

**North Dakota Medical Imaging and Radiation Therapy Board of Examiners  
February 1, 2018  
Special Board Meeting  
Ft. Union 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, Brent Colby (by phone), Donna Newman (by phone), Cynthia Milkey, Tara Wagner (by phone), Mary Rennich, and Kathleen Jalbert (by phone).

Others - Jacinda Simmons, Board Staff; Edward Erickson, Legal Counsel; Daniel Albertson, Albertson Consulting; and Troy Rauschenberger, Albertson Consulting.

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

**Introduction of New Board Member**

Mary Rennich is the new public member for the Board. She is unable to vote until the ND Governor's Office receives the final paperwork.

**Minutes**

**11/9/2017 - A motion was made** to approve the minutes. (Newman/Milkey/carried) [Dr. Fogarty absent; Rennich unable to vote] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Wagner (y), Jalbert (abstain)] **[Bd. Office]**

**12/6/2017 - A motion was made** to approve the minutes. (Milkey/Newman/carried) [Dr. Fogarty absent; Rennich unable to vote] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Wagner (y), Jalbert (abstain)] **[Bd. Office]**

**1/4/2018 - A motion was made** to approve the minutes. (Dr. Garman/Jalbert/carried) [Dr. Fogarty absent; Rennich unable to vote] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Newman (y), Milkey (y), Wagner (y), Jalbert (y)] **[Bd. Office]**

**Financial Report**

The report is for 24 months into the two-year budget. Total revenue was \$368,029, which is \$201,779 over the projected budgeted revenue. Total expenditures are at \$154,983, which is \$10,333 under the projected budgeted expenses. The CD balance is at \$100,259.

Legal fees were at \$29,033 which was \$11,533 over budget. The legal fees were high due to Legislation and Administrative Rules. The original budgeted amount was based on other Boards of similar size.

**CD Amounts for Other Boards** - The other Boards that APT works with have typically about \$100,000 in CDs. The Board is in line with other Boards of similar size. A CD was moved for a better rate.

**Risk Management/WSI Insurance** - At the November meeting, the Board had asked what the risk management fund was and how the total is figured. Under N.D.C.C. 32-12.2 the Risk

Management Fund provides liability coverage to the board and/or board members when they are performing board duties and/or responsibilities. The contribution amounts are determined by a contracted actuarial based off the information our office has requested from the boards and/or commissions. The Board pays about \$250 annually to the Risk Management Fund.

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

### **Linton Hospital Settlement Agreement**

**Melissa Opp** – She completed her continuing education and renewed her license. Ross Tesky did not renew his license. Opp fulfilled the settlement agreement and it has expired.

**CT Scanner** – Colby had a meeting on protocol with Linton Hospital. They were going to be having a meeting with another physicist, but Colby doesn't know if that meeting has taken place.

Colby suggests that the Board request from Linton Hospital the physics report, QC program, and minutes of the protocol meetings. Erickson said that the Board doesn't have any jurisdiction over the hospital so submitting those items would be voluntary.

The Board could speak to Darlene Bartz or Bruce Pritschet with the Health Department which licenses hospitals. Or the Board could also speak with James Lawson of the Health Department if they are concerned with how the new CT scanner is being used, when installed pending June/July 2018. **[Porter]**

### **License Renewal Update**

As of today, 1196 licenses had been renewed and 189 licenses had expired.

**Daniel Hoffman** – The Board requests information if he submitted his conviction to ARDMS and ARRT and does he have proof of doing so. Tabled to next agenda. **[Bd. Office]**

**Skylar Tausend** - **A motion was made** to refund her renewal fee and the renewal fee for Jessica Mann with the expectation that no other refunds will be issued and that this will not be a problem in 2 years with better education to the academic programs and students about not submitting for full licensure until after September 1 of a renewal year. (Dr. Garman/Newman/carried) [Dr. Fogarty absent; Rennich unable to vote] [Roll Call Vote – Porter (n), Dr. Garman (y), Colby (y), Newman (y), Milkey (n), Wagner (y), Jalbert (y)] **[Bd. Office]**

***{Wagner and Newman absent}***

### **Continuing Education Guidelines for Grandfathered and GDOs**

The Board reviewed the draft prepared by Porter.

The Board will send out a blast email after Administrative Rules are completed stating that you must have all the modalities you are practicing listed on your license. **[Bd. Office]**

After the Rules are effective, letters will be sent to those that have requested grandfathering in a modality and to those licensed as General Diagnostic Operators. **[Bd. Office]**

**A motion was made** to approve the Continuing Education Guidelines document. (Dr. Garman/Milkey/carried) [Dr. Fogarty, Wagner, & Newman absent; Rennich unable to vote] [Roll Call Vote – Porter (y), Dr. Garman (y), Colby (y), Milkey (y), Jalbert (y)] **[Bd. Office]**

**Conditional License Application for MRI**

Larger facilities, such as Sanford Health, require the registry but the smaller facilities do not and are satisfied with individuals being grandfathered for MRI. Form is acceptable to the Board.

**Website Presentation**

Daniel Albertson and Troy Rauschenberger from Albertson Consulting presented their product to the Board. The Board was generally pleased with the website and the potential for licenses to be issued and verified quicker.

The Board office will contact the State Procurement Office for a contract showing cost estimates. The Board will have a conference call to discuss the contract and approve moving forward with the new website and online database. **[Bd. Office]**

*{Colby absent} {Newman present}*

**Disciplinary Action Update**

**Thomas Mohr** – He has not submitted any reports yet. He states he is working now and needs to submit a report from his supervisor by March 31.

**NDCC 43-62 Correction**

The Board will not need its own bill to correct this. It can be done under the Technical Corrections bill. **[Legal Counsel]**

**Administrative Rules Update**

The ND Attorney General’s Office has approved the legality of the Administrative Rules draft. The draft has been submitted to Legislative Council. The Administrative Rules hearing will be March 12. Porter will give testimony before the committee. **[Porter]**

**State Exams Committee Update**

The Board will need to determine what they want the passing score to be, how many times the test can be taken, and if the entire test must be retaken or just the weak areas. Tabled.

**ARRT Contract**

No updates at this time. Tabled.

**Open Meetings/Open Records Presentation**

Erickson presented on the open meetings and open records law to the Board. The Board would like this to be done annually as new Board members are appointed.

**Next Meeting Date**

The Board will have a conference call in the next few weeks to approve the website and other tabled items.

**Adjourn**

1:58 pm

**Respectfully submitted,**

**Shirley Porter**  
**President**

**Jacinda Simmons**  
**Administrative Assistant**