

SETTLEMENT AGREEMENT

I. PARTIES

This settlement agreement is made and entered into by and between the Medical Imaging and Radiation Therapy Board (Board) and Rebecca Wamberg (Wamberg).

II. RECITALS

A. The Board is authorized pursuant to North Dakota Century Code (N.D.C.C.) ch. 43-62 to license and regulate the profession of medical imaging and radiation therapy.

B. Wamberg submitted an application for licensure by endorsement for a license to practice radiography. Through the application process, Wamberg did not mark that she received a letter of reprimand from the American Registry of Radiologic Technologists ("ARRT") and submitted an unencumbered, expired ARRT registry card with her application. The Board discovered that Wamberg had received a letter of reprimand from the ARRT Ethics Committee dated March 3, 2021 for taking after hours images without physician orders of the foot, ankle, elbow, wrist, skull and knees utilizing a mammography machine. As noted in the ARRT findings, "[t]hese images would normally be taken using a general radiography device, using the mammography machine is contraindicated and would result in unusually high exposure to radiation."

C. N.D.C.C. §§ 43-62-18 and 19 authorize the Board to suspend, revoke, impose stipulations, limitations, or conditions, or place on probationary status any

license issued by the Board on proof at a hearing that the licensee has committed an act set forth in the law.

D. The Board found grounds to support allegations that Wamberg violated North Dakota Century Code (N.D.C.C.) § 43-62-19(1) and (5) and, in lieu of denial of the application for licensure, the Board will grant a restricted license pursuant to the terms of this Settlement Agreement.

E. Wamberg acknowledges she has been informed and understands she has the right to seek the advice of legal counsel in this matter.

F. Wamberg acknowledges she has been informed and understands she has the right to a hearing and appeal pursuant to N.D.C.C. ch. 43-62 and N.D.C.C. ch. 28-32 prior to any adverse action being taken against her license.

III. AGREEMENT

The Board and Wamberg agree to resolve this matter as follows:

1. Wamberg waives her right to an administrative hearing and appeal that are set forth in N.D.C.C. ch. 43-62 and ch. 28-32.
2. The Board agrees to issue Wamberg a restricted license for the primary modality of radiography, which shall be immediately suspended until the following conditions are met, at the Board's determination:

a. Completion of a 2 hour one-on-one educational course with the Board's medical physicist regarding the source of radiation and the consequences of radiation. Said course will be conducted via go-to-meeting.

b. Completion of the following continuing education courses through ASRT, to be completed at Wamberg's expense:

- i. 2 hours regarding ethics;
- ii. 2 hours regarding code of conduct;
- iii. 2 hours regarding scope of practice for radiographers and mammographers; and
- iv. 2 hours regarding practice standards for radiographers and mammographers.

Wamberg shall successfully complete any and all tests, quizzes, or tasks related to or after the above continuing education courses and shall submit proof of successful completion thereof to the Board.

3. Upon successful completion of the requirements of subsection 2 above, the Board will remove the suspension from Wamberg's restricted license, and Wamberg will be placed on probation for the remainder of the 2 year term of her restricted license. The terms of said probation are as follows:

- a. Wamberg is restricted to employment and practice at Trinity Health in Minot. Wamberg must advise the Board prior to any change in employment or location of practice and request amendment of this Settlement Agreement if she wishes to change employment or location of practice; and
- b. Wamberg's immediate supervisor shall submit the following reports of exposure index to the Board on a quarterly basis for the entire duration of her probation:

- i. Exposures reportable to PACS, and
 - ii. Repeat and reject analysis images not sent to PACS.
4. Wamberg shall comply with all laws and rules related to the practice of medical imaging and radiation therapy.
5. The Board will determine if Wamberg fulfills the terms of this Agreement. If Wamberg fails to fulfill the terms of this Agreement, the Board may take further disciplinary action against her license without a hearing or appeal.
6. There are no covenants, promises, undertakings, or understandings outside this Agreement other than those herein specifically set forth.
7. This Agreement shall be governed by the substantive laws of the State of North Dakota without regard to conflict of law principles.

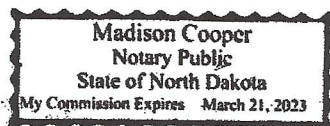
Dated this 17 day of December, 2021.

State of North Dakota

County of Ward

Rebecca Wamberg
Rebecca Wamberg

Subscribed and affirmed to before me this 17 day of December, 2021.



Madison Cooper
Notary Public

Dated this 20 day of December, 2021.

**MEDICAL IMAGING AND RADIATION
THERAPY BOARD**

By. Shirley Porter
Shirley Porter,
President