



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

July 21, 2025

Tobias Gilk
tgilk@mripatientsafety.com

Dear Tobias Gilk:

This correspondence is in response to your recent complaint received by our Centralized Hospital Intake Program (CHIP) regarding Nassau Open MRI. All complaint information is thoroughly reviewed by the CHIP professional clinical staff and it was determined that this facility is not within our regulatory jurisdiction to investigate.

The New York State Department of Health is responsible for the ongoing surveillance and investigation of complaints related to the care provided by most hospitals and diagnostic and treatment centers, including ambulatory surgical centers, dialysis centers, and some outpatient clinics in New York State. Information regarding these types of facilities may be found at <https://profiles.health.ny.gov/>.

Thank you for bringing your concerns to our attention.

Sincerely,

Centralized Hospital Intake Program
Division of Hospitals and
Diagnostic & Treatment Centers

Date : 9/8/2025 1:02:26 PM

From : "Tobias Gilk" tobias.gilk@gmail.com

To : "doh.sm.NYS.Hospital.Information" hospinfo@health.ny.gov

Subject : Re: MRI safety standards

Attachment : minnies_logo_finalist_150.jpg;

You don't often get email from tobias.gilk@gmail.com. [Learn why this is important](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

It has now been over a month since my original email. Is it possible to -minimally- receive an acknowledgment of the email, particularly since phone calls to NYSDOH Division of Hospitals and Diagnostic Services all get the response of 'send it in an email'?

Respectfully,

Tobias Gilk

On Aug 29, 2025, at 9:55 AM, Tobias B Gilk wrote:

Sir / Madam:

I emailed my initial request 22 days ago. I have twice followed up with requests for substantive responses or at least an acknowledgment of receipt and timeline for a substantive response.

Could someone please reply to minimally provide me with a status update with regard to August 7 inquiry (included, below)?

Thank you,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

On Aug 26, 2025, at 12:13 PM, Tobias B Gilk wrote:

It has been another couple weeks... can someone please verify receipt and provide me with an indication of when I might expect a substantive response?

Thank you,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

On Aug 11, 2025, at 10:29 AM, Tobias B Gilk wrote:

Can you please verify receipt.

Thank you.

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

On Aug 7, 2025, at 10:29 AM, Tobias B Gilk wrote:

Sir or Madam,

My name is Tobias Gilk and I am an MRI safety trainer, consultant, and advocate. I hold both MR Safety Officer and MR Safety Expert credentials, and have previously served, twice, on the American College of Radiology's MRI safety committee and am a named co-author on three of that group's MRI safety best practice standard publications.

I write to you today with both questions and an offer...

The recent MRI fatality at Nassau Open MRI now makes the state of New York associated with both of the USA's two most high-profile MRI fatalities. This NYSDOH memo from 2013 clearly states that (at the time, at least), the Department had no jurisdiction over any use of MRI in the state

(https://www.health.ny.gov/facilities/public_health_and_health_planning_council/meetings/2013-07-17/docs/2013-07-03_adv_diag_imag_policy_options.pdf).

My question is whether or not that is similarly true in 2025? Does NYSDOH have jurisdiction over the use of MRI at either hospitals or outpatient imaging centers in the state? Can you please share with me what the state codes are that describe what radiology modalities or services are covered?

The offer is that I imagine that NYSDOH and the state legislature must be looking at means to bring MRI into state licensure / regulatory jurisdiction. I've been studying MRI accidents and injuries for over a decade and have some evidence on what preventions may present you with the most advantageous balance of greatest safety with smallest enforcement burden. I would like to offer my services to the NYSDOH if such discussions are going on. Who would be the individual (or office) that would be in charge of a regulatory review of the state's MRI licensure or safety standards?

I look forward to hearing from you.

Respectfully,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com



Date : 9/15/2025 9:46:17 AM

From : "Tobias Gilk" tobias.gilk@gmail.com

To : "doh.sm.NYS.Hospital.Information" hospinfo@health.ny.gov

Subject : Please identify policy contact for NYSDOH

Attachment : minnies_logo_finalist_150.jpg;minnies_logo_finalist_150.jpg;

You don't often get email from tobias.gilk@gmail.com. [Learn why this is important](#)

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Sir or Madam,

Kindly provide me with the contact within NYSDOH who would have primary responsibility for NYSDOH policy. Specifically, I'm interested in identifying the contact(s) for policy relative to state legislative actions (changes in NYS law governing healthcare providers) as well as anyone specifically looking at MRI safety standards within NYSDOH.

Please acknowledge receipt of this email.

Respectfully,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com



--

Tobias Gilk

+1.913-515-8449 (USA Central Time Zone)

tobias.gilk@gmail.com

Date : 9/4/2025 11:51:52 AM

From : "Tobias B Gilk" tgilk@MRIpatientsafety.com

To : "doh.sm.NYS.Hospital.Information" hospinfo@health.ny.gov

Subject : Please identify policy contact for NYSDOH

Attachment : minnies_logo_finalist_150.jpg;

You don't often get email from tgilk@mripatientsafety.com. [Learn why this is important](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Sir or Madam,

Kindly provide me with the contact within NYSDOH who would have primary responsibility for NYSDOH policy. Specifically, I'm interested in identifying the contact(s) for policy relative to state legislative actions (changes in NYS law governing healthcare providers) as well as anyone specifically looking at MRI safety standards within NYSDOH.

Please acknowledge receipt of this email.

Respectfully,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com



From: Tobias B Gilk <tgilk@MRIpatientsafety.com>
Sent: Monday, July 28, 2025 4:27 PM
To: doh.sm.CONNS <cons@health.ny.gov>
Subject: Requesting information on MRI regulation - providers in NY

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Sir or madam,

I'm writing to ask if the information from this 2013 memo is still accurate (https://www.health.ny.gov/facilities/public_health_and_health_planning_council/meetings/2013-07-17/docs/2013-07-03_adv_diag_imag_policy_options.pdf) that the state of New York has no statutory authority to regulate the safety of MRI?

If, on the other hand, MRI *is* regulated by the state of NY, can you please provide me with a reference to the state codes / statutes that describe NYSDoH MRI safety regulations?

Thank you,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com



From: ROBERT LACROIX [REDACTED]

Sent: Thursday, August 21, 2025 5:42 PM

To: doh.sm.NYS.Hospital.Information <hospinfo@health.ny.gov>

Cc: doh.sm.DOHWEB <dohweb@health.ny.gov>

Subject: Attention July 2025 Nassau County MRI investigation , Attention to Dr. McDonald in New York Heath.

[Some people who received this message don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Attached is a letter regarding the July 2025 MRI event.

This is now a vital subject of nationwide concern in MRI Safety and certainly have national influence.

Therefore as MRI has been my concern for since 1985. I am submitting the attached request and reflection of this event.

There is a PDF attached.

Robert LaCroix

I am a MRI technologist and am requesting findings of the investigation for teaching and learning purposes of updated MRI Safety polices.

ARRT

Radiology , Cat Scan, Cardiovascular Interventional , and MRI
certifications. (R, CIT , CT, MR)

California Radiology Technologist

CRT and Fluoroscopic certificates.

American Board of Magnetic Resonance Safety (ABRMS)

MRSO - Magnetic Resonance Safety Officer

From: Tobias B Gilk <tgilk@MRIpatientsafety.com>
Sent: Monday, September 15, 2025 3:53 PM
To: Burns, Charles J (HEALTH) <charles.burns@health.ny.gov>; Heim, Sara A (HEALTH) <Sara.Heim@health.ny.gov>
Subject: Re: NYSDOH - Policy Contact - MRI safety standards

You don't often get email from tgilk@mripatientsafety.com. [Learn why this is important](#)

Hello again, Mr. Burns & Ms. Heim,

Firstly, I want to thank you both, again, for your time in the call a few weeks ago. I don't expect you'll be too surprised to hear that I've been encountering brick walls in every other part of NYSDOH I've tried to make inquiries into... Public Affairs hasn't returned calls, and neither has Primary Care and Health Systems Management. Quality and Analytics returned my call, but only to tell me that I should be contacting the Division of Hospital & Diagnostic Services. The person who answers that phone says that they're prohibited from giving out information or connecting me with anyone else, and that I'm supposed to email my questions to hospinfo@NYSDOH.ny.gov, which I've been doing for weeks without acknowledgement, much less a substantive reply.

As BERP, you're closer to the issues of MRI, in a practical sense, than probably anyone else in NYSDOH. I remain hopeful that you can point me to someone... anyone... within the Department who has responsibility for safety and / or policy and / or proposed legislation. Please do let me know who you think might be able to engage in a conversation about MRI safety standards that could be minimally burdensome and yet provide a strong measure of reduction of the types of accidents that most often produce significant injuries in MRI.

I look forward to hearing from you.

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com



On Sep 8, 2025, at 2:10PM, Tobias B Gilk <tgilk@MRIpatientsafety.com> wrote:

Good afternoon, Mr. Burns & Ms. Heim,

I wanted to follow up with the both of you from our conference call of a few weeks ago about the Long Island MRI fatality and my request to identify the person(s) within NYSDOH with a role in policy or state regulation that affects licensed healthcare providers / facilities. Have you had success in identifying who might be a good policy contact within the Department?

Thank you for letting me know as you're able,

Respectfully,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

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On Aug 27, 2025, at 9:32AM, Tobias B Gilk <tgilk@MRIpatientsafety.com> wrote:

Mr. Burns,

I wanted to make sure that you had my email with regard to any followups regarding NYSDOH (BERP or otherwise) policy contacts. Please feel free to contact me via this email or by phone if you have any information about NYSDOH policy contacts, or if you have any questions about MRI safety standards of practice.

Thank you again for your time on this matter.

Respectfully,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

<minnies_logo_finalist_150.jpg>

Date : 12/11/2025 10:49:09 AM

From : "Tobias Gilk" tobias.gilk@gmail.com

To : "Acquaviva, Cadence (HEALTH)" Cadence.Acquaviva@health.ny.gov, "doh.sm.press" press@health.ny.gov

Cc : "DeRosa, Alyssa (HEALTH)" Alyssa.DeRosa@health.ny.gov, "Katz, Nichole (HEALTH)" Nichole.Katz@health.ny.gov

Subject : Q: Is NYSDOH looking at MRI safety standards / regulation in light of recent fatality?

Attachment : PastedGraphic-4.png;

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Ms. Acquaviva,

Alyssa DeRosa, Associate Commissioner in the office of Governmental And External Affairs, suggested that you would be able to answer a question that she was not.

Given the 2013 NYSDOH memo in which the Department acknowledged that they had no MRI safety licensure requirements to correlate with the Advanced Diagnostic Imaging (ADI) criteria from CMS (https://www.health.ny.gov/facilities/public_health_and_health_planning_council/meetings/2013-07-17/docs/2013-07-03_adv_diag_imag_policy_options.pdf), the 2001 fatal MRI accident at Westchester Medical Center, and now, the 2025 fatal MRI accident on Long Island at Nassau Open MRI, is the NYSDOH having any discussions, internally or externally, with respect to the necessity of / desire for any state-level MRI safety standards?

New York State now has the (unwelcome) distinction of being the host of the two most infamous MRI fatalities in the United States... both involving magnetic projectiles... both preventable (certainly the 2025 McAllister fatality was, with the safety standards developed in the wake of the 2001 Colombini accident).

Is NYSDOH taking steps to prevent future MRI accidents, or has this additional fatality failed to move the needle?

Thank you for your help with this question.

Respectfully,

Tobias Gilk

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com



available at <https://MRIsafetyhandbook.com>

From: Tobias Gilk <tobias.gilk@gmail.com>
Sent: Monday, December 8, 2025 10:32 AM
To: Katz, Nichole (HEALTH) <Nichole.Katz@health.ny.gov>
Cc: DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov>
Subject: Re: MRI safety standards

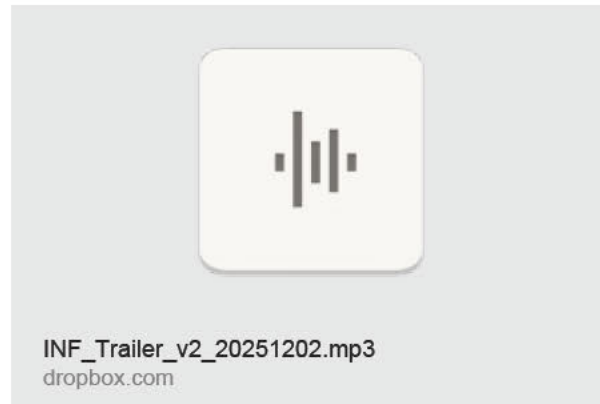
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Good morning Ms. Katz & Ms. DeRosa,

Thus far, other than helpful individuals at BERP (who are jurisdictionally prevented from getting involved in MRI Safety), my reception from New York State executive and legislative people has been less than constructive.

We're working on a multipart story on this summer's Long Island MRI fatality and I'm hoping to learn what is being considered to help prevent tragedies like this in the future. So far I've gotten the brush-off from Governor Hochul's office, and a statement of disinterest from Assembly Health Committee Chair Amy Paulin's staff, months of deflection or obfuscation from your department. My hope is that you and NYSDOH are able to provide some redemption to the State of New York with respect to this accident and at least some gesture of caring about the protection of the roughly 1-in-10 New Yorkers who are expected to be referred for an MRI in the next 12 months.

Below is a teaser for the series. The first several episodes are all about the specifics of the accident, but after those we'll be talking about investigations, litigation, recriminations, and what is being done to help make sure that anticipatable accidents like this aren't repeated (again) in New York and elsewhere.



While we haven't yet written the episodes about the State's response, so far the information available paints a pretty damning picture. You and NYSDOH have a chance to influence the portrayal for the better, if you want to.

I hope to hear from you on the outstanding question about whether or not there are ongoing discussions about MRI safety within NYSDOH or between NYSDOH and the rest of the NY state government.

Respectfully,

Tobias Gilk

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com



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On Dec 1, 2025, at 12:54PM, Tobias Gilk <tobias.gilk@gmail.com> wrote:

Ms. Katz,

Thank you very much for your reply. I greatly appreciate it.

Thank you, as well, for the reference to the State Education Department, and the question of the training of individuals operating MRI devices may, indeed, be a separate line of inquiry that I elect to take up.

But for the moment, I'll observe that you largely ignored my second question to you... are there conversations underway within NYSDOH with regard to the inherent risks in MRI and / or a desire to harmonize with the 'professionally approved standards for safety' from CMS (42 CFR 482.26 and subsequently clarified in the 2015 SOM Appendix A)?

The 2001 Michael Colombini fatality (Westchester Medical Center) and this year's Keith McAllister fatality (Nassau Open MRI), along with the firearm incident at Dent Neurologic earlier this year, and countless other MRI accidents all very clearly tell the story that MRI represents a hazardous environment, with energies that aren't sensible and safety practices that aren't intuitive.

<wheelchair - 250214.png><transport bed against MRI.jpeg><Floor polisher - yet again.jpeg><extracting infant transport cart.jpeg><transport gurney.jpeg><extracting steel shot 'sandbags'.jpeg><IV pole.png><revolver - pistol - MRI.jpeg><leg weight bearing scooter.jpeg><revolver - pistol - MRI.jpeg><Transport Chair 23.jpeg><Wheelchair - possibly advent health waterman.jpeg><wheelchair on MRI posted 01-Sep-2023.jpeg>

These are just a *few* MRI accident images that I have... and it's just the projectile incidents that are photogenic. There are also incidents of RF burns, auditory damage, and life-threatening interference with medical devices such as insulin pumps or tissue expanders.. In California in the past few years three separate hospitals have had CMS-2567 investigations following 'immediate jeopardy' conditions related to MRI safety. These risks aren't static... they appear to be growing.

I ask again if NYSDOH is currently engaging in any discussions with regard to whether or not there ought to be state level MRI safety standards. Please help me understand if the state's health department is endeavoring to be proactive in the prevention of similar accidents, or if the current state is perceived as unchangeable.

I look forward to your help with this one outstanding question.

Thank you.

Tobias Gilk

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com

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On Dec 1, 2025, at 12:30PM, Katz, Nichole (HEALTH) <Nichole.Katz@health.ny.gov> wrote:

Good afternoon Mr. Gilk,

I hope all is well and that you had a happy holiday. Thank you for reaching out and for following up. Circling back here in response to your questions below.

When you reached out regarding Nassau Open MRI, noting the 2013 memo, DOH circulated the issue for internal confirmation and review in order to respond to your inquiry. When it was noted that the issue was under "investigation", this was in reference to our internal review to provide you with an eventual response; this was not an official investigation performed by an oversight or regulatory entity. Once the review was concluded, it was confirmed that in New York State, there is no licensure requirement to operate an MRI in NYS. DOH only has jurisdiction over ionizing radiation, and therefore DOH cannot extend any regulations over the MRI machines or the technicians. You may wish to reach out to the State Education Department should you wish to explore licensure or regulations for this population or educational/training requirement changes. We hope this is helpful and apologize for any confusion.

Best,

Nichole Katz, MBA

Pronouns: she, her, hers ([What's This?](#))

Assistant Commissioner, Office of Governmental and External Affairs

New York State Department of Health

Empire State Plaza

Corning Tower, 14th Floor, Albany, NY 12237

Phone: 518-473-9992

Cell: 518-918-9649

Nichole.Katz@health.ny.gov

From: Tobias Gilk <tobias.gilk@gmail.com>

Sent: Wednesday, November 26, 2025 11:20 AM

To: Katz, Nichole (HEALTH) <Nichole.Katz@health.ny.gov>

Cc: DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov>

Subject: Re: MRI safety standards

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Director Katz,

Thank you again for taking my call, yesterday. And thank you for being generous with your time when you had the call that I took time from.

To recap, the two questions that remain unresolved are:

1. the apparent conflict in statements provided to me by Ms. DeRosa:

"we are unable to provide information at this time due to ongoing investigations" [email Sept 16, 2025]

"We only have jurisdiction over ionizing radiation, and therefore cannot extend any regulations over the MRI machines nor the technicians." [email Oct 23]

These two statements appear to me to be fundamentally at odds with one another. If NYSDOH has no jurisdiction over MRI, under what authority is NYSDOH engaged in an ongoing investigation? How do you investigate something over which you have no jurisdiction? Can you verify whether there is / isn't an "ongoing investigation" as indicated? If there is, can you identify the NYSDOH authority under which such an investigation is being conducted?

2. In our conversation, yesterday, I referenced the NYSDOH 2013 memo in which the Department identified the absence of MRI modality or safety regulations

(https://www.health.ny.gov/facilities/public_health_and_health_planning_council/meetings/2013-07-17/docs/2013-07-03_adv_diag_imag_policy_options.pdf) and how this deviated from CMS conditions of participation. This pertains to the final unanswered question which is 'are there contemporary conversations within the NYSDOH (as appear to have happened in 2013) about whether there ought to be MRI safety licensure standards within NY?' If there **are** contemporary conversations on this, is there an opportunity to contribute to those?

Thank you very much for your time and your help in resolving these two outstanding subjects.

I wish you and yours a very happy Thanksgiving.

Respectfully,

Tobias Gilk

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com

<image001.png>
available at <https://MRIsafetyhandbook.com>

On Oct 23, 2025, at 3:26PM, DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov> wrote:

Hi Mr. Gilk,

Apologies as I have not had time to give you a call back. I wanted to make sure you received a final answer to your questions.

Following our conversation a few weeks ago, I checked back with our Bureau of Environmental Radiation Protection. They confirmed again that in New York State there is no licensure requirement to operate an MRI in NYS. We only have jurisdiction over ionizing radiation, and therefore cannot extend any regulations over the MRI machines nor the technicians. You may wish to reach out to the State Education Department should you wish to explore licensure or regulations for this population or educational/training requirement changes.

Thank you,
Alyssa

From: Tobias Gilk <tobias.gilk@gmail.com>
Sent: Friday, October 17, 2025 11:04 AM
To: DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov>
Cc: Katz, Nichole (HEALTH) <Nichole.Katz@health.ny.gov>
Subject: Re: MRI safety standards

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Good morning, Ms. DeRosa.

We're at the end of the week after the week in which you expected to have answers to some of the questions. Can you please provide me with any information you may have, or an updated timeline for the questions that NYSDOH isn't prepared to answer just yet?

Thank you,

Tobias Gilk

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com

available at <https://MRIsafetyhandbook.com>

On Oct 1, 2025, at 7:09AM, DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov> wrote:

Hi Mr. Gilk, we are still having active internal discussions on this but I should have an answer for you next week.

Thank you for your understanding.

On Sep 26, 2025, at 10:18AM, Tobias Gilk <tobias.gilk@gmail.com> wrote:

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Ms. DeRosa,

Do you have an anticipated timeframe for a response? I'd like to calibrate my expectations, accordingly.

Thank you,

Tobias Gilk

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com

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available at <https://MRIsafetyhandbook.com>

On Sep 22, 2025, at 12:44PM, Tobias Gilk <tobias.gilk@gmail.com> wrote:

Thank you, Ms. DeRosa. As you were hitting 'send' I was in the process of calling you and leaving you a voice message, which you can now disregard.

To capture and streamline, this is my understanding of the questions posed in this thread:

1. What is the current state of NYSDOH (non-)regulation of MRI safety practices at the point-of-care (hospital and non-hospital)?
2. Is there a current state investigation into the July MRI fatality at Nassau Open MRI on Long Island in which Mr. Keith McAllister died?

3. Are there current discussions about proposed state rules / standards / laws that might govern point-of-care MRI safety in New York (and if so, how might I contribute to those discussions)?

I look forward to your assistance with each of the above questions.

Thank you,

Tobias Gilk

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com

<PastedGraphic-5.png>available at <https://MRIsafetyhandbook.com>

On Sep 22, 2025, at 12:34PM, DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov> wrote:

Thank you for following up. We are looking into these questions, and should have some additional information for you soon.

From: Tobias Gilk <tobias.gilk@gmail.com>
Sent: Tuesday, September 16, 2025 10:07 AM
To: DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov>
Cc: Katz, Nichole (HEALTH) <Nichole.Katz@health.ny.gov>
Subject: Re: MRI safety standards

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Thank you very much for your reply, Ms. DeRosa, though I admit to being confused by it.

While I referenced the recent accident in my original email, my questions weren't about the details of the accident, but were about the regulatory or jurisdictional framework about point-of-care MRI safety, in general. The linked NYSDOH memo from 2013 indicated that the Department was aware of the lack of regulatory authority over MRI, identifying a discontinuity between New York State and federal Advanced Diagnostic Imaging (ADI) safety governance requirements through CMS. My questions were whether or not that remains true, today, in 2025, and can you point me to state codes which identify the scope of NYSDOH (or others) to govern radiology / imaging modalities.

Don't get me wrong... if in fact NYSDOH *is* exerting some sort of jurisdiction over the McAllister / Nassau Open MRI fatality, I'm overjoyed to learn of this. As my impression was that NYSDOH doesn't cover either MRI as a modality or outpatient providers as a class of provider, I'd like to learn more about the authority through which NYSDOH is conducting an investigation. Beyond that, I would like to specifically and formally request a copy of any investigatory report that is produced as a result of any State-level investigation into this fatal incident.

To the final point in your email, yes, I would like to have the opportunity to contribute to any discussions or dialogue about what could be / should be point-of-care safety standards for MRI. At the moment, however, I have no idea (a) whether such conversations are currently happening and -if they are- (b) what scope constraints are being placed on them. I would welcome the opportunity to share my 20+ years of MRI accident tracking and root-cause investigation to help NYSDOH with either / both this immediate incident (and the initial RCA points to *many*

associated site practice failings at Nassau Open MRI) and / or the broader look at maximally-effective and minimally-burdensome standards at a state level. How might either of those be possible?

Respectfully,

Tobias Gilk, MRSO, MRSE

--

Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com

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On Sep 16, 2025, at 8:47AM, DeRosa, Alyssa (HEALTH) <Alyssa.DeRosa@health.ny.gov> wrote:

Good morning,

We apologize for the delay in response. Thank you for reaching out to the Department. Unfortunately, we are unable to provide information at this time due to ongoing investigations. However, we appreciate your offer to share your insights related to the safety concerns. If you would like to share any of that information, we will pass it along to the respective teams here.

Thank you,

Alyssa DeRosa, J.D.

Pronouns: she, her, hers ([What's This?](#))

Associate Commissioner, Office of Governmental and External Affairs

New York State Department of Health

Empire State Plaza

Corning Tower, 14th Floor, Albany, NY 12237

Phone: 518-473-8311

Cell: 518-921-8539

Alyssa.DeRosa@health.ny.gov

health.ny.gov

From: Tobias Gilk <tobias.gilk@gmail.com>

Sent: Monday, September 8, 2025 1:02 PM

To: doh.sm.NYS.Hospital.Information <hospinfo@health.ny.gov>

Subject: Re: MRI safety standards

Importance: High

You don't often get email from tobias.gilk@gmail.com. [Learn why this is important](#)

ATTENTION: This email came from an external source. Do not open

It has now been over a month since my original email. Is it possible to -minimally- receive an acknowledgment of the email, particularly since phone calls to NYSDOH Division of Hospitals and Diagnostic Services all get the response of 'send it in an email'?

Respectfully,

Tobias Gilk

On Aug 29, 2025, at 9:55AM, Tobias B Gilk <tgilk@MRIpatientsafety.com> wrote:

Sir / Madam:

I emailed my initial request 22 days ago. I have twice followed up with requests for substantive responses or at least an acknowledgment of receipt and timeline for a substantive response.

Could someone please reply to minimally provide me with a status update with regard to August 7 inquiry (included, below)?

Thank you,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

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On Aug 26, 2025, at 12:13PM, Tobias B Gilk <tgilk@MRIpatientsafety.com> wrote:

It has been another couple weeks... can someone please verify receipt and provide me with an indication of when I might expect a substantive response?

Thank you,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

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On Aug 11, 2025, at 10:29AM, Tobias B Gilk <tgilk@MRIpatientsafety.com> wrote:

Can you please verify receipt.

Thank you.

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

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On Aug 7, 2025, at 10:29AM, Tobias B Gilk <tgilk@MRIpatientsafety.com> wrote:

Sir or Madam,

My name is Tobias Gilk and I am an MRI safety trainer, consultant, and advocate. I hold both MR Safety Officer and MR Safety Expert credentials, and have previously served, twice, on the American College of Radiology's MRI safety committee and am a named co-author on three of that group's MRI safety best practice standard publications.

I write to you today with both questions and an offer...

The recent MRI fatality at Nassau Open MRI now makes the state of New York associated with both of the USA's two most high-profile MRI fatalities. This NYSDOH memo from 2013 clearly states that (at the time, at least), the Department had no jurisdiction over any use of MRI in the state (https://www.health.ny.gov/facilities/public_health_and_health_planning_council/meetings/2013-07-17/docs/2013-07-03_adv_diag_imag_policy_options.pdf).

My question is whether or not that is similarly true in 2025? Does NYSDOH have jurisdiction over the use of MRI at either hospitals or outpatient imaging centers in the

state? Can you please share with me what the state codes are that describe what radiology modalities or services are covered?

The offer is that I imagine that NYSDOH and the state legislature must be looking at means to bring MRI into state licensure / regulatory jurisdiction. I've been studying MRI accidents and injuries for over a decade and have some evidence on what preventions may present you with the most advantageous balance of greatest safety with smallest enforcement burden. I would like to offer my services to the NYSDOH if such discussions are going on. Who would be the individual (or office) that would be in charge of a regulatory review of the state's MRI licensure or safety standards?

I look forward to hearing from you.

Respectfully,

Tobias Gilk

--

Mr. Tobias Gilk, MRSO (MRSC™), MRSE (MRSC™), M. Arch.
Radiology / MRI Consultant

Mobile: +1.913.515.8449 (USA Central Time Zone)

Email: tgilk@MRIpatientsafety.com

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Tobias Gilk
+1.913-515-8449 (USA Central Time Zone)
tobias.gilk@gmail.com

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