

Chapter 688

1993 EDITION

Physical Therapists; Radiologic Technologists; Athletic Trainers

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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) "Licensed physical therapist" means a professional physical therapist licensed as provided in ORS 688.010 to 688.230.

(3) "Physical therapist assistant" means a person who assists a licensed physical therapist in the administration of physical therapy.

(4) "Physical therapy" means the evaluation, treatment and instruction of a human being to assess, prevent, correct, alleviate and limit the signs and symptoms of physical disability, bodily malfunction and pain. "Physical therapy" does not include chiropractic as defined in ORS 684.010. "Physical therapy" includes:

(a) The performance of tests and measurements as an aid to evaluation of function and the administration, evaluation and modification of treatment and instruction, including the use of physical measures, activities and devices, for preventive and therapeutic purposes; and

(b) The provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain. [1959 c.461 §1; 1965 c.314 §1; 1969 c.339 §1; 1971 c.585 §1; 1975 c.111 §1; 1987 c.726 §5]

688.020 License required to practice physical therapy or use designation. (1) Unless a person 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 the name of the person 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 the person is a physical therapist, or purports to be a physical therapist.

(2) Unless a person 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 the name of the person 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 the person is a physical therapist assistant or purports to be 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 health care licensing law of this state to do any such act or to persons working under the direction of any such person if the person does not represent to anyone receiving services or to the public that the person is a physical therapist.

(2) 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.

(3) 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; 1987 c.726 §6]

(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 ORS 688.050 (1) to (3) 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 [1959 c.461 §4; 1969 c.339 §7; 1971 c.585 §6; 1975 c.111 §6; repealed by 1983 c.740 §251]

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 with the application a request for examination. Each applicant who requests examination shall pay to the board at the time of filing an application fee.

(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; 1983 c.224 §1]

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 a fee to the board at the time of filing the application. [1959 c.461 §9; 1969 c.339 §9; 1971 c.585 §8; 1975 c.111 §7; 1975 c.526 §8; 1983 c.224 §1a]

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 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 that person as a licensed physical therapist or physical therapist assistant, whichever certificate the person 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 the license. Each applicant for renewal of the license shall pay to the board at the time of filing an application fee. 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 in addition to a delinquent fee. However, a late revival and renewal shall not be granted more than five years after a license has lapsed. [1959 c.461 §11; 1969 c.339 §11; 1971 c.585 §10; 1975 c.526 §9; 1983 c.224 §2]

688.110 Temporary permit; fee; determination of amount of all fees. (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 the application the temporary permit fee.

(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.

(4) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under ORS 688.070, 688.080, 688.100 and this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board. [1959 c.461 §12; 1969 c.339 §12; 1971 c.585 §11; 1975 c.526 §10; 1983 c.224 §3; 1991 c.703 §31]

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) Willfully 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]

688.125 Notice to patient of interest in physical therapy practice. In order to assure that physical therapy treatment of a patient is based solely on the needs of a patient, any health care practitioner described in ORS 676.110 who owns, in part or in whole, a physical therapy practice, or who employs a physical therapist, shall communicate the facts of that ownership or employment relationship to patients for whom physical therapy is prescribed and inform the patient that alternative sources of physical therapy treatment are available. [1987 c.726 §9]

688.130 Restrictions on practice. (1) Unless the education and training requirements described in ORS 688.134 have been met, no licensed physical therapist or person who holds a temporary permit issued under ORS 688.110 shall use physical therapy upon any person except where there has been:

(a) Prior evaluation of dysfunction of the person by the physical therapist by the use of recognized evaluative physical therapy tests and procedures; and either

(b) Diagnosis or referral by a physician or a podiatric physician and surgeon licensed under ORS chapter 677 by the Board of Medical Examiners for the State of Oregon, a dentist licensed by the Oregon Board of

Dentistry, a physician assistant registered under ORS chapter 677, a chiropractic physician licensed under ORS chapter 684 by the State Board of Chiropractic Examiners or a nurse practitioner certified under ORS 678.375; or

(c) Diagnosis or referral made in another state by a medical doctor, osteopathic physician or podiatric physician and surgeon 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 Oregon Board of Dentistry.

(2) No person shall practice as a physical therapist assistant unless the person is licensed under ORS 688.090 and such practice is solely under the supervision and 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; 1983 c.224 §4; 1989 c.947 §1; 1991 c.381 §1; 1993 c.211 §1]

688.132 Duty to refer person; exceptions; when personal injury protection benefits available. (1) If a licensed physical therapist administers physical therapy to a person as authorized in ORS 688.130 (1)(a), the physical therapist must immediately refer the person to a medical doctor, osteopathic physician, chiropractic physician, podiatric physician and surgeon, dentist, physician assistant or nurse practitioner if:

(a) Signs and symptoms are present that require treatment or diagnosis by such providers or for which physical therapy is contraindicated or for which treatment is outside the knowledge of the physical therapist or scope of practice of physical therapy; or

(b) The physical therapist continues therapy and 30 days have passed since the initial physical therapy treatment has been administered, unless:

(A) The individual is a child or a student eligible for special education, as defined by state or federal law, and is being seen pursuant to the child's or the student's individual education plan or individual family service plan;

(B) The individual is a student athlete at a public or private school, college or university and is seeking treatment in that role as athlete; or

(C) The individual is a resident of a long term care facility as defined in ORS 442.015 (14)(b)(A) and (B), a residential facility as defined in ORS 443.400, an adult foster home as defined in ORS 443.705 or an intermediate care facility for mental retardation pursuant to federal regulations.

(2) Notwithstanding any provision of ORS 742.520 to 742.542, personal injury protection benefits are not required to be paid for

physical therapy treatment of a person covered by the applicable insurance policy unless the person is referred to the physical therapist by a licensed physician, podiatric physician and surgeon, dentist, physician's assistant or nurse practitioner. [1993 c.211 §4]

Note: 688.132 and 688.134 were added to and made a part of 688.010 to 688.220 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

688.134 Additional education requirements; Physical Therapy Scope of Practice Review Committee; membership. (1) The Physical Therapist Licensing Board shall establish by rule additional education requirements, including requirements for continuing education, that a physical therapist must meet before administering physical therapy to a person without prior referral as authorized by ORS 688.132 other than to individuals described in ORS 688.132 (1)(b) where no prior referral is required.

(2) The additional education requirements described in subsection (1) of this section shall be developed by a Physical Therapy Scope of Practice Review Committee established under the Physical Therapist Licensing Board. Recommendations of the committee shall require three affirmative votes by the committee prior to being forwarded to the Physical Therapist Licensing Board for adoption into rule.

(3) The Physical Therapy Scope of Practice Review Committee shall consist of two physical therapists licensed to practice in Oregon, and two physicians licensed under ORS chapter 677, one of whom shall be a specialist in physical medicine. Members of the committee shall be appointed by their respective licensing boards and shall serve terms of four years. In case of a vacancy for any cause, the appointing authority shall make an appointment of a person possessing the same qualifications as the retiring member. [1993 c.211 §7]

Note: See note under 688.132.

688.140 Grounds for discipline; sanctions. (1) The board, after notice of and hearing afforded such person as provided in ORS 688.145, may impose any or all of the following sanctions upon any of the grounds specified in subsection (2) of this section:

(a) Refuse to license any applicant.

(b) Refuse to renew the license of any physical therapist or physical therapist assistant.

(c) Suspend or revoke the license of any physical therapist or physical therapist assistant or a permit issued under ORS 688.110.

(d) Impose a civil penalty not to exceed \$1,000.

(e) Impose probation with authority to limit or restrict a license.

(f) Issue letters of reprimand.

(2) Grounds exist for the imposition of sanctions as specified in subsection (1) of this section when a person:

(a) Is habitually under the influence of intoxicating liquors.

(b) Is habitually under the influence of controlled substances.

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

(d) In the judgment of the board and pursuant to ethical and professional standards adopted by rule of the board, is guilty of unethical or unprofessional conduct.

(e) Subject to a finding consistent with ORS 670.280, has been convicted of a crime that is a felony or misdemeanor under the laws of any state or of the United States.

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

(g) 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.

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

(i) Has violated ORS 688.130.

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

(k) As a physical therapist assistant has undertaken to practice as a physical therapist.

(L) Has violated ORS 688.132. [1959 c.461 §14; 1969 c.339 §15; 1971 c.585 §14; 1975 c.111 §11; 1979 c.744 §59; 1983 c.224 §5; 1985 c.41 §3; 1989 c.947 §2; 1993 c.211 §2]

688.145 Discipline procedure; review of orders. (1) Where the board proposes to impose any of the sanctions authorized in ORS 688.140, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS 183.310 to 183.550. [1971 c.734 §140; 1985 c.41 §4]

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; qualifications; 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 seven members appointed by the Governor who may be appointed from a list of not fewer than nine names, submitted by the Oregon Physical Therapy Association. Four of the members shall be licensed physical therapists, shall have had not fewer 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 a physician licensed under ORS chapter 677, one shall be a licensed physical therapist assistant and one shall be a public member. All members shall have voting privileges.

(2) 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 the Governor 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.

(3) 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 (2) of this section.

(4) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(5) The board shall:

(a) Establish matters of policy affecting administration of ORS 688.010 to 688.220;

(b) Establish matters relating to examinations;

(c) Adopt rules necessary to carry out the provisions of ORS 688.010 to 688.220;

(d) 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;

(e) Adopt rules relating to the supervision and the duties of physical therapist aides who assist in performing routine work under supervision;

(f) Enforce the provisions of ORS 688.010 to 688.220; and

(g) Exercise general supervision over the practice of physical therapy within this state.

(6) 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.

(7) 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 the duties of the secretary. [1959 c.461 §17; 1969 c.339 §17; 1971 c.585 §16; 1971 c.650 §38; 1973 c.792 §43; 1975 c.111 §12; 1985 c.41 §5; 1993 c.387 §1]

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, the last-known place of business, the last-known place of residence and the date and number of the 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 183.550, 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 notice or of which the police officer, sheriff or other peace officer 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]

688.230 Report of suspected violation; confidentiality of report; liability of person reporting. (1) Any licensed health facility, licensed physical therapist, licensed physical therapist assistant, the Oregon Physical Therapy Association or physician licensed under ORS chapter 677, podiatric physician and surgeon or dentist shall, and any other person may, report suspected violations of ORS 688.010 to 688.220 to the board. Such reports are confidential and shall not be subject to public disclosure.

(2) Any person who reports or provides information to the board under subsection (1) of this section and who provides information in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.41 §7]

688.235 Investigation of alleged violations; power of board; subpoenas. (1) Upon the complaint of any citizen of this state, or upon its own motion, the Physical Therapist Licensing Board may investigate any alleged violation of ORS 688.010 to 688.230.

(2) In the conduct of investigations, the board may:

- (a) Take evidence;
- (b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;
- (c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;
- (d) Require answers to interrogatories; and
- (e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon. [1989 c.843 §14]

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 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) "Supervision" means the act of monitoring the performance of diagnostic X-ray technology through periodic inspection, regardless of whether or not the supervising licensed practitioner is continuously physically present during the performance of such diagnostic X-ray technology.

(12) "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; 1981 c.603 §6]

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

(a) Practice radiologic technology if the person 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 purport to be a radiologic technologist unless the person 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 the person 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) A licensed practitioner or students in approved schools leading to licensure as a practitioner of one of the healing arts while practicing radiologic technology under the supervision of an instructor who is either a licensed practitioner or a licensed radiologic technologist.

(5) 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; 1981 c.603 §5; 1993 c.247 §2]

(Licensing)

688.445 Licensing and renewal procedure; fees. (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 April 1 of each odd-numbered year.

(4) Any license that is not renewed on April 1 of each odd-numbered year expires. The board may renew an expired license upon payment of a delinquent fee in the amount of \$10 plus the biennial 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 \$70.

(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; 1989 c.214 §1]

688.455 License fee; general qualifications. The board shall license any person who makes an application in writing and pays a fee of \$70 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; 1991 c.535 §1]

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; or

(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. [1977 c.534 §7; 1981 c.603 §1]

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; or

(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. [1977 c.534 §8; 1981 c.603 §2]

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

(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. [1977 c.534 §10; 1981 c.603 §3]

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 biennial renewal fee, evidence of continuing education in radiologic technology pursuant to rules of the board. Continuing education must be pertinent to the subject area of radiologic technology for which the license or permit was issued. [1977 c.534 §12; 1985 c.325 §1; 1989 c.214 §2]

688.515 Limited permit; temporary permit; X-ray bone densitometry operator permit; fees; qualifications. (1) The Board of Radiologic Technology shall issue a limited permit to an applicant to practice in a limited area of radiologic technology if such applicant meets the requirements for a limited permit as provided in this section. Such limited permit shall state the category or categories for which the applicant has

demonstrated competence and shall be limited to one of the categories listed below or as established by the board by rule:

- (a) Upper extremities;
- (b) Pelvis or lower extremities, or both;
- (c) Chest and ribs;
- (d) Spine;
- (e) Head;
- (f) Abdomen; or
- (g) Foot and ankle for podiatric use.

(2) Limited permits shall not be issued for contrast studies or special head studies such as tomography.

(3) Each applicant for a limited permit shall:

- (a) Make an application in writing;
- (b) Pay an application fee of \$70;
- (c) Be at least 18 years of age;

(d) Have successfully passed a course of instruction in radiation use and safety consisting of not less than 36 hours of instruction approved by the board;

(e) Have successfully completed a course of instruction approved by the board and taught by an Oregon licensed, registered radiologic technologist in laboratory practice specific to each category for which the applicant seeks a limited permit, with the instructor's certifying to the board that the applicant has completed the course in those categories applied for;

(f) Have successfully completed a practical experience program approved by the board, specific to each category for which the applicant seeks a limited permit. Such program shall include operation of an energized X-ray machine under the supervision of a registered radiologic technologist; and

(g) Have successfully passed an oral or written examination, or both, conducted by or approved by the board in radiation use and safety and in those categories in which the applicant seeks a limited permit.

(4) Upon meeting the requirements of this section, the board shall issue a limited permit to the applicant. A limited permit shall be renewed on April 1 of each even-numbered year subject to ORS 688.505 and payment of a fee of \$70. Any limited permit that is not renewed on April 1 of each even-numbered year expires. The board may renew any expired limited permit upon payment of a delinquent fee in the amount of \$10 plus the biennial renewal fee. However, no such late renewal may be granted more than two years after a permit has expired. A limited permit which has been expired for more than two years may be reissued only in the manner prescribed for an original limited permit.

(5) Every person issued a limited permit shall notify the board in writing of the name of each licensed practitioner supervising permittee's performance of diagnostic X-ray technology and shall only perform diagnostic X-ray technology while being supervised by a licensed practitioner. In the event permittee subsequently is supervised by a licensed practitioner other than the person whose name was initially furnished to the board, the board shall be immediately notified in writing.

(6) A temporary permit may be issued by the board without examination to a graduate of or a student enrolled in an approved school of radiologic technology upon application and payment of a registration fee of \$20 if the person practices as a diagnostic radiologic technologist or therapeutic radiologic technologist under the supervision of a licensed practitioner. A temporary permit shall be valid for a period of six months and may be renewed by the board for two additional six-month periods only.

(7) At the discretion of the board a temporary permit may be issued by the board without examination to a person upon application and payment of a registration fee of \$20 if the person practices diagnostic radiologic technology under the supervision of a licensed practitioner and if the person is enrolled in an approved course of instruction in radiation use and safety. Such a temporary permit shall be valid for a period of three months and shall not be renewed by the board except as provided under subsection (6) of this section.

(8) In addition to the limited or temporary permit authorized by this section, the board may authorize a permit authorizing its holder to be an X-ray bone densitometry operator. The operator must meet standards of training established by the board by rule. The applicant shall pay a nonrefundable fee fixed by the board and the permit may be issued for a period of two years and may be renewed upon payment of a fixed renewal fee. [1977 c.534 §14; 1979 c.443 §4; 1979 c.449 §1; 1981 c.603 §4; 1985 c.325 §2; 1989 c.214 §3; 1989 c.337 §1; 1991 c.535 §2; 1993 c.247 §3]

688.520 Licenses and permits for periods less than 24 months. The board may issue licenses and permits for periods less than 24 months. The fee for a license or permit issued for any period shorter than 24 months shall be prorated on a monthly basis. [1991 c.535 §4]

Note: 688.520 was added to and made a part of 688.415 to 688.525 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

688.525 Grounds for discipline. The board, after notice of and hearing as required

under the contested case procedures of ORS 183.310 to 183.550, 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) Uses intoxicants or controlled substances to the extent that the use impairs the ability of the licensee to practice radiologic technology.

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

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

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

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

(6) 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.

(7) 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; 1993 c.247 §4]

(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)]

688.560 Fees for services. The Board of Radiologic Technology by rule shall establish and collect reasonable fees for the following services:

(1) Hand grading of examinations.

(2) Special interpretation of examination results.

(3) Duplication of licenses.

(4) Photocopying of records. [1993 c.247 §6]

Note: 688.560 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 688 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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 [1977 c.534 §§16, 17; 1979 c.449 §2; repealed by 1981 c.603 §8]

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. Except 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]

688.600 Investigation of alleged violations; power of board; subpoenas. (1) Upon the complaint of any citizen of this state, or upon its own motion, the Board of Radiologic Technology may investigate any alleged violation of ORS 688.405 to 688.605.

(2) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories; and

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon. [1989 c.843 §10]

688.605 Duty to report violation; confidentiality; procedure on claims of violation. (1) Any radiologic technologist, any person licensed by the Board of Radiologic Technology or any other organization representing radiologic technologists shall, and any other person may, report to the board any suspected violation of ORS 688.405 to

688.605 or any rule adopted pursuant to ORS 688.555.

(2) Any information provided to the board as the basis of a complaint or in the investigation thereof shall not be subject to public disclosure during the period of investigation.

(3) Any person who reports or provides information to the board and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

(4) 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; 1993 c.247 §5]

ATHLETIC TRAINERS

688.700 Athletic trainers; voluntary registration; certificate of registration; minimum qualifications; rules. (1) On or before January 1, 1994, the Health Division of the Department of Human Resources shall establish a system for the voluntary registration of individuals serving as athletic trainers within the State of Oregon. Upon demonstration of minimum qualifications, the division shall issue a certificate of registration to those individuals registering with the division.

(2) In determining minimum qualifications, the division shall consider whether the applicant is currently certified as an athletic trainer by the Board of Certification of the National Athletic Trainers Association or by an equivalent organization recognized by the division.

(3) The division may adopt necessary rules to carry out the registration system identified in subsection (1) of this section and may consult with a state organization recognized as representing athletic trainers when developing the registration system. [1993 c.744 §253]

Note: 688.700 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 688 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

PENALTIES

688.915 Civil penalty for violation of ORS 688.405 to 688.605 or rules. (1) In addition to any other sanction authorized by law, the Board of Radiologic Technology may impose a civil penalty not to exceed \$1,000 for any violation of ORS 688.405 to 688.605, or of any rules promulgated pursuant to those provisions. The penalty may be imposed whether or not the person incurring the penalty has been licensed or been issued

a permit under ORS 688.405 to 688.605, or has made application for a license or permit under those sections. A civil penalty may be imposed in lieu of a refusal to grant or renew a license or permit, or a suspension or revocation of a license or permit, under ORS 688.525.

(2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.090.

(3) All penalties recovered under this section shall be credited to the Board of Radiologic Technology Fund established under ORS 688.585. [1991 c.585 §§1,2]

Note: 688.915 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 688 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

(2) Violation of ORS 688.415 or 688.425 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 as 1977 c.534 §21; 1989 c.171 §80]
