

**North Dakota Medical Imaging and Radiation Therapy Board  
May 22, 2018  
Special Board Meeting  
Peace Garden Rm, ND State Capitol  
Minutes**

**Call to Order**

The meeting was called to order by Board President, Shirley Porter, at 9:00 am.

**Present**

Board Members – Shirley Porter, Dr. Aaron Garman (by phone), Brent Colby (by phone), Donna Newman (by phone), Cynthia Milkey, Dr. Ted Fogarty, Mary Rennich, and Kathleen Jalbert (by phone).

Others - Jacinda Simmons, Board Staff; Edward Erickson, Legal Counsel.

***{Tara Wagner absent}***

**Minutes**

**02/1/2018 - A motion was made** to approve the minutes. (Newman/Dr. Garman/carried)  
[Wagner absent] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y),  
Dr. Fogarty (y), Jalbert (y), Rennich (y)] **[Bd. Office]**

**02/20/2018 - A motion was made** to approve the minutes. (Dr. Garman/Dr. Fogarty/carried)  
[Wagner absent] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y),  
Dr. Fogarty (y), Jalbert (y), Rennich (y)] **[Bd. Office]**

**Financial Report**

The financial report is four months into the 2-year budget. Everything is in line with the budget at this point.

The Board office will ask the Board’s accountant if the Albertson Contract is considered a liability and if it should be added to the liabilities on the balance sheet. The Board also requests more information on the telephone line item and why it is so high. **[Bd. Office]**

**CD Update** – APT, Inc. moved the Board’s CDs to a different bank for a higher interest rate. The Board appreciated this.

**A motion was made** to approve the financial report. (Dr. Fogarty/Newman/carried) [Wagner absent] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Dr. Fogarty (y), Jalbert (y), Rennich (y)]

**Ethical Correspondence**

**West2North Clinic** – The Board doesn’t have any jurisdiction over the person named in the Board of Nursing complaint who may be a LXMO, not licensed yet by the Board. The clinic did have nurse practitioners doing x-rays who are exempt by the Board but should still be registered as LXMOs.

**LXMOs Working at PPX**

LXMOs will not be moved to the Board until December 2018 as they are waiting for federal approval on some items.

The Department of Health has completed the investigation and plan to enforce a penalty of up to \$10,000 to PPX.

Dale Patrick and Erickson will work to draft a letter to PPX that licensure is required in ND to perform x-rays. [Legal Counsel]

**Disciplinary Action Update**

**Thomas Mohr** – He submitted a report in February 2018. The supervisor stated no concerns with his practice. He will need to submit another report by June 30, 2018.

*{Dr. Fogarty absent}*

**LXMO & BD Transition Workflow**

The Board will not take these over from the Health Department until likely December 2018.

**Bone Densitometry Technologist** – If a person currently licensed by this Board wishes to perform bone densitometry exams, they may need to have a conditional license to perform the exam. When they pass the test, it will be added to their license. This will be only a paper application and will not be built as an online application. The Board believes they will only get a few applications per year. For those licensed by another ND Board, this Board will not require completion of a background check if they have completed one within the last 5 years. Some Boards do not require background checks for licensure. The background check must have been done by the Board, not the employer or travel agency. The Board will ask the Board in which the person holds a license if the person completed a background check and if a license was issued based on that background check.

The scoring for the exam will be 75% passing score with 3 retakes.

**LXMO Application** – The Board intends to stay consistent with what the Department of Health has required except the Board will require the ARRT state exam and same background check policy as Bone Densitometry.

The pass rate will be 75% on the core exam and 75% on each area with 3 retakes. If they pass core exam, pass the chest exam, and fail the extremity exam, they will only need to retake the extremity exam.

**ARRT State Exam**

**A motion was made** to approve contract with Legal Counsel's changes. (Dr. Garman/Rennich/carried) [Wagner absent] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Dr. Fogarty (y), Jalbert (y), Rennich (y)]

If ARRT makes changes in the future, the Board and Legal Counsel should again review it.

If a new graduate fails the national exam three times, they can take the state exam but then they will never be able to take the national exam or possibly work outside of ND.

The radiation therapy exam will be removed from the ARRT state exam option. Employers do require the national exam. Jalbert will poll radiation therapy employers around the state if they will only accept the national exam. She will report at the next meeting. [Jalbert]

**A motion was made** to amend the previous motion to approve the state exam and to now remove radiation therapy. (Jalbert/Newman/carried) [Wagner and Dr. Fogarty absent] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Dr. Fogarty (absent), Jalbert (y), Rennich (y)]

If anyone requests the radiation therapy state exam, they should be directed to ARRT website. But if anyone does not meet the national requirements, such as a foreign applicant, the Board can add radiation therapy back in and sign a new contract.

If the individual does not have any license and cannot pass national exam, they could take state exam provided they understand they cannot take the national exam in the future and they could only practice in ND. The Board would use the same background check policy adopted earlier for bone densitometry and LXMO. Pass rate would be 75% with 3 retakes allowed.

#### **Criminal History Background Check Update**

Porter attended training session with BCI on 5/8/2018.

BCI will audit everyone involved with background checks every 3 years.

It would be helpful for another Board member to take the BCI training to be a backup to review background checks.

#### **Administrative Rules Update**

The Administrative Rules were effective April 1, 2018.

#### **Website Update**

The Board website is being developed with hopes to be completed by July 1.

**Mission Statement** – It will be added to the website with the changes made by Legal Counsel.  
**[Bd. Office]**

**Board Login - A motion was made** to approve expenditure of a one-time fee of \$2000 to create a Board member login to use for agenda and meeting materials. (Newman/Dr. Garman/carried) [Wagner absent] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Dr. Fogarty (y), Jalbert (y), Rennich (y)]  
**[Bd. Office]**

***{Dr. Fogarty present}***

#### **Board Office Update**

**K. Klosterman** – The Board will request she send a copy of her ethics letter from ARRT.

**A motion was made** to approve the license pending completion of requirements and no other convictions on her background check. (Newman/Milkey/carried) [Wagner absent] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Dr. Fogarty (y), Jalbert (y), Rennich (y)]  
**[Bd. Office]**

**D. Hoffman** – He has submitted his ARDMS ethics letter. No further action.

**J. Gunklikson** – She is appealing her case at a court case in July 2018. Tabled.

***{Dr. Fogarty absent}***

**Endorsement/Reinstatement Applications** – For those licensed in other states, the Board will accept primary source online verification of national registry and licensure in another state in lieu of the official transcript from the college and verification directly from the state board.

**[Bd. Office]**

**License Renewal Update** – Board reviewed the list of the 187 whose licenses expired 12/31/2017. The Board office will publish a list of expired licenses to the Board website.

**Board Appointments**

The Board has four upcoming expiring terms with three Board members requesting reappointment. Dr. Garman does not wish to serve again and is seeking qualified replacements.

**Next Meeting Date**

Nothing scheduled at this time.

**Adjourn**

1:42 pm

**Respectfully submitted,**

**Shirley Porter  
President**

**Jacinda Simmons  
Administrative Assistant**