualifications:

(a) An applicant for a limited permit in x-ray bone densitometry shall be at least 18 years of age, pay an application fee of \$70, and have successfully passed a Board approved 24 hour course of instruction which includes not less than 20 hours of radiation use and safety specific to x-ray bone densitometry, and meets the didactic and practical experience requirements stated in the Board's publication **"Behavioral Objectives for X-ray Bone Densitometry" dated October 18, 1991** which is incorporated by reference and made a part of this rule;

(b) Student status shall begin when the individual has successfully passed a Board-approved course in x-ray bone densitometry. If a student fails the x-ray bone densitometry limited permit examination, his student status shall continue for one year from the date of course completion. Student status expires at the end of the one-year period specified above; *or* seven days after the date on which an applicant becomes eligible for a limited permit in x-ray bone densitometry. Student status may be reinstated by the Board only upon verification of the student's re-enrollment in a Board-approved course in x-ray bone densitometry;

(c) Applications for a "grandfathered" limited permit in x-ray bone densitometry will be accepted through June 30, 1992, and must be accompanied by certification of successful completion of a minimum 24 hour training course in x-ray bone densitometry by a manufacturer's application specialist and certification that the applicant has one year of experience operating an x-ray bone densitometer with a minimum of 200 patient hours.

(3) Examination Fees for Limited Permits:

(a) Examinations will be given four times each year: February, May, August, and November. The examination fee is \$20 for each examination category for which the student is tested. This fee, together with the necessary certifications and verifications that the applicant has completed Board-approved courses in radiation use/safety, laboratory practice (positioning and techniques), and a practical experience program must be submitted to the Board office by January 2 for a February examination; April 1 for a May examination; July 1 for an August examination; and October 1 for a November examination;

(b) The examination shall consist of two parts:

(A) Radiation use and safety which all applicants shall be



required to take; and

(B) Laboratory practice (positioning and techniques) in the category or categories for which a limited permit is desired to be obtained.

(c) A score of 75 percent constitutes a minimum passing score for each section of the limited permit examination;

(d) Limited permit examinations will be administered in English without the use of interpreters, translators, readers, books, papers, dictionaries (both English and foreign language), or other outside assistance. Calculators may be used;

(e) If a student fails to appear to take the scheduled limited permit examination, a refund may be obtained by requesting a refund in writing within thirty days of the scheduled examination.

(4) Time Frame for Completing Requirements for a Limited Permit: An applicant has a maximum of one year from the time of completion of a limited permit didactic class term to make application for a limited permit or add categories to an existing limited permit.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Board of Radiologic Technology.]

Stat. Auth.: ORS 183.310(7) & 688.555(1)

Stats. Implemented: ORS

Hist.: RT 2-1978, f. & ef. 7-7-78; RT 2-1982, f. & ef. 3-11-82; RT 3-1982, f. & ef. 9-30-82; RT 2-1985, f. & ef. 7-1-85; RT 2-1986, f. 4-29-86, ef. 7-1-86; RT 1-1987, f. & ef. 1-27-87; RT 3-1987, f. & ef. 4-16-87; RT 5-1987, f. & ef. 10-19-87; RT 1-1988, f. & cert. ef. 4-13-88; RT 2-1988, f. & cert. ef. 11-9-88; RT 3-1988, f. & cert. ef. 11-9-88; RT 1-1989, f. & cert. ef. 1-24-89; RT 3-1990, f. & cert. ef. 11-7-90; RT 4-1990, f. & cert. ef. 11-7-90; RT 1-1991, f. & cert. ef. 1-30-91; RT 1-1992, f. & cert. ef. 1-15-92

### **337-010-0031**

#### **Requirements for Limited Permits Program Sponsors**

(1) Instructors of radiation use/ safety and/or laboratory practice (positioning/ techniques) classes must provide the Board with the names of all students who have successfully completed the didactic portions of the limited permit program. The list must indicate the specific didactic portion(s) of the limited permit program the student has successfully completed and the completion date.

(2) Retention of Student Records: instructors of radiation use/safety and/or laboratory practice (positioning and techniques) classes and practical experience evaluators must retain student grades and attendance records for a period of two years.

(3) Limited permit program sponsors must annually submit to the Board for review an outline of the limited 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. In addition to a written outline, and as a condition of Board approval, each limited permit program site shall be inspected biannually or 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 limited permit programs are conducted as well as interviews with students currently enrolled in the limited permit program.

(4) A resource library shall be maintained at the program site and the resource materials shall be made available to students.

(5) Prior to the first class meeting, Board-approved limited 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, limited permit examination fees, limited permit application and renewal fees;

(b) Tuition refund policies;

(c) How the practical experience requirement is to be fulfilled including a clear explanation of the responsibilities that will 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 limited permit examination process including

applications, deadlines for filing for the examination, and examination fees;

(g) Limited permits including applications and fees.

(6) Failure by the limited 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.

(7) If the Board's inspection of a limited 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 a description of the corrective action that will be taken.

Stat. Auth.: ORS 183.310(7) & 688.555(1)

Stats. Implemented: ORS

Hist.: RT 1-1989, f. & cert. ef. 1-24-89; RT 3-1990, f. & cert. ef. 11-7-90

### **337-010-0036**

#### **Supervision of Temporary Permit Holders**

No temporary permit shall be issued to any person who will be under the supervision of a licensed practitioner who is in violation of the provisions of ORS 688.405 to 688.605.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1987(Temp), f. & ef. 1-27-87; RT 4-1987, f. & ef. 8-4-87

### **337-010-0045**

#### **Students; Trainees**

(1) Any student working for compensation beyond that which is paid all those students in an approved school of radiologic technology must hold a valid limited or temporary permit to perform the duties of a diagnostic or therapeutic radiologic technologist.

(2) A trainee or student in therapeutic radiologic technology working in the field of diagnostic radiologic technology for compensation must hold a valid permit or license as a diagnostic radiologic technologist.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1978, f. & ef. 7-7-78

### **337-010-0055**

#### **Enforcement and Inspections**

In addition to those requirements set out in ORS 688.595, licenses and permits shall be on file in the department in which the licensee or permit holder works and shall be made available for inspection by the Radiation Control Section, Oregon State Health Division.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1978, f. & ef. 7-7-78

### **337-010-0060**

#### **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 according to the following schedule in the absence of a finding of aggravating or mitigating circumstances:

(a) Practicing radiologic technology without a current Oregon license or permit due to nonpayment of fees:

(A) Date license becomes void to six months, \$100;

(B) Six months to twelve months, \$200;

(C) One year to two years, \$500;

(D) Two years and up, \$1,000.

(b) Practicing radiologic technology without a current Oregon license or permit, not related to nonpayment of fee \$1,000;

(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 Radiologic Technology unless otherwise provided in this

schedule, \$1,000;

(e) Gross negligence in the practice of radiologic technology, \$1,000;

(f) Knowingly employing an individual to practice radiologic technology when the individual does not have a current, valid Oregon license or permit, \$1,000;

(g) Knowingly make a false statement to the Board, \$500;

(h) Practicing radiologic technology 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 bribery or fraudulent representation, \$500;

(j) Purporting to be a licensee or permittee when the person does not hold a valid license or permit, \$1,000;

(k) Practice radiologic technology under a false or assumed name, \$500;

(l) Conviction of a crime where such crime bears a demonstrable relationship to the practice of radiologic technology, \$1,000;

(m) Has undertaken to act as a radiologic technologist independently of the supervision of a practitioner licensed by the State of Oregon to practice one of the healing arts, \$1,000.

Stat. Auth.: ORS 183.310(7) & 688.555(1)

Stats. Implemented: ORS

Hist.: RT 1-1992, f. & cert. ef. 1-15-92

### **337-010-0061**

#### **Aggravation and Mitigation**

After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanction to impose:

(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.

Stat. Auth.: ORS 183.310(7) & 688.555(1)

Stats. Implemented: ORS

Hist.: RT 1-1992, f. & cert. ef. 2-15-92

### **337-010-0065**

#### **Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases**

In addition to the notice requirements under the Attorney General's Model Rules of Procedure adopted under OAR 337-001-0005, the notice to parties in contested cases may include the statement that an answer to the assertions or charges will be required, and if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of OAR 337-010-0075 with the notice.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1985, f. & ef. 7-1-85

### **337-010-0075**

#### **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 his 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 (affirmative defenses) 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.

Stat. Auth.: ORS Ch. 688

Stats. Implemented: ORS

Hist.: RT 2-1985, f. & ef. 7-1-85

## **DIVISION 20**

### **BIENNIAL RENEWAL**

### **337-020-0000**

#### **Radiologic Technology Licenses**

(1) Licenses with a December 31, 1989 expiration date must be renewed on or before January 1, 1990. A license renewed on or before January 1, 1990 will be valid until March 31, 1991. The renewal fee for the period from January 1, 1990 through March 31, 1991 is \$44.

(2) Effective April 1, 1991 licenses must be renewed on April 1 in odd-numbered years. The fee for the 24-month period is \$70.

(3) A license issued for a period of less than 24 months shall be prorated at \$3 per month for each month remaining in the 24-month period.

(4) Any license not renewed on or before the dates specified expires and may be reinstated only as provided in ORS 688.445(4).

Stat. Auth.: 688

Stats. Implemented: ORS

Hist.: RT 2-1989, f. & cert. ef. 11-2-89

### **337-020-0020**

#### **Limited Permits**

(1) Limited permits with a December 31, 1989 expiration date must be renewed on or before January 1, 1990. A limited permit renewed on or before January 1, 1990 will be valid until December 31, 1990. The renewal fee for the period January 1, 1990 through December 31, 1990 is \$35.

(2) Limited permits with a December 31, 1990 expiration date must be renewed on or before January 1, 1991. A limited permit renewed on or before January 1, 1991 will be valid until March 31, 1992. The renewal fee for the period from January 1, 1991 through March 31, 1992 is \$44.

(3) Effective April 1, 1992 limited permits must be renewed on April 1 in even-numbered years. The fee for the 24-month period is \$70.

(4) A limited permit issued for a period of less than 24 months shall be prorated at \$3 per month for each month remaining in the 24-month period.

(5) Any limited permit not renewed on or before the dates specified expires and may be reinstated only as provided in ORS 688.515(4).

Stat. Auth.: 688

**Chapter 337    Board of Radiologic Technology**  
**OREGON ADMINISTRATIVE RULES    1997 COMPILATION**

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Stats. Implemented: ORS

Hist.: RT 2 1989, f. & cert. ef. 11-2-89

**337-020-0040**

**Requirements for Prorating of Fees**

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

Stat. Auth.: 688

Stats. Implemented: ORS

Hist.: RT 2-1989, f. & cert. ef. 11-2-89