

**North Dakota Medical Imaging and Radiation Therapy Board
February 7, 2019
Regular Board Meeting
Comfort Suites
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. Roxanne Keene (by phone), Tara Wagner, Cynthia Milkey (by phone), Mary Rennich, Brent Colby (by phone), Dr. Ted Fogarty (by phone).

Others - Jacinda Simmons, Board Staff; Allyson Hicks, Legal Counsel

{Donna Newman and Kathleen Jalbert absent}

Board Mission Statement

Porter read the Board Mission Statement.

Minutes

11/27/2018 - A motion was made to approve the minutes. (Dr. Fogarty/Milkey/carried) [Newman, Jalbert Rennich, and Colby absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y)] **[Bd. Office]**

12/4/2018 - A motion was made to approve the minutes. (Wagner/Milkey/carried) [Newman, Jalbert Rennich, and Colby absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y)] **[Bd. Office]**

12/20/2018 - A motion was made to approve as amended. (Wagner/Milkey/carried) [Newman, Jalbert Rennich, and Colby absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y)] **[Bd. Office]**

{Rennich present}

1/25/2019 - A motion was made to approve the minutes. (Wagner/Dr. Fogarty/carried) [Newman, Jalbert, and Colby absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y), Rennich (y)] **[Bd. Office]**

Audit

Everything looked good on the audit. The only finding noted was the lack of internal control which appears on all audits because there are only two people in the Board office.

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

{Colby present}

Financial Report

Everything is in line with the budget at twelve months into the budget ending December 31, 2018. The Board is currently at a net loss of \$(29,544). License renewals, the Board's main source of revenue, will begin in September.

A motion was made to take \$40,000 from checking and move it to a three- or six-month CD whichever gives the best interest rate. (Milkey/Wagner/carried) [Newman and Jalbert absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y), Rennich (y), Colby (y)] **[Bd. Office]**

Internal Policy of Funds - A motion was made to keep 6 months of expenses in the checking at all times before moving money to investments. (Dr. Fogarty/Wagner/carried) [Newman and Jalbert absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y), Rennich (y), Colby (y)] **[Bd. Office]**

Reserve Allocation - A motion was made set aside \$100,000 as litigation reserve. (Rennich/Wagner/carried) [Newman and Jalbert absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y), Rennich (y), Colby (y)] **[Bd. Office]**

The Board office will note on the balance sheet that CDs are for litigation. The new CD for \$40,000 will be separate from the \$100,000.

The Board would like to know how much to allocate for next budget cycle for the website. Board will report how much monthly and annual fees are at the September meeting. **[Bd. Office]**

For the Administrative Rules, the \$4000 budgeted amount should be adequate according to Legal Counsel.

Legislative Update

SB1253 – Proposed bill to cap Board funds. Legal counsel expects it to die.

SB2126 and SB2127 – Proposed bill affecting licensure for foreign and military practitioners. Both are expected to die and be replaced with SB2306.

SB2353 – Proposed bill to reform all Boards. This was met with great opposition. The bill is expected to die except for sections regarding removing a Board member, the grievance process, and new Board member training by the Attorney General's Office.

HB1175 – Proposed bill to have PAs perform medical imaging. Porter testified and offered an amendment. It did pass in the House and will move to the Senate.

A motion was made to give Porter the authority to make decisions and testify on behalf of the Board keeping in line with the Board's intent. (Wagner/Milkey/carried) [Newman and Jalbert absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y), Rennich (y), Colby (y)] **[Bd. Office]**

Disciplinary Action Update

Thomas Mohr – His supervisor submitted a report in September 2018. The supervisor stated he continues to do well, and she has no concerns with his practice. He will need to submit another report by March 31, 2019.

Licensee Update

Jollene Dixon – During the last renewal, she reported that she was falsely charged with credit card fraud. In December 2018, she stated the charges have been dropped and the warrants were expunged. The Board office contacted her in early February 2019 for the documents but has not received a response yet.

License Applications

Anwar McElhaney – The Board office requested more information from him with no response.
[Bd. Office]

LXMO & Bone Densitometry Technologists – To date the Board has received 37 applications for bone densitometry or LXMO licenses.

Lindsay Roggenbuck - A motion was made approve the LXMO license once transitioned from the Health Dept. (Wagner/Milkey/carried) [Newman and Jalbert absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y), Rennich (y), Colby (y)] **[Bd. Office]**

Review of Application Forms

Legal Counsel stated that the applications do not ask about charges or if they are waiting for trial. She questioned what the Board means by convicted and disciplinary action. What information is the Board interested in knowing before issuing a license?

The Board should add a question about if applicant is a military spouse.

Porter and the Board office will work with Legal Counsel to update the applications for the Board to review at the next meeting.
[Bd. Office, Porter, & Legal Counsel]

Open Records and Open Meetings Review

Legal Counsel gave a brief overview of the state's Open Meetings and Open Records laws the Board must abide by.

Records Retention

All Boards have a records retention policy with the state's IT Department. The policy gives the Board a minimum guideline to maintain records.

A motion was made to keep Board agendas and minutes for 10 years; license files for 10 years after expiration; license renewals for 6 years or 3 renewal cycles; license complaints for 10 years after last action; name and address changes for 5 years; and to follow the retention of 3 years for background check results as recommended by BCI. (Wagner/Rennich/carried) [Newman and Jalbert absent] [Roll Call Vote – Porter (y), Dr. Keene (y), Milkey (y), Wagner (y), Dr. Fogarty (y), Rennich (y), Colby (y)] **[Bd. Office]**

Board Member BCI Training

Board members were given the password and login to complete the Level 2 training for Board members. Board members must watch the video, take the test, and sign an Acknowledgment Statement of Misuse. If a Board member does not complete the training, they will not be able to sit in on executive sessions regarding an applicant's or licensee's background check results.

Board Appointments

The Board will have five Board positions up for reappointment or replacement in July. Colby, Newman, and Rennich would like to be reappointed. Dr. Fogarty would like to be replaced. Dr.

Fogarty gave Dr. Henninger's name for a possible replacement. The Board office will send the link for the Governor's office application for appointment to Board members.

{Dr. Fogarty absent}

Porter encourages other Board members to volunteer for Board president, vice president, secretary/treasurer, and BCI background check reviewer. The person currently holding that office could train the person.

Porter also brought up the idea of having an Executive Director for the Board. This part time position would involve lobby and testify for upcoming legislative sessions, handle practice questions, and review background check results. The Board would like someone who has practiced in the profession and has recently retired.

Other

Next Meeting Date – The next regularly schedule Board meeting is September 12, 2019 at 9 am in the Ft. Union room at the Capitol.

Adjourn

11:24 am

Respectfully submitted,

Shirley Porter
President

Jacinda Simmons
Administrative Assistant