

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

**Jacinda Simmons  
Administrator**