

North Dakota Medical Imaging and Radiation Therapy Board
May 16, 2023
Regular Board Meeting
Held at the Board office and by Virtual Means
Draft Minutes

Call to Order

The regular meeting was called to order by Board President, Amy Hofmann, at 12:00 pm. The Mission Statement of the Board was read by Porter.

Present

Board Members – Amy Hofmann, Brent Colby, Melanie Murra, Amanda Grocott, Tara Wagner, and Kayla Moore.

Others - Shirley Porter, Executive Director; Jacinda Simmons, Board Staff; Allyson Hicks, Legal Counsel; as well as members of the public in virtual attendance.

{Dr. Michael McIntee and William Thompson absent}

{Rural physician position vacant}

Minutes

01/06/2023 – A motion was made to approve the minutes. (Wagner/Moore/carried) [Dr. McIntee & Thompson absent] (Rural physician vacant) [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Wagner (y), Grocott (y), Moore (y)] **[Bd. Office]**

Financial Report

Porter reviewed the Board finances. She reviewed the updated CDs as of March 15, 2023, all the Board's Certificates of Deposits were updated, cashed-out and purchased new CDs and negotiated better rates and terms at new banks and updated the Litigation, IT Web Funds and the General Use Fund. APT and Bill Kalanek with APT have been removed from all CDs.

Grocott asked how license fees were set. Porter responded that they were set in rules stating all rules go through public notice and have a public comment period.

A motion was made to approve the financial report. (Grocott/Wagner/carried) [Dr. McIntee & Thompson absent] (Rural physician vacant) [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Wagner (y), Grocott (y), Moore (y)]

A motion was made to approve updates to the Board's CD and allocations of reserve funds for specific purposes of Litigation, IT Web, and General use Funds. (Wagner/Grocott/carried) [Dr. McIntee & Thompson absent] (Rural physician vacant) [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Wagner (y), Grocott (y), Moore (y)] **[Executive Director]**

Board office updated Board that their accountant, part of the staff at APT, Inc, is out for a kidney transplant. If her absence exceeds the expected time, Porter will get the checkbook to pay invoices with Attorney General, Albertson Consulting, and APT. Porter will contact Moore, Board secretary/treasurer, with any questions. **[Executive Director]**

Didactic Education Review of LXMO/BD Programs

Porter is waiting for more information from the Riverstone program. Riverstone Health is still working on revising and will possibly be looking for board approval for their Fall 2023 Workshop

course of 104 hours. The Board is seeking a didactic program of education and not necessarily a CE Workshop format. **[Executive Director]**

Approve Licensee List 1/1/2023-5/9/2023

A motion was made to approve the list of licensees. (Moore/Wagner/carried) [Dr. McIntee & Thompson absent] (Rural physician vacant] [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Wagner (y), Grocott (y), Moore (y)]

Annual Review: Open Records/Open Meetings

Allyson Hicks, Board Legal Counsel, went over the open meeting, open records, and ethics commission laws that concern the Board.

Ethics Commission – The commission was created during the 2019 session and has authority over election, lobbying, corruption, and conflicts of interest. There are two types of conflicts of interest. The first one concerns disciplinary issues. A Board member must recuse themselves if there's an appearance of bias such as personal relationships (spouse, child, or relative) or a bias for financial gains (boss, employee, or client). The recused must be noted in minutes and give the reason why. The Board member could be a neutral reviewer where the rest of the Board decides if they need to be recused. There is a conflict-of-interest form that is available to the public, but Board minutes will suffice so Board doesn't need to send the form to the Ethics Commission. The second conflict of interest type is contracts and daily Board matters. This type concerns a Board member who works at Sanford and the licensee in the complaint also works at Sanford. If they are in different cities, it likely isn't a conflict of interest. But a conflict of interest can arise if they are coworkers, friends, or supervisor-supervisee. This is not much different than what has been done in the past.

Open Records & Open Meetings – A record is anything on any device in any format regarding public business of the Board. Public business is regarding laws, complaints, applications, etc. All records are open unless the law allows the record to be exempt or confidential. Exempt records are closed records which can be released without penalty, such as public employee information, payroll, and bank information. Confidential records cannot be released unless defined in law, such as medical records, SSN, computer passwords, etc. Releasing confidential records without proper statute is a Class C felony. Open records are personnel files, business related emails, and state contracts. All licensee information, whether past, present, and future, is exempt.

{Wagner absent}

Open Records Request – A request does not need to be in writing or need a reason for the request. The requestor also is not required to release their name, but Board may need to know which records can be released. Every request is reviewed and decided. The Board does not need to provide records they do not have and they may charge a fee of \$25 per hour. The board may need to redact information before sending. The timeline of the request depends on the request. A request for a copy of the last Board meeting minutes would be quickly fulfilled. Other requests may take longer but should be completed as soon as possible.

Open Meetings – For a public meeting, the Board needs 5 Board members for a quorum. Anytime 5 Board members are present, even at a restaurant, constitutes a public meeting. For Board committees, 2 or more members may be delegated to do something and requires public

notice of the committee meeting. However, one Board member and the Executive Director do not constitute a meeting. Another option is to have assign one Board member for the project, but they can then talk to any Board member individually without being a public meeting. A regular meeting is planned out ahead of time even if the date or time needs to be changed. A special meeting is at short notice and the Board can only talk about the items on the agenda.

Public Notice contains the date and time and the topics that will be discussed. For a virtual meeting, the login information must be on the agenda. The Board must also post upcoming regular and special meetings on the Board's website as required by a new law approved during the 2023 legislative session. Meetings also must be posted at the Board office. The Board must be careful not to have a serial meeting. An example of this is a meeting by email when a Board member replies all to the message.

Executive Session is held to discuss exempt or confidential records, attorney consultations, and lawsuit or settlement agreement negotiations.

Legislative Update

SB 2249 – This is the only bill concerning Boards that passed. The Labor Commission will study each Board over the next 2 years and can suggest or propose legislation for the next session.

Hovet Settlement

She has signed the settlement agreement. She has 45 calendar days from the date of signature to complete the settlement agreement conditions. The Board will discuss if she does not meet those terms and may take action. Tabled to next meeting. **[Executive Director]**

Complaints

K. Boehm - A motion was made to dismiss the complaint with the conditions imposed by the facility, adherence to employer policy, and the employer must report and Boehm must self-report any future positive test results or concerns. (Grocott/Murra/carried) [Dr. McIntee, Thompson, and Wagner absent] (Rural physician vacant] [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Grocott (y), Moore (y)] **[Legal Counsel]**

Dr. Ghazi - A motion was made to dismiss the complaint because he is not a licensee, so the Board has no authority over a medical provider or nursing staff; Board will transfer complaint to the ND Board of Medicine, ND Board of Nursing, and ND Department of Health-Dept of Environmental Quality. (Grocott/Colby/carried) [Dr. McIntee, Thompson, and Wagner absent] (Rural physician vacant] [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Grocott (y), Moore (y)] **[Legal Counsel]**

Wamberg Update

She informed the board she is no longer employed at Trinity Hospital as of March 31, 2023. She will need to inform the Board of her new employer. On April 4, Wamberg was informed in writing she may request an amendment of the settlement at any time due to employment changes. Database will be flagged for the upcoming renewal cycle, for employment changes.

[Bd. Office]

Applications

Porter reported that all applications have been updated and are online or will be soon.

Renewal – A motion was made to allow licensees to reinstate their license for one full 2-year license period. (Grocott/Moore/carried) [Dr. McIntee, Thompson, and Wagner absent] (Rural physician vacant) [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Grocott (y), Moore (y)]
[Bd. Office]

Map Guide – A new feature in the application asks the applicant questions to determine the correct application to complete and correct license type to apply.

Website Aesthetics – Board office showed the updated website colors, pictures, and icons. The new look will be on the live site soon.

Travel Agency Completed Application for Applicant – An application was completed by a travel agency for their client who was applying for a license. The travel agency was required to withdraw application and have the applicant complete the application. A disclaimer will be added to the Board's website that applicants must complete their own application.

Pending Background Check Conditional License Issued – Porter asked if the Board was interested in issuing a conditional license pending the background check within three days. All other documents, including completed background check forms, would already be received except the background check results. Porter explained the background check process to the Board. Legal Counsel suggested a checkbox or similar on the application to verify they have met the license requirements. The board questioned if this would benefit or cause any concerns for travelers and employers. The board wondered if a survey should be sent to facilities and what the timeline would be for the conditional license pending background check. Porter will survey employers and do more research. Tabled to next regular meeting in October 2023.

[Executive Director]

Legal counsel asked if the citizenship document was required. This has been a requirement since licensure began. Porter will discuss it with her to see if it still needs to be a requirement for licensure.

[Executive Director & Legal Counsel]

Military Spouse – Federal law, HR 7939 changes require endorsement licenses to be expedited-to both military members and spouses. No application fee or background check is required. Both must provide their 1.) military orders of assignment in ND, they 2.) must have been actively practicing medical imaging or radiation therapy for the last two years, 3.) must have a license from another jurisdiction and is in good standing in all jurisdictions in which they hold a license, and 3.) submit to our ND authority. 4.) The board office will need to check with current or past employers for the last two years of active practice of medical imaging and radiation therapy before issuing endorsement license.

Board Emails

Porter has been working with Network Center to move Board emails to their service. Porter will soon contact each Board member to create a new email for Board business. Board members should then not use their personal email for Board business anymore.

A motion was made to add to the Board policy manual that Board members should forward any emails from licensees or applicants to the Executive Director or the Board office.
(Moore/Grocott/carried) [Dr. McIntee, Thompson, and Wagner absent] (Rural physician vacant)

LXMOs

Certified chiropractic assistants request a modified scope of practice. Chuppe Chiropractic is requesting to be a preceptor to train LXMOs in his office. Porter will work with a Board member to research this request.

A motion was made to appoint a Board member to work with Porter to research chiropractic LXMO, limiting the chiropractic LXMO scope of practice, and allowing a chiropractor to be a clinical preceptor for the chiropractic LXMO. (Grocott/Moore/carried) [Dr. McIntee, Thompson, and Wagner absent] (Rural physician vacant) [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Grocott (y), Moore (y)]
[Executive Director and Grocott]

{Murra absent – no quorum present}

Board Member Terms

The rural physician position on the Board is vacant. Board members should refer possible Board members to the Board office or Governor’s website. Several Board members have terms expiring 7/31/2023. Colby holds the physicist position on the Board. He has a possible replacement, Ryan Kalmoe, whom already has his application on file with the Governor’s office. Murra will be reappointed for the nuclear medicine will be reappointed. Dr. McIntee does not wish to be reappointed due to his busy work schedule. Thompson is eligible for a second term.

{Murra present}

Policy Updates

List Request Form – The Board will ask on the next renewal if licensees want their information to be released to those who request a list. The Board will no longer give out registry numbers.

A motion was made to ask the question if they want their information released on the application and renewal application. (Moore/Grocott/carried) [Dr. McIntee, Thompson, and Wagner absent] (Rural physician vacant)
[Bd. Office]

{Murra absent – no quorum present}

Complaint Form – Porter will make updates to the form and bring it back to the next meeting for Board review and approval.
[Executive Director]

2023 Regular Board Meeting Date

October 10, 2023 Time to be announced.

Board members have various availabilities that work best for them. The Executive Director will work with the Board office to set up the best time for everyone.

Board Office Updates

Total number of people licensed: 1672. Total conditional licenses: 42. Total temporary licenses: 7.

License renewal will begin in September 2023. Renewal notices will be sent out by email.

BCI is doing an upgrade to their system beginning today. They expect a delay of 2-4 days in processing background checks.

Completed background checks forms are now being dropped off by APT at least twice a week.

Executive Director Updates

Porter wonders if all employers are aware that MRI Technologists must be licensed by the Board. A letter will be drafted and sent to all MRI facilities to ensure their MRI techs are licensed with the Board appropriately.

[Executive Director]

Porter will ask Legal Counsel if the Board can do spot checks on facilities.

A letter could also be sent to cancer center facilities to ensure that all persons performing PET scans and doing nuclear medicine are licensed by the Board as Nuclear Medicine Technologists and not Radiographers.

The board is concerned about patient safety if technologists are not adhering to their proper scope of practice and/or are not licensed appropriately.

Grocott states there are online options for nuclear medicine technologists to be registered and then acquire state licensure.

{Murra present}

Joint Statement

A motion was made to respond to the ND Board of Nursing that the Board reviewed, and the Board chose not to ratify the modified document. (Colby/Murra/carried) [Dr. McIntee, Thompson, and Wagner absent) (Rural physician vacant] [Roll Call Vote – Hofmann (y), Colby (y), Murra (y), Grocott (y), Moore (y)]

[Executive Director]

Other

Thermography – It seems to be medical imaging. Legal counsel stated that if the Board chooses, they could regulate thermography through the Administrative Rules. The board is interested in who regulates it and what other states regulate it. Tabled to next meeting.

[Executive Director]

Adjourn

3:37 pm

**Respectfully submitted,
Shirley Porter**

Jacinda Simmons

Executive Director

Administrator

Please deleted this list from minutes so not attached, thanks.

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NDMIRTB License List 1/1/2023-5/9/2023

Lic #	First Name	Last Name	License Type	Sub License	License Status	Issue Date	Expire Date	GF?
2329	Nicole	Joe	Radiographer Cardiovascular Invasive		Active	1/6/2023	12/31/2023	No
2328	Andrew	Nolz	Specialist		Active	1/6/2023	12/31/2023	No
356	Andrea	White	Sonographer Cardiovascular Invasive		Active	1/9/2023	12/31/2023	No
2330	Alyssa	Lee	Specialist		Active	1/10/2023	12/31/2023	No
	Rebecca	Nitsch	Sonographer	Conditional	Active	1/10/2023	1/10/2025	No
2331	Danielle	Blair	Sonographer		Active	1/12/2023	12/31/2023	No
2332	Makaela	Teiken	Radiographer Cardiovascular Invasive		Active	1/12/2023	12/31/2023	No
	Curtis	Crist	Specialist	Conditional	Active	1/19/2023	1/19/2025	No
2229	Kylie	Lartch	Radiographer		Active	1/20/2023	12/31/2023	No
1807	Mardee	Sierks	Radiographer		Active	1/24/2023	12/30/2023	No
2355	Michelle	Mason	Radiographer		Active	1/24/2023		No
2333	John	Curio	Radiographer		Active	1/26/2023	12/31/2023	No
2339	Sarah	Stewart	Radiographer		Active	1/26/2023	12/31/2023	No
2338	anthony	sherrod	Radiographer Nuclear Medicine		Active	1/26/2023	12/31/2023	No
2337	RYAN	WEST	Technologist		Active	1/26/2023	12/31/2023	No
2340	Fred	Agase	Sonographer Cardiovascular Invasive		Active	1/26/2023	12/31/2023	No
	Madison	Brooks	Specialist	Conditional	Active	1/26/2023	1/26/2025	No
2335	Crystal	Carey	Radiographer		Active	1/26/2023	12/31/2023	No
2336	Melanice	Perkins	Sonographer Radiation		Active	1/26/2023	12/31/2023	No
1931	Robert	Opiela	Therapist		Active	1/26/2023	12/31/2023	No
2334	Caylee	Wilder	Sonographer Nuclear Medicine		Active	1/26/2023	12/31/2023	No
2342	KAMAL	KANAAN	Technologist		Active	1/31/2023	12/31/2023	No
2341	Juliane	Leavens	Sonographer Magnetic Resonance Imaging		Active	1/31/2023	12/31/2023	No
2343	Corey	Fallon	Technologist		Active	2/3/2023	12/31/2023	No
2344	Hannah	Le	Sonographer		Active	2/3/2023	12/31/2023	No
2348	Alan	Benson	Radiographer		Active	2/3/2023	12/31/2023	No
	Sloan							
2345	Allison	Blankenship	Radiographer	Temporary	Active	2/3/2023	8/3/2023	No
2346	Fatima	Ali	Radiographer		Active	2/3/2023	12/31/2023	No

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2343	Corey	Fallon	Radiographer		Active	2/3/2023	12/31/2023	No
2347	Meribeth	Zaborowski	Radiographer		Active	2/3/2023	12/31/2023	No
2354	Ashley	Tweeton	Radiographer		Active	2/9/2023	12/31/2023	No
2353	Owen	Westerham	Radiographer		Active	2/9/2023	12/31/2023	No
2350	Maya	Samuel	Sonographer		Active	2/9/2023	12/31/2023	No
2352	Alyse	Smith	Radiographer		Active	2/9/2023	12/31/2023	No
2349	Ronald	Brooks	Radiographer Cardiovascular Invasive		Active	2/9/2023	12/31/2023	No
	Jesslyn	Solis	Specialist	Conditional	Active	2/10/2023	2/10/2025	No
2356	Mayce	Brodehl	Sonographer		Active	2/16/2023	12/31/2023	No
2357	Jake	Steinocker	Radiographer		Active	2/17/2023	12/31/2023	No
71	Leslie	Murphy	Sonographer Magnetic Resonance Imaging		Active	2/21/2023	12/31/2023	No
2359	Lydia	Humbeck	Technologist		Active	2/21/2023	12/31/2023	No
2359	Lydia	Humbeck	Radiographer		Active	2/21/2023	12/31/2023	No
2358	Danielle	Braseth	Radiographer		Active	2/21/2023	12/31/2023	No
2360	Karen	Weber	Radiographer		Active	2/22/2023	12/31/2023	
		Zalas-	Radiation					
2361	Nicole	Browne	Therapist Magnetic Resonance Imaging		Active	2/25/2023	12/31/2023	No
826	Robyn	Van Buren	Technologist		Active	2/28/2023	12/31/2023	Yes
2362	Lauren	Natta	Radiographer		Active	3/5/2023	12/31/2023	
2367	Monica	Knight	Radiographer		Active	3/6/2023	12/31/2023	No
2366	Holley	Carroll	Radiographer		Active	3/6/2023	12/31/2023	No
	Joel	Nino	Sonographer	Conditional	Active	3/6/2023	3/6/2025	No
2368	Rachel	Minton	Sonographer		Active	3/6/2023	12/31/2023	No
2364	Deneen	Harper	Radiographer		Active	3/6/2023	12/31/2023	No
2365	Mariah	Zamora	Sonographer Radiation		Active	3/6/2023	12/31/2023	
2363	Erica	Slathar	Therapist		Active	3/6/2023	12/31/2023	No
2371	Lauren	Christoffer	Radiographer		Active	3/8/2023	12/31/2023	No
2370	Isabella	Barnett	Radiographer		Active	3/8/2023	12/31/2023	No
2369	Troy	Sweet	Radiographer Magnetic Resonance Imaging		Active	3/8/2023	12/31/2023	No
2274	Paige	Fischer	Technologist	Conditional	Active	3/10/2023	3/10/2025	No
2372	Anjalyn	Trimmer	Sonographer		Active	3/10/2023	12/31/2023	No
124	Michael	McHugo	Radiographer		Active	3/10/2023	12/31/2023	No
2375	Stacy	Flexhaug	Radiographer		Active	3/10/2023	12/31/2023	No

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1164	Michael	Nokelby	Magnetic Resonance Imaging Technologist	Conditional	Active	3/10/2023	3/10/2025	No
2026	Laura	Madson	Magnetic Resonance Imaging Technologist	Conditional	Active	3/10/2023	3/10/2025	No
2374	Terina	Burdick	Radiographer		Active	3/10/2023	12/31/2023	No
2373	Ashley	Harris	Sonographer		Active	3/10/2023	12/31/2023	No
	Hannah	Morast	Limited X-Ray Machine Operator	Conditional	Active	3/13/2023	3/13/2025	
499	Alyssa	Hovet	Magnetic Resonance Imaging Technologist	Conditional	Active	3/14/2023	3/14/2025	No
2376	Jenna	Estes	Radiographer		Active	3/16/2023	12/31/2023	No
2380	Ashley	Rea	Nuclear Medicine Technologist		Active	3/21/2023	12/31/2023	No
2377	Shay	Howard	Radiographer		Active	3/21/2023	12/31/2023	No
2378	Kimberly	Akerstrom	Sonographer		Active	3/21/2023	12/31/2023	No
2379	Derek	Painter	Radiographer		Active	3/21/2023	12/31/2023	No
2382	Eboni	Mcfadden	Nuclear Medicine Technologist		Active	3/24/2023	12/31/2023	No
2381	Blake	Bale	Radiographer		Active	3/24/2023	12/31/2023	No
1685	James	Breland	Magnetic Resonance Imaging Technologist		Active	3/28/2023	12/31/2023	
1830	Julia	Krueger	Magnetic Resonance Imaging Technologist		Active	3/28/2023	12/31/2023	No
	Rene	Estrada	Sonographer	Conditional	Active	4/11/2023	4/11/2025	No
2384	Wandalene	Richardson	Radiographer		Active	4/11/2023	12/31/2023	No
2383	Alice	Minx	Radiographer		Active	4/11/2023	12/31/2023	No
2385	Jennifer	Travis	Nuclear Medicine Technologist		Active	4/12/2023	12/31/2023	No
2389	Reegan	Sletten	Sonographer		Active	4/13/2023	12/31/2023	No
2386	Julia	LeBaron	Nuclear Medicine Technologist		Active	4/13/2023	12/31/2023	No
935	Douglas	Mai	Radiographer		Active	4/13/2023	12/31/2023	No

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2390	TANYA	KILDAL	Radiographer		Active	4/13/2023	12/31/2023	No
2388	Melissa	Alsgaard	Sonographer		Active	4/13/2023	12/31/2023	No
2387	Bessie	Haynes	Radiographer		Active	4/13/2023	12/31/2023	No
2391	Gregory	Davis	Sonographer Magnetic Resonance Imaging		Active	4/14/2023	12/31/2023	No
1036	Nathanael	Reese	Technologist	Conditional	Active	4/18/2023	4/18/2025	No
2392	Janet	Myers	Radiographer		Active	4/18/2023	12/31/2023	No
2393	Stephanie	Hawk	Radiographer Nuclear Medicine		Active	4/20/2023	12/31/2023	No
74	Amani	Penrow	Technologist		Active	4/25/2023	12/31/2023	No
2394	Adeline	Smith	Radiographer		Active	4/26/2023	12/31/2023	No
2395	David	Torrico	Radiographer		Active	4/27/2023	12/31/2023	No
2396	Victor	Castillo	Radiographer		Active	4/28/2023	12/31/2023	No
2398	Sam	O'Brien	Radiographer		Active	4/28/2023	12/31/2023	No
2397	Diana	Wich	Sonographer Nuclear Medicine		Active	4/28/2023	12/31/2023	No
2399	John	Schwartz	Technologist Radiologist		Active	4/28/2023	12/31/2023	No
2400	Craig	Byer	Assistant Cardiovascular Invasive		Active	5/1/2023	12/31/2023	No
2401	Tanya	Gateley	Specialist		Active	5/5/2023	12/31/2023	No
2403	Morgan	Langham	Radiographer		Active	5/9/2023	12/31/2023	No
2402	Nicole	Deragisch	Radiographer	Temporary	Active	5/9/2023	11/9/2023	No