

# Chapter 688

## 1979 REPLACEMENT PART

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**Note:** Section 44, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

**Sec. 44.** ORS 688.010, 688.020, 688.030, 688.040, 688.050, 688.055, 688.060, 688.070, 688.080, 688.090, 688.100, 688.110, 688.120, 688.130, 688.140, 688.145, 688.160, 688.170, 688.180, 688.201, 688.210, 688.220 and 688.990 relating to physical therapists are repealed

### PHYSICAL THERAPISTS (General Provisions)

**688.010 Definitions for ORS 688.010 to 688.220.** As used in ORS 688.010 to 688.220, unless the context requires otherwise:

(1) "Board" means the Physical Therapist Licensing Board.

(2) "Physical therapy" means treatment of a human being by the use of exercise, massage, heat or cold, air, light, water, electricity or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of tests as an aid to the diagnosis or treatment of a human being. Physical therapy shall not include radiology or electro-surgery.

(3) "Licensed physical therapist" means a professional physical therapist licensed as provided in ORS 688.010 to 688.220.

(4) "Physical therapist assistant" means a person who assists a licensed physical therapist in the administration of physical therapy. [1959 c.461 §1; 1965 c.314 §1; 1969 c.339 §1; 1971 c.585 §1; 1975 c.111 §1]

**688.020 License required to practice physical therapy or use designation.** (1) Unless he is a licensed physical therapist or holds a permit issued under ORS 688.110, a person shall not:

(a) Practice physical therapy; or

(b) Use in connection with his name the words or letters, "P.T.", "R.P.T.", "L.P.T.", "physical therapist", "physiotherapist" or any other letters, words, abbreviations or insignia indicating that he is a physical therapist, or hold himself out as a physical therapist.

(2) Unless he holds a license as a physical therapist assistant, a person shall not:

(a) Practice as a physical therapist assistant; or

(b) Use in connection with his name the words or letters, "L.P.T.A.", "P.T.A.", "physical therapist assistant", "licensed physical therapist assistant", or any other letters, words, abbreviations or insignia indicating

that he is a physical therapist assistant or holds himself out as a physical therapist assistant. [1959 c.461 §2; 1965 c.314 §2; 1969 c.339 §2; 1971 c.585 §2; 1975 c.111 §2]

**688.030 Application of ORS 688.010 to 688.220.** ORS 688.010 to 688.220 do not apply to:

(1) Any person engaging in the domestic application of any act included in the definition of physical therapy, or any person licensed under any other law of this state to do any such act or to persons working under the direction of any such person.

(2) Any trainer of athletes.

(3) Massage practiced at any bona fide athletic club, at any athletic department of any bona fide fraternal organization, at any public institution or at any athletic department of a school or college.

(4) The practice of physical therapy which is incidental to the planned program of study for students enrolled in a physical therapist or physical therapist assistant program approved by the board. [1959 c.461 §3; 1965 c.314 §3; 1975 c.111 §3]

### (Licensing)

**688.040 Licensing procedure.** Any person desiring to be a licensed physical therapist or physical therapist assistant shall apply in writing to the board, upon such form and in such manner as shall be provided by the board. Each application shall include or be accompanied by evidence, under oath or affirmation and satisfactory to the board, that the applicant possess the qualifications prescribed by subsections (1) to (3) of ORS 688.050 for applicants for licensing as a physical therapist and ORS 688.055 for applicants for licensing as a physical therapist assistant. [1959 c.461 §6; 1969 c.339 §3; 1971 c.585 §3; 1975 c.111 §4]

**688.050 Qualifications of physical therapist; examination.** Each applicant for licensing under ORS 688.010 to 688.220 as physical therapist shall:

(1) Be at least 18 years of age.

(2) Be of good moral character.

(3) Be a graduate of a school of physical therapy approved by the board.

(4) Pass to the satisfaction of the board an examination conducted by the board to determine the fitness of the applicant for licensing

as a physical therapist, or be entitled to be licensed as provided in ORS 688.080. [1959 c.461 §5; 1971 c.585 §4; 1973 c.827 §73]

**688.055 Qualifications of physical therapist assistant; examination.** An applicant for a license under ORS 688.010 to 688.220 as a physical therapist assistant shall:

- (1) Be at least 18 years of age.
- (2) Be of good moral character.
- (3) Have completed to the satisfaction of the board a course for physical therapist assistants approved by the board.

(4) Pass to the satisfaction of the board an examination conducted by the board to determine the fitness of the applicant for practice as a physical therapist assistant, or be entitled to be licensed as provided in ORS 688.080. [1969 c.339 §5; 1971 c.585 §5; 1973 c.827 §74; 1975 c.111 §5]

**688.060 Examination in fundamental sciences not required.** ORS 676.010 to 676.090 do not apply to physical therapists or physical therapist assistants, persons applying for licensing as physical therapists or licensing as physical therapist assistants. [1959 c.461 §4; 1969 c.339 §7; 1971 c.585 §6; 1975 c.111 §6]

**688.070 Application; fee; examination.** (1) Unless entitled to licensing as provided in ORS 688.080, each applicant for licensing as a physical therapist or licensing as a physical therapist assistant shall include in his application a request for examination. Each applicant who requests examination shall pay to the board at the time of filing his application a fee of not more than \$60.

(2) The board shall examine applicants for licensing as physical therapists or licensing as physical therapist assistants who request examination under subsection (1) of this section at such times and places as it may determine.

(3) The examination for licensing as a physical therapist shall embrace the following subjects:

- (a) The applied sciences of anatomy, neurology, kinesiology, physiology, pathology, psychology, physics, and physical therapy applied to medicine, surgery, neurology, orthopedics, pediatrics and psychiatry.
- (b) Ethics.
- (c) The technical procedures involved in the practice of physical therapy.

(4) The examination for licensing as a physical therapist assistant shall embrace the following subjects:

- (a) Anatomy, physiology and behavioral science.
- (b) Ethics.
- (c) The technical procedures involved in the practice of physical therapy. [1959 c.461 §7; 1969 c.339 §8; 1971 c.585 §7; 1975 c.526 §7]

**688.080 Reciprocity; fee.** (1) The board may license as a physical therapist or license as a physical therapist assistant, without examination, any person who:

(a) Applies for such license as provided in ORS 688.040; and

(b) On the date of making application is a physical therapist or physical therapist assistant licensed under the laws of any other state or territory of the United States, if the requirements for licensing of physical therapists or physical therapist assistants in the state or territory in which the applicant is licensed are not less than those required in ORS 688.010 to 688.220 and the applicant passed to the satisfaction of the examiner of such state or territory a written examination which is approved by the board of this state, or never having been licensed in another state or territory, the applicant has been graduated during the immediate preceding 12 months from a school which has been approved by a board of this state, and on the date of application has passed to the satisfaction of the board an examination which is approved by the board of this state.

(2) Each applicant under this section shall pay to the board at the time of filing his application a fee of not more than \$60. [1959 c.461 §9; 1969 c.339 §9; 1971 c.585 §8; 1975 c.111 §7; 1975 c.526 §8]

**688.090 License; certificates.** The board shall license as a physical therapist or a physical therapist assistant each applicant who proves to the satisfaction of the board his fitness for such license as provided in ORS 688.010 to 688.220. The board shall issue a certificate to each person licensed. The certificate shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a licensed physical therapist or physical therapist assistant, whichever certificate he holds, subject to the provisions of ORS 688.010 to 688.220. [1959 c.461 §10; 1969 c.339 §10; 1971 c.585 §9; 1975 c.111 §8]

**688.100 Renewals; fee; lapse.** Each licensed physical therapist or physical therapist assistant shall apply to the board in January, February or March of each year for a renewal of his license. Each applicant for renewal of his license shall pay to the board at the time of filing his application therefor a fee of not more than \$30. Any license that is not renewed before April 1 of each year shall automatically lapse. The board may revive and renew any lapsed license upon payment to it of all past unpaid renewal fees. [1959 c.461 §11; 1969 c.339 §11; 1971 c.585 §10; 1975 c 526 §9]

**688.110 Temporary permits.** (1) The board, in its discretion, may issue without examination a temporary permit to a person to practice physical therapy or as a physical therapist assistant in this state if the person files an application for license as provided in ORS 688.040 or 688.080, and pays to the board at the time of filing his application the fee of not more than \$60.

(2) A person holding a temporary permit may practice physical therapy only under the direction of a licensed physical therapist.

(3) The temporary permit shall be granted for a period not to exceed three months, and may be renewed by the board at its discretion for an additional three months, but no longer. [1959 c.461 §12; 1969 c.339 §12; 1971 c.585 §11; 1975 c.526 §10]

**688.120 False or fraudulent statements or representations prohibited.** No person shall:

(1) Obtain or attempt to obtain a license as a physical therapist or as a physical therapist assistant or a permit under ORS 688.110 by any fraudulent representation.

(2) Wilfully make a false oath or affirmation under ORS 688.040. [1959 c.461 §13; 1969 c.339 §13; 1971 c.585 §12; 1975 c.111 §9]

**688.130 Restrictions on practice.** (1) No licensed physical therapist or person who holds a temporary permit issued under ORS 688.110 shall use physical therapy upon any person except under a diagnosis and prescription or referral:

(a) By a person licensed by the Board of Medical Examiners for the State of Oregon or a dentist licensed by the State Board of Dental Examiners; or

(b) Made in a bordering state by a person licensed by an authority of that state similar to the Board of Medical Examiners for the

State of Oregon or by a dentist licensed by an authority of that state similar to the State Board of Dental Examiners.

(2) No person shall practice as a physical therapist assistant unless he is licensed under ORS 688.090 and such practice is solely under the direction of a physical therapist. [1959 c.461 §16; 1965 c.314 §4; 1969 c.339 §14; 1971 c.585 §13; 1975 c 111 §10]

**688.140 Grounds for refusal, suspension or revocation of license or permit.** The board, after notice of and hearing afforded such person as provided in ORS 688.145, may refuse to license any applicant, may refuse to renew the license of any physical therapist or physical therapist assistant or may suspend or revoke the license of any physical therapist or physical therapist assistant or a permit issued under ORS 688.110 to a person who:

(1) Is habitually drunk.

(2) Is addicted to the use of controlled substances.

(3) Has been convicted of violating any federal narcotic law or state law relating to controlled substances.

(4) In the judgment of the board, is guilty of unethical or unprofessional conduct.

(5) Has been convicted of any crime, including violations of city ordinances, involving moral turpitude.

(6) In the judgment of the board, is guilty of gross negligence in practice as a physical therapist or physical therapist assistant.

(7) Has been adjudged mentally ill by a court of competent jurisdiction or has been voluntarily committed to an institution for treatment of mental illness, and thereafter has not been lawfully declared competent.

(8) Has treated or undertaken to treat ailments of persons otherwise than by physical therapy.

(9) As a licensed physical therapist has undertaken to act as a physical therapist independently of the diagnosis and prescription or referral of a person licensed by the Board of Medical Examiners for the State of Oregon or a dentist licensed by the State Board of Dental Examiners, or made in a bordering state by a person licensed by an authority of that state similar to the Board of Medical Examiners for the State of Oregon or by a dentist licensed by an authority of that

state similar to the State Board of Dental Examiners.

(10) Has obtained or attempted to obtain a license or a permit under ORS 688.010 to 688.220 by fraud or material misrepresentation.

(11) As a physical therapist assistant has undertaken to practice as a physical therapist. [1959 c.461 §14; 1969 c.339 §15; 1971 c.585 §14; 1975 c.111 §11; 1979 c.744 §59]

**688.145 License denial procedure; review of orders.** (1) Where the board proposes to refuse to issue or renew a registration or license, or proposes to revoke or suspend a registration or license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS 183.310 to 183.500. [1971 c.734 §140]

**688.150** [1959 c.461 §15; 1969 c.339 §16; 1971 c.585 §15; repealed by 1971 c.734 §21]

#### (State Board)

**688.160 Physical Therapist Licensing Board; members; terms; vacancies; confirmation; duties; meetings; executive secretary.** (1) There is created in the Health Division the Physical Therapist Licensing Board. The Physical Therapist Licensing Board shall consist of six members appointed by the Governor who may be appointed from a list of not less than seven names, submitted by the Oregon Physical Therapy Association. Five of the members shall be licensed physical therapists, shall have had not less than three years' experience in physical therapy immediately preceding their appointment as members and shall be actively engaged in physical therapy in this state during their service as members. One member shall be an orthopedic surgeon who shall serve without the right to vote.

(2) Notwithstanding subsection (1) of this section, one member of the board may be a licensed physical therapist assistant rather than a licensed physical therapist. If one of the members is a licensed physical therapist assistant, such member shall have not less than three years' experience as a physical therapist assistant immediately preceding his appointment and shall be actively engaged in work as a physical therapist assistant in this state during his service on the board.

(3) Upon the expiration of the term of a member of the board, the Governor shall appoint a successor who may be appointed from a list of three names submitted to him by the Oregon Physical Therapy Association to serve a term of four years. No member shall serve for more than two consecutive four-year terms.

(4) In the event of a vacancy in the office of a member of the board other than by reason of the expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy, shall appoint a person to fill the vacancy for the unexpired term. The person may be appointed from a list of three names submitted as provided in subsection (3) of this section.

(5) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(6) The board shall establish matters of policy affecting administration of ORS 688.010 to 688.220, matters relating to examinations, and rules necessary to carry out the provisions of ORS 688.010 to 688.220. The board shall establish standards and tests to determine the moral, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses to practice physical therapy in this state and to enforce the provisions of ORS 688.010 to 688.220 and to exercise general supervision over the practice of physical therapy within this state.

(7) The board shall meet not less than twice each year and at any other time at the call of the board chairman, who shall be elected by the members of the board.

(8) The board may appoint and fix the compensation of an executive secretary subject to ORS 240.245. Such compensation shall not prohibit the secretary from receiving reimbursement for actual and necessary travel expenses incurred in the performance of his duties. [1959 c.461 §17; 1969 c.339 §17; 1971 c.585 §16; 1971 c.650 §38; 1973 c.792 §43; 1975 c.111 §12]

**688.170 Compensation and expenses.** Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1959 c.461 §19; 1969 c.314 §88; 1971 c.585 §17]

**688.180 Records.** (1) The board shall keep a record of all its proceedings under ORS 688.010 to 688.220.

(2) The board shall keep a register of all

licensed physical therapists, physical therapist assistants and persons who hold permits issued under ORS 688.110. The register shall show the name of every living licensed physical therapist, physical therapist assistant and person who holds a permit, his last-known place of business, his last-known place of residence and the date and number of his license certificate or permit. [1959 c.461 §20; 1969 c.339 §18; 1971 c.585 §18; 1975 c.111 §13]

**688.190** [1959 c.461 §21; 1969 c.339 §19; repealed by 1971 c.585 §23]

**688.200** [1959 c.461 §24; 1961 c.593 §4; 1967 c.637 §33; 1971 c.585 §19; repealed by 1973 c.427 §33 (688.201 enacted in lieu of 688.200)]

**688.201 Disposition of receipts.** All moneys received by the Health Division under ORS 688.010 to 688.220 shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 688.010 to 688.220. [1973 c.427 §34 (enacted in lieu of 688.200)]

**688.210 Rules.** Subject to the provisions of ORS 183.310 to 183.500, the board, pursuant to ORS 688.160, may promulgate, and from time to time modify or rescind, such reasonable rules as it deems necessary to facilitate the carrying out of its functions as provided in ORS 688.010 to 688.220 and to carry out the provisions and purposes of ORS 688.010 to 688.220. [1959 c.461 §23; 1969 c.339 §20; 1971 c.585 §20; 1975 c.111 §14]

#### (Enforcement)

**688.220 Investigation and prosecution of violations.** The board shall investigate every alleged violation of ORS 688.010 to 688.220 coming to its notice, and shall report to the proper district attorney all cases that in the judgment of the board warrant prosecution. The district attorney will conduct such investigation as is necessary. Every police officer, sheriff or other peace officer in this state shall investigate every alleged violation of this chapter coming to his notice or of which he has received complaint, and shall apprehend and arrest all violators. The Attorney General or proper district attorney shall prosecute violations of ORS 688.010 to 688.220, and in any proceeding brought

against the board shall represent the board if the board so requests. [1959 c.461 §22; 1971 c.585 §21]

### RADIOLOGIC TECHNOLOGISTS (Generally)

**688.405 Definitions for ORS 688.405 to 688.605.** As used in ORS 688.405 to 688.605:

(1) "Approved school of radiologic technology" means a school of radiologic technology approved by the Council on Medical Education of the American Medical Association or a school found to maintain the equivalent of such a course of study as determined by the board. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(2) "Board" means the Board of Radiologic Technology established by ORS 688.405 to 688.605.

(3) "Diagnostic radiologic technologist" means a person other than a licensed practitioner who actually handles X-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner.

(4) "Licensed practitioner" means a person licensed or otherwise authorized by Oregon law to practice one of the healing arts.

(5) "License" means a license granted and issued by the board to practice radiologic technology.

(6) "Radiation oncologist" means a physician who is either certified or eligible for certification in therapeutic radiology by the American Board of Radiology or its equivalent or who is certified in general radiology by the American Board of Radiology and who devotes all of his professional time to the investigation and management of neoplastic disorders inclusive of teaching such investigation and management.

(7) "Radiation therapy" means the use of ionizing radiation upon a human being for therapeutic purposes.

(8) "Radiologic technologist" means a person other than a licensed practitioner who practices radiologic technology as a:

- (a) Diagnostic radiologic technologist; or
- (b) Therapeutic radiologic technologist.

(9) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(10) "Radiologist" means a person duly licensed to practice medicine in the State of Oregon and who is certified by the American Board of Radiology or by the American Osteopathic Board of Radiology.

(11) "Therapeutic radiologic technologist" means a person other than a licensed practitioner who actually handles ionizing radiation in the process of applying radiation on a human being for therapeutic purposes under the supervision of a licensed practitioner. [1977 c.534 §2]

**688.415 License required to practice radiologic technology; prohibited acts.** (1) No person shall:

(a) Practice radiologic technology if he is not licensed in accordance with the provisions of ORS 688.405 to 688.605 or is not the holder of a permit issued under ORS 688.515;

(b) Practice radiologic technology under a false or assumed name;

(c) Knowingly employ any person for the purpose of practicing radiologic technology if that person is not licensed or does not hold a valid permit in accordance with the provisions of ORS 688.405 to 688.605;

(d) Obtain or attempt to obtain a license or permit or a renewal of a license or permit by bribery or fraudulent representation; or

(e) Knowingly make a false statement on an application for a license or permit or a renewal for a license.

(2) After January 1, 1979 no person shall practice radiologic technology or hold himself out as a radiologic technologist unless he is licensed in accordance with the provisions of ORS 688.405 to 688.605 or holds a permit issued by the board. [1977 c.534 §§4 (3), 20]

**688.425 Licensed persons may use title.** (1) A person licensed in accordance with the provisions of ORS 688.405 to 688.605 may use the title of "Licensed Radiologic Technologist" or the letters "LRT." A person licensed as a radiologic technologist in the therapeutic field may use the title of "Licensed Radiation Therapy Technologist" or the letters "LRTT."

(2) No person shall use these titles or any abbreviation of these titles or any title which is substantially the same as these titles unless he is authorized under subsection (1) of this section. [1977 c.534 §18]

**688.435 Application of ORS 688.405 to 688.605.** The provisions of ORS 688.405 to 688.605 shall not apply to the following persons:

(1) Persons who operate dental X-ray equipment for the sole purpose of oral radiography.

(2) Students in approved schools of radiologic technology as defined in ORS 688.405 while practicing radiologic technology under the supervision of an instructor who is either a radiologist or a licensed radiologic technologist.

(3) Trainees in the field of radiation therapy technology who meet the qualifications for licensure as a radiologic technologist in the diagnostic field while practicing radiation therapy technology under the supervision of a radiologist. Such exemption shall be valid for a period not to exceed 24 months from the date of issuance.

(4) Persons described in ORS 688.575.

(5) A licensed practitioner or a student in a school leading to licensure as a practitioner of one of the healing arts.

(6) Until two years from July 20, 1977, persons who operate computerized tomography equipment for diagnostic purposes under the direction of a radiologist.

(7) Persons who are, on July 17, 1979, operating computerized tomography equipment for diagnostic purposes under the direction of a radiologist so long as they operate such equipment for such purposes under the direction of a radiologist. [1977 c.534 §15; 1979 c.449 §3]

### (Licensing)

**688.445 Licensing and renewal procedure.** (1) The board shall issue a license to practice as a radiologic technologist in the State of Oregon to each person who meets the qualifications for licensure as provided in ORS 688.455 to 688.475 and 688.495. Such license shall state the category or categories for which the qualifications have been met which include diagnostic radiologic technologist or therapeutic radiologic technologist.

(2) Every license issued by the board shall be under its seal and shall be signed by the chairman.

(3) A license must be renewed on January 1 of each year.

(4) Any license that is not renewed on January 1 each year expires. The board may renew an expired license upon payment of a delinquent fee in the amount of \$10 plus the annual renewal fee. However, no such late renewal may be granted more than five years after a license has expired.

(5) A license shall be renewed upon application to the board which is accompanied by a fee of \$25.

(6) A license which has been expired for more than five years may be reissued only in the manner prescribed for an original license. [1977 c.534 §5; 1979 c.443 §1]

**688.455 License fee; general qualifications.** The board shall license any person who makes an application in writing and pays a fee of \$35 and who at that time:

(1) Is at least 18 years of age;

(2) Has successfully completed a four-year course of study in a secondary school approved by the board of education of the state in which the school is located or has passed an approved equivalency test; and

(3) Meets the requirements for licensing as described in ORS 688.465, 688.475 and 688.495. [1977 c.534 §6; 1979 c.443 §2]

**688.465 Qualifications of radiologic technologist in diagnostic field.** For licensure as a radiologic technologist in the diagnostic field, an applicant must:

(1) Be currently certified by the American Registry of Radiologic Technologists (ARRT) in X-ray technology;

(2) Have successfully completed a course of study in an approved school of radiologic technology and, according to board standards, pass the appropriate examination prepared by the Educational Testing Service of Princeton, New Jersey, or the equivalent of such an examination, as determined and directed by the board, with the fee for the latter examination being set by the board; or

(3) Provide evidence acceptable to the board of at least one year of full-time employment or the equivalent thereof as a radiologic technologist before July 20, 1977, apply for a license within one year of July 20, 1977, and show evidence of successful completion of at least 20 hours of instruction in radiation use and safety at a community college or other program approved by the board. [1977 c.534 §7]

**688.475 Qualifications of radiologic technologist in therapeutic field.** For licensure as a radiologic technologist in the therapeutic field, an applicant must:

(1) Be currently certified by the American Registry of Radiologic Technologists (ARRT) in radiation therapy;

(2) Have successfully completed a course in radiation therapy in an approved school of radiologic technology and, according to board standards, pass the appropriate examination prepared by the Educational Testing Service of Princeton, New Jersey, or the equivalent of such an examination, as determined and directed by the board, with the fee for the latter examination being set by the board;

(3) Meet the qualifications for licensure as a radiologic technologist in the diagnostic field, have completed at least two years of full-time experience in radiation therapy under the supervision of a radiation oncologist and, according to board standards, pass the appropriate examination prepared by the Educational Testing Service of Princeton, New Jersey, or the equivalent of such an examination, as determined and directed by the board, with the fee for the latter examination being set by the board; or

(4) Provide evidence acceptable to the board of at least one year of full-time employment or the equivalent thereof as a radiologic technologist in the field of radiation therapy before July 20, 1977, apply for a license within one year of July 20, 1977, and show evidence of successful completion of at least 20 hours of instruction in radiation use and safety at a community college or other program approved by the board. [1977 c.534 §8]

**688.480 Operator of certain tomography equipment to be certified.** Persons who operate computerized tomography equipment for diagnostic purposes must be certified by the American Registry of Radiologic Technologists. [1979 c.449 §6]

**688.485 Examinations.** (1) The board may conduct one or more examinations each year at such times and places as the board may determine.

(2) An applicant who fails to pass an examination may take additional examinations scheduled by the board. A fee shall be charged for examinations as determined by the board. [1977 c.534 §11]

**688.495 Licensing without examination.** The board may license as a radiologic technologist, without examination, any person who:

(1) Applies for a license as provided in ORS 688.455; and either

(2) On the date of making application is a radiologic technologist under the laws of any other state, territory of the United States or nation, if the requirements for licensure in that state, territory or nation are not less than those required under ORS 688.405 to 688.605 and the applicant passed a written examination in that state, territory or nation that is comparable to the examination required in this state for the category or categories for which licensure is sought; or

(3) (a) Has served as a radiologic technologist under the supervision of a radiation oncologist or a radiologist for at least 10 years;

(b) Is serving as a radiologic technologist on July 1, 1977; and

(c) Applies for licensure pursuant to ORS 688.405 to 688.605 no later than January 1, 1979. [1977 c.534 §10]

**688.505 Evidence of continuing education on renewal.** The board shall require each person holding a license or permit under ORS 688.405 to 688.605 to submit at the time the person submits the annual renewal fee, evidence of continuing education in radiologic technology pursuant to rules of the board.

[1977 c.534 §12]

**688.515 Limited permit; fee; qualifications required.** (1) A limited permit shall be issued to a person at the discretion of the board upon application and payment of a registration fee of \$35. Such permit may be renewed annually upon payment of a renewal fee of \$25, subject to ORS 688.505. Any limited permit that is not renewed on January 1 each year expires. The board may renew any expired limited permit upon payment of a delinquent fee in the amount of \$10 plus the annual renewal fee. However, no such late renewal may be granted more than two years after the permit has expired. Applicants for limited permits must:

(a) Have passed a course of instruction in radiation use and safety consisting of not less than 20 hours of instruction approved by the board; and

(b) Be employed to perform diagnostic X-ray technology by a licensed practitioner or

a group of not more than five licensed practitioners.

(2) A limited permit may be issued to an employe of an industrial organization where that employe is supervised by a licensed practitioner.

(3) A limited permit may be issued for a 12-month period to an employe of a hospital if the board determines that the hospital is unable to obtain a radiologic technologist on an after-hours call-back or standby basis.

(4) The scope of practice under a limited permit must be such that the board deems it appropriate to grant a limited permit.

(5) In denying an application for a limited permit, the board shall state findings of fact which caused the denial. These shall include findings on the difficulty of using the equipment involved, the frequency with which the equipment is used by the applicant, the degree of danger to patients from radiation exposure posed by the applicant's duties, the public health needs filled by the applicant and the specific qualifications of the applicant with regard to the scope of the applicant's duties.

(6) A temporary permit may be issued by the board without examination to a person upon application and payment of a registration fee of \$35 if the person practices as a diagnostic radiologic technologist or therapeutic radiologic technologist under the direction of a licensed practitioner. A temporary permit shall be valid for a period of six months and may be renewed by the board for one additional six-month period only. [1977 c.534 §14; 1979 c.443 §4; 1979 c.449 §1]

**688.525 Grounds for refusal, suspension or revocation of license or permit.** The board, after notice of and hearing as required under the contested case procedures of ORS 183.310 to 183.500, may refuse to license any applicant, may refuse to renew the license or permit of any radiologic technologist, or may suspend or revoke such license or permit to a person who:

(1) Is habitually intoxicated.

(2) Is addicted to the use of controlled substances.

(3) In the judgment of the board is guilty of unethical or unprofessional conduct in the practice of radiologic technology.

(4) Has been convicted of any crime where such crime bears a demonstrable relationship to the practice of radiologic technology.

(5) In the judgment of the board, is guilty of gross negligence in the practice of radiologic technology.

(6) Has been adjudged incompetent by a court of law and thereafter has not been lawfully declared competent.

(7) 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.

(8) Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 by fraud or material misrepresentation. [1977 c.534 §28; 1979 c.744 §60]

#### (State Board)

**688.545 Board of Radiologic Technology; qualifications; advisory member; term; compensation and expenses; officers; meetings; quorum.** (1) There is created in the Health Division a Board of Radiologic Technology consisting of seven members who shall be appointed by the Governor. Each member of the board shall be a citizen of the United States and a resident of the State of Oregon. One member shall be a radiologist. One member shall be a lay person. Five members shall be licensed practicing radiologic technologists, one of whom shall be a therapeutic radiologic technologist. Each appointed member shall be entitled to vote.

(2) The Director of the Radiation Control Section of the Health Division, or a person appointed by the director, shall be an advisory member of the board for the purpose of providing counsel and shall not be entitled to vote.

(3) The term of office of the members of the board shall be three years and a member may be reappointed to serve not more than two full terms.

(4) Members of the board shall be entitled to compensation and expenses as provided in ORS 292.495.

(5) The board shall annually elect the board chairperson from the members of the board.

(6) For the purpose of transacting its business, the board shall meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairman. A written notice of the time, place and purpose of any special meeting shall be mailed to all members of the

board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(7) Four members of the board shall constitute a quorum for the transaction of business at any meeting. Four affirmative votes shall be required to take action. [1977 c.534 §3; 1979 c.449 §4]

**688.555 Rulemaking; executive secretary.** (1) The board shall have the power to adopt such rules as may be necessary to carry out the provisions of ORS 688.405 to 688.605.

(2) In adopting rules, the board shall act with benefit of the advice of the Attorney General of the State of Oregon.

(3) The board may appoint and fix the compensation of an executive secretary subject to ORS 240.245 and include reimbursement for actual and necessary travel expenses incurred in the performance of the duties of the secretary. [1977 c.534 §4 (1), (2), (4)]

**688.565 Program of continuing education.** The board shall offer a program of continuing education in radiologic technology to meet the requirements of ORS 688.505. The board may also approve a program to be presented by persons qualified to do so. [1977 c.534 §13]

**688.575 Authority for nonlicensed persons to perform as radiologic technologists; exemptions.** (1) If the board determines that certain areas of this state are in extreme need of radiologic technologists, the board may permit one or more nonlicensed persons who are experienced in the use of ionizing radiation to work in these areas as radiologic technologists under the supervision of a licensed practitioner for a period of 12 months.

(2) The board may extend the period of exemption if the board deems it necessary in order to meet the needs of these areas.

(3) If an emergency necessitating emergency medical personnel is declared to exist by the Assistant Director for Health, a nonlicensed person who is experienced in the use of X-ray equipment shall be permitted to use X-ray equipment under the supervision of a licensed practitioner. [1977 c.534 §§16, 17; 1979 c.449 §2]

**688.585 Board of Radiologic Technology Fund.** (1) The Board of Radiologic Technology Fund is established in the Health Division Account of the State Treasury. Ex-

cept for moneys otherwise designated by statute, all fees, contributions and other moneys received by the Board of Radiologic Technology shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously and shall be used by the board for purposes of ORS 688.405 to 688.605.

(2) The board shall keep a record of all moneys deposited in the account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program for which each withdrawal is charged. [1977 c.534 §23]

#### (Enforcement)

**688.595 Enforcement and inspections.** The Director of the Radiation Control Section of the Health Division shall enforce the provisions of ORS 688.405 to 688.605 and shall conduct, under the direction of the board,

inspections in furtherance of the purposes of ORS 688.405 to 688.605. [1977 c.534 §19]

**688.605 Procedure on claims of violation of ORS 688.405 to 688.605.** A claim of a violation of ORS 688.405 to 688.605 shall be reported to the board and shall be substantiated by satisfactory evidence. If the board finds a violation has occurred, the board shall report such violation to the Attorney General for prosecution. [1977 c.534 §22]

#### PENALTIES

**688.990 Penalties.** (1) Violation of any provision of ORS 688.020, 688.120 or 688.130 is a misdemeanor.

(2) Violation of ORS 688.415, 688.425 or 688.555 is punishable by a fine of not more than \$500, or imprisonment for not more than one year, or both. [1959 c.461 §25; subsection (2) enacted an 1977 c.534 §21]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
October 1, 1979.

Thomas G. Clifford  
Legislative Counsel