

**North Dakota Medical Imaging and Radiation Therapy Board
September 12, 2024
Regular Board Meeting
Held by Virtual Means
Minutes**

Call to Order

The regular meeting was called to order by Board President, Amy Hofmann, at 4:00 pm. Porter read the Mission Statement of the Board.

Present

Board Members – Amy Hofmann, Amanda Grocott, Melanie Murra, Dr. Ryan Hegge, Kayla Moore, Ryan Kalmoe, Dr. Ryan Zimmerman.

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

***{Dr. Ryan Hegge, Melanie Murra, and Tara Wagner absent}
{Public member position vacant}***

Introduction

Lafferty introduced two new attorneys, Mark Openshaw and Ashley Roll, in the AG's office that are observing this meeting.

Minutes

06/25/2024 – A motion was made to approve the minutes. (Grocott/Kalmoe/carried) [Dr. Ryan Hegge, Melanie Murra, and Tara Wagner absent] (Public member position vacant] [Roll Call Vote – Hofmann (y), Grocott (y), Kalmoe (y), Dr. Zimmerman (y), Moore (y)]
[Bd. Office]

Financial

A motion was made to approve the financial report and CDs. (Dr. Zimmerman/Grocott/carried) [Dr. Ryan Hegge, Melanie Murra, and Tara Wagner absent] (Public member position vacant] [Roll Call Vote – Hofmann (y), Grocott (y), Kalmoe (y), Dr. Zimmerman (y), Moore (y)]

PayPal deposits should be made monthly to avoid gaps in income. **[Bd. Office]**

Contract Financial Responsibilities – Board discussed estimates for three local accounting firms. CB Accounting and GLG Accounting offer similar services for about the same fees. Ritter Adair & Associates offer more services at a slightly higher price.

Porter would be willing to oversee Accounts Payable. Brady Martz would be able to have access to the QuickBooks account for audit reports.

Board wishes to have more consistency with finances.

{Dr. Hegge present}

A motion was made to amend APT contract and to move forward with a professional services contract with CB Accounting. (Moore/Dr. Zimmerman/carried) [Melanie Murra and Tara Wagner absent] (Public member position vacant] [Roll Call Vote – Hofmann (y), Grocott (y), Kalmoe (y), Dr. Zimmerman (y), Moore (y), Dr. Hegge (y)] **[Porter]**

Hicks will provide Legal Counsel for the letter of engagement ~~contract~~ with CB Accounting as Lafferty has a conflict. However, Lafferty will provide Legal Counsel for the addendum to the APT, Inc. contract.

Approve Licensee List 5/1/2024-8/31/2024

A motion was made to approve the list of licensees from May 1, 2024, to August 31, 2024. (Moore/Grocott/carried) [Melanie Murra and Tara Wagner absent] (Public member position vacant] [Roll Call Vote – Hofmann (y), Grocott (y), Kalmoe (y), Dr. Zimmerman (y), Moore (y), Dr. Hegge (y)] **[Bd. Office]**

{Murra present}

Commerce Licensing Board Survey

The Board does not currently collect all the information in its online database requested in the ND Department of Commerce and Workforce Development Council survey. Porter contacted ND Commerce for clarification on several questions but did not hear back; responses were to the best of the Board's abilities to provide. as much information and data as possible

A motion was made to approve the draft responses as written and reviewed. (Grocott/Kalmoe/carried) [Tara Wagner absent] (Public member position vacant] [Roll Call Vote – Hofmann (y), Grocott (y), Kalmoe (y), Dr. Zimmerman (y), Moore (y), Dr. Hegge (y), Murra (y)]

Porter will submit the survey to ND Commerce. **[Porter]**

Complaint

Porter recapped the Board on the complaint and Lafferty reviewed the Board's options for actions. The Board discussed the details of the complaint in detail as well as the responses; decisions to offer a conditional dismissal if all terms of additional training and education are fulfilled.

A motion was made to find Paul Kamrowski violated N.D.C.C. 43-62-19(5) and offer a conditional dismissal requiring Kamrowski complete the following (at his own expense and within 90 days) in lieu of disciplinary action: ASRT's CT Basics 2.0: Series (16 credits) and Pathways to Improving Your Mental Health and Wellness by MTMI (choosing one of the three offered in 2024). (Grocott/Kalmoe/carried) [Tara Wagner absent] (Public member position vacant] [Roll Call Vote – Hofmann (y), Grocott (y), Kalmoe (y), Dr. Zimmerman (y), Moore (y), Dr. Hegge (y), Murra (y)] **[Legal Counsel]**

Lafferty will draft the conditional dismissal and Porter will review prior to sending to Kamrowski.

Contracts

ARRT contracts expire December 31, 2024. Porter has contacted the ARRT requesting new contracts, nothing received as of meeting. Porter will work with Lafferty for review, renewal and execute if no substantive changes; they will be brought back to the Board for ratification in the future.

A motion was made that Porter and Lafferty will review and amend contracts as needed and bring to the full Board for approval. (Moore/Grocott/carried) [Tara Wagner absent] (Public member position vacant) [Roll Call Vote – Hofmann (y), Grocott (y), Kalmoe (y), Dr. Zimmerman (y), Moore (y), Dr. Hegge (y), Murra (y)] **[Porter & Legal Counsel]**

Attorney General Board Training

Porter and Hoffmann will attend remotely. Porter encourages attendance as this day of education provides great information for licensing boards. Last year's seminar was cancelled due to a special legislative session.

Audit

Board working with Brady Martz to complete financial audit for 2022-2023. All documents have been submitted, but they are running behind and still working on the audit. Again, Brady Martz will need to complete some of the financial reports needed as Lori does not generate accounts receivable for the years of the audit and a deferred revenue report that ties to the balance sheet. Porter reported that it was going well and receives updates from main auditor. Once audit is completed it will be presented to the Board for ratification.

Board Office Update

There are currently 1720 licensees holding 1971 licenses that expire 12/31/2025. There are thirteen current temporary licenses and thirty-eight current conditional licenses including eleven conditional LXMOs. The Board office is responsible for tracking the progress of conditional license holders and sending reminders.

There are a several conditional license holders that are past due on their one-year requirements. The Board office does not know if the reminder emails are not being received or if they are being ignored. Lafferty will review the requirements. The Board office, Porter, and Lafferty Will work together to draft a letter, then email/mail it to those who are not compliant with the Board. **[Bd. Office, Porter, & Lafferty]**

PayPal dispute from applicant who decided to not proceed with the application process. The Board office did tell her that fees are non-refundable. Lafferty said the PayPal dispute was her only option to get a refund. He said it is not worth further disputing it with her or PayPal.

There is a 9-day average over the last four months to receive background check results from ND BCI. All background checks are being dropped off at ND BCI by the Board office, no longer utilizing the USPS and those delays.

The Board office is working on the Board's records retention schedule to add records specific to the Board, such as applications and complaints. The Board office used the terms approved in 2019. They are near approval and will be implemented.

Annual Review of Open Records, Ethics, Conflict of Interest & Open Meetings Laws

Lafferty did an annual review for the Board with time for questions and clarifications.

Items reviewed:

An open record is anything you can show to someone else such as a letter, email, financial statement, complaint, etc.

When Board business is discussed, there needs to be a quorum or majority of Board members. The Board needs to be careful to avoid talking about Board business when not in a board meeting such as in an email or at a professional function.

All meetings must be posted with the ND Secretary of State, posted on the Board's website and a notice in the local newspaper. Special meetings can be called immediately and held with a quorum of members present. Special meetings must stick to the written agenda and no other business can be discussed.

Minutes should contain a list of present and absent Board members. Motions should be voted by roll call for any motion regarding people or money. Procedural votes are usually only for minutes approval and adjournment of the meeting.

Board members replying all to an email when scheduling a meeting is acceptable. However, it is not ok to reply to all members when the email is about Board business. This could be interpreted as holding an illegal meeting by email because the public cannot be included or invited to an email chain.

Executive Session should be used to discuss settlement agreements, patient records, and other confidential information. Only the announced item can be discussed in Executive Session.

Board members may recuse themselves from voting on a Board motion because of a conflict of interest. It is not always necessary to recuse because the person involved is a coworker, friend, or relative. But the relationship should be disclosed to the Board for a decision by the Board if the person should be recused. Possible instances may include a supervising relationship, spouse, immediate family member, or close friend. It protects you as a Board member to avoid ethics complaints.

Lafferty's presentation will be added to the Board's secure documents for Board members to reference.

Legislative Session

The 69th ND Legislative session will begin 1/7/2025. There will be proposed bills affecting licensing Boards. The Board may need to have special meetings to decide how to respond if choosing to the bills.

Executive Director Updates

The Executive Director ND Ethics Commission, Rebecca Binstock, will give the Board's first ethics presentation, when her schedule allows, Porter will contact and make arrangements.

2025 Meeting Dates – Porter gave some meeting dates and asked the Board to check their schedules.

The Board still needs a public member. Board members should refer interested persons to the Board Office or Porter and she will provide requirements and any additional information. Porter will reach out to the Governor's office if any applicants or possible ideas for recruitment to serve.

Board received email from Under Secretary of Veteran's Affairs requesting public comment on the proposed national standards for diagnostic radiologic technologists and therapeutic radiologist technologists practicing in federal facilities across the country. NDCC 43-62-03 does exempt federal employees working at federal facilities from licensure. Porter contacted Board members separately to develop a response email.

Porter and the Board office are continuing to work with Albertsons Consulting to make improvements to the website and database. The next project is to make the Application Status more automated. Porter has been assisting the Board office with applications and issuing licenses. The Board office will send screenshots of the current application status. Things are going well with the LXMO Conditional Licenses. Mid-July Porter did personal callbacks with conditional LXMO licensees checking on their clinical progress and if any questions. She received positive feedback regarding progress and the personal contact.

Things are still inconsistent with ND BCI results, especially due to school starting and the priority for educators' background check results. Porter continues to review Board processes to possibly improve issuance timeframes and turnaround time of requesting information from applicants. There is currently a 9-day average over the last four months to receive background check results from ND BCI, with issuance at that time.

Adjourn

6:28 pm

Respectfully submitted,

Shirley Porter
Executive Director

Jacinda Simmons
Administrator