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By: **Delegates Benson, Pendergrass, and Stocksdale**

Introduced and read first time: February 9, 2006

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Polysomnography Act**

3 FOR the purpose of requiring the State Board of Physicians to adopt regulations for  
 4 the licensure and practice of polysomnography; providing that this Act does not  
 5 limit the rights of certain individuals to practice certain occupations;  
 6 authorizing the Board to set certain fees; establishing the Polysomnography  
 7 Professional Standards Committee within the Board; providing for the  
 8 membership, powers, and duties of the Committee; establishing the terms and  
 9 requirements for certain members of the Committee; requiring that on or before  
 10 a certain date an individual be licensed by the Board before the individual may  
 11 practice polysomnography; providing that certain licensing provisions do not  
 12 apply to students practicing polysomnography under certain circumstances;  
 13 providing for the educational requirements for a polysomnographic technologist  
 14 license; waiving certain education requirements under certain circumstances  
 15 until a certain date; authorizing certain individuals to petition the Board for an  
 16 extension to a certain waiver; requiring the Board to determine whether to  
 17 grant a certain waiver on a case-by-case basis; providing for the scope of a  
 18 polysomnographic technologist license; providing for the issuance, expiration,  
 19 and renewal of certain licenses; authorizing the Board to deny a license to an  
 20 applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a  
 21 license, or impose certain penalties under certain circumstances; establishing  
 22 certain hearing and appeal procedures for licensed polysomnographic  
 23 technologists; prohibiting certain acts; providing for certain criminal penalties;  
 24 establishing certain reporting requirements; requiring that an evaluation of the  
 25 Committee be performed on or before a certain date; specifying the terms of the  
 26 initial members of the Committee; requiring the State Board of Physicians, the  
 27 MD/DC Society for Respiratory Care, and the Maryland Sleep Consortium to  
 28 meet and discuss certain developments on the accreditation of polysomnography

1 programs and report to certain committees; defining certain terms; and  
2 generally relating to the licensure of individuals to practice polysomnography or  
3 to be polysomnographic technologists.

4 BY renumbering  
5 Article - State Government  
6 Section 8-403(b)(53) through (68), respectively  
7 to be Section 8-403(b)(54) through (69), respectively  
8 Annotated Code of Maryland  
9 (2004 Replacement Volume and 2005 Supplement)

10 BY adding to  
11 Article - Health Occupations  
12 Section 14-5C-01 through 14-5C-25, inclusive, to be under the new subtitle  
13 "Subtitle 5C. Polysomnographic Technologists"  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume)

16 BY repealing and reenacting, without amendments,  
17 Article - State Government  
18 Section 8-403(a)  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2005 Supplement)

21 BY adding to  
22 Article - State Government  
23 Section 8-403(b)(53)  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume and 2005 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That Section(s) 8-403(b)(53) through (68), respectively, of Article -  
28 State Government of the Annotated Code of Maryland be renumbered to be Section(s)  
29 8-403(b)(54) through (69), respectively.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
31 read as follows:

32 **Article - Health Occupations**

33 **SUBTITLE 5C. POLYSOMNOGRAPHIC TECHNOLOGISTS.**

34 14-5C-01.

35 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
36 INDICATED.

1 (B) "BOARD" MEANS THE STATE BOARD OF PHYSICIANS.

2 (C) "COMMITTEE" MEANS THE POLYSOMNOGRAPHY PROFESSIONAL  
3 STANDARDS COMMITTEE ESTABLISHED UNDER § 14-5C-05 OF THIS SUBTITLE.

4 (D) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD.

5 (E) "LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST" MEANS A  
6 POLYSOMNOGRAPHIC TECHNOLOGIST WHO IS LICENSED BY THE BOARD UNDER  
7 THIS SUBTITLE TO PRACTICE POLYSOMNOGRAPHY UNDER THE SUPERVISION OF A  
8 LICENSED PHYSICIAN.

9 (F) (1) "PRACTICE POLYSOMNOGRAPHY" MEANS:

10 (I) MONITORING AND RECORDING PHYSIOLOGIC DATA DURING  
11 SLEEP, INCLUDING SLEEP-RELATED RESPIRATORY DISTURBANCES UNDER THE  
12 SUPERVISION OF A LICENSED PHYSICIAN; OR

13 (II) USING DATA COLLECTED UNDER ITEM (I) OF THIS PARAGRAPH  
14 FOR THE PURPOSES OF ~~DIAGNOSING AND TREATING~~ ASSISTING A LICENSED  
15 PHYSICIAN IN THE DIAGNOSIS AND TREATMENT OF SLEEP AND WAKE DISORDERS.

16 (2) "PRACTICE POLYSOMNOGRAPHY" INCLUDES:

17 (I) PROVIDING POLYSOMNOGRAPHY SERVICES THAT ARE SAFE,  
18 ASEPTIC, PREVENTIVE, AND RESTORATIVE;

19 (II) DIAGNOSING AND TREATING INDIVIDUALS WHO SUFFER FROM  
20 SLEEP DISORDERS AS A RESULT OF DEVELOPMENTAL DEFECTS, THE AGING  
21 PROCESS, PHYSICAL INJURY, DISEASE, OR ACTUAL OR ANTICIPATED SOMATIC  
22 DYSFUNCTION;

23 (III) OBSERVING AND MONITORING PHYSICAL SIGNS AND  
24 SYMPTOMS, GENERAL BEHAVIOR, AND GENERAL PHYSICAL RESPONSE TO  
25 POLYSOMNOGRAPHIC EVALUATION AND DETERMINING WHETHER INITIATION,  
26 MODIFICATION, OR DISCONTINUATION OF A TREATMENT REGIMEN IS WARRANTED;

27 (IV) USING EVALUATION TECHNIQUES THAT INCLUDE LIMITED  
28 CARDIOPULMONARY FUNCTION ASSESSMENTS, THE NEED AND EFFECTIVENESS OF  
29 THERAPEUTIC MODALITIES AND PROCEDURES, AND THE ASSESSMENT AND  
30 EVALUATION OF THE NEED FOR EXTENDED CARE; AND

31 (V) APPLYING THE USE OF TECHNIQUES, EQUIPMENT, AND  
32 PROCEDURES INVOLVED IN THE EVALUATION OF POLYSOMNOGRAPHY, INCLUDING:

33 1. CONTINUOUS POSITIVE AIRWAY PRESSURE OR BI-LEVEL  
34 POSITIVE AIRWAY PRESSURE TITRATION ON SPONTANEOUSLY BREATHING  
35 PATIENTS;

- 1 POLYSOMNOGRAM;
- 2 SUPPLEMENTAL LOW FLOW OXYGEN THERAPY DURING
- 3 CAPNOGRAPHY DURING POLYSOMNOGRAM;
- 4 CARDIOPULMONARY RESUSCITATION;
- 5 PULSE OXIMETRY;
- 6 PH PROBE PLACEMENT AND MONITORING;
- 7 ESOPHAGEAL PRESSURE;
- 8 SLEEP STAGING INCLUDING SURFACE
- 9 ELECTROENCEPHALOGRAPHY, SURFACE ELECTROOCULOGRAPHY, AND SURFACE
- 10 SUBMENTAL ELECTROMYOGRAPHY;
- 11 SURFACE ELECTROMYOGRAPHY OF ARMS AND LEGS;
- 12 ELECTROCARDIOGRAPHY;
- 13 RESPIRATORY EFFORT INCLUDING THORACIC AND
- 14 ABDOMINAL;
- 15 PLETHYSMOGRAPHY BLOOD FLOW;
- 16 SNORE MONITORING;
- 17 AUDIO OR VIDEO MONITORING;
- 18 IMPLEMENTATION OF A WRITTEN OR VERBAL ORDER
- 19 FROM A LICENSED PHYSICIAN THAT REQUIRES THE PRACTICE OF
- 20 POLYSOMNOGRAPHY; ~~AND~~
- 21 ~~AN ORAL OR NASAL DEVICE MONITORING THE EFFECTS A~~
- 22 ~~NASAL DEVICE, USED TO TREAT SLEEP APNEA THAT, HAS ON SLEEP PATTERNS~~
- 23 ~~PROVIDED THAT THE DEVICE DOES NOT EXTEND INTO THE TRACHEA; AND~~
- 24 17. MONITORING THE EFFECTS AN ORAL DEVICE, USED TO
- 25 TREAT SLEEP APNEA, HAS ON SLEEP PATTERNS, PROVIDED THAT:
- 26 A. THE DEVICE DOES NOT EXTEND INTO THE TRACHEA;
- 27 B. A DENTIST HAS EVALUATED THE STRUCTURES OF THE
- 28 PATIENT'S ORAL AND MAXILLOFACIAL REGION FOR PURPOSES OF FITTING;
- 29 C. A DENTIST MADE OR DIRECTED THE MAKING OF THE
- 30 ORAL DEVICE; AND
- 31 D. A DENTIST DIRECTS THE USE OF THE ORAL DEVICE.

1 ~~(G)~~ (G) "STUDENT" MEANS AN INDIVIDUAL WHO, IN ACCORDANCE WITH SECTION  
2 14-5C-09(C) OF THIS SUBTITLE, IS:

3 (1) ENROLLED IN AN ACCREDITED EDUCATIONAL PROGRAM IN ORDER  
4 TO QUALIFY FOR A LICENSE UNDER THIS TITLE; AND

5 (2) PERFORMING POLYSOMNOGRAPHY SERVICES WITHIN THE  
6 ACCREDITED PROGRAM UNDER THE SUPERVISION OF A LICENSED PHYSICIAN AND  
7 WITHOUT COMPENSATION.

8 ~~(G)~~ (H) "REGISTERED POLYSOMNOGRAPHIC TECHNOLOGIST" MEANS A  
9 POLYSOMNOGRAPHIC TECHNOLOGIST WHO IS REGISTERED BY THE BOARD OF  
10 REGISTERED POLYSOMNOGRAPHIC TECHNICIANS.

11 ~~(H)~~ (I) "SUPERVISION" MEANS GENERAL OR DIRECT SUPERVISION OF A  
12 LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST BY A LICENSED PHYSICIAN.

13 14-5C-02.

14 THIS SUBTITLE DOES NOT LIMIT:

15 (1) THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION  
16 THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE; OR

17 (2) THE RIGHT OF A LICENSED HOME MEDICAL EQUIPMENT PROVIDER  
18 TO PROVIDE HOME MEDICAL EQUIPMENT SERVICES AS DEFINED UNDER TITLE 19,  
19 SUBTITLE 4A OF THE HEALTH - GENERAL ARTICLE.

20 14-5C-03.

21 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE  
22 OF POLYSOMNOGRAPHY.

23 14-5C-04.

24 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF  
25 AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO  
26 POLYSOMNOGRAPHIC TECHNOLOGISTS.

27 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO  
28 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE  
29 OTHER SERVICES PROVIDED TO POLYSOMNOGRAPHIC TECHNOLOGISTS.

30 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE  
31 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

32 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.

33 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT  
34 AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES  
35 OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

1 14-5C-05.

2 THERE IS A POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE  
3 WITHIN THE BOARD.

4 14-5C-06.

5 (A) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED BY THE  
6 BOARD AS FOLLOWS:

7 (1) (I) ON OR BEFORE SEPTEMBER 30, 2009, THREE REGISTERED  
8 POLYSOMNOGRAPHIC TECHNOLOGISTS; OR

9 (II) ON OR AFTER OCTOBER 1, 2009, THREE LICENSED  
10 POLYSOMNOGRAPHIC TECHNOLOGISTS;

11 (2) THREE PHYSICIANS WHO ARE BOARD CERTIFIED IN SLEEP  
12 MEDICINE:

13 (I) ONE OF WHOM IS A SPECIALIST IN PSYCHIATRY OR INTERNAL  
14 MEDICINE;

15 (II) ONE OF WHOM IS A SPECIALIST IN PULMONARY MEDICINE; AND

16 (III) ONE OF WHOM IS A SPECIALIST IN NEUROLOGY; AND

17 (3) ONE CONSUMER MEMBER.

18 (B) THE CONSUMER MEMBER OF THE COMMITTEE:

19 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

20 (2) MAY NOT BE OR EVER HAVE BEEN:

21 (I) A POLYSOMNOGRAPHIC TECHNOLOGIST;

22 (II) ANY HEALTH CARE PROFESSIONAL; OR

23 (III) IN TRAINING TO BE A POLYSOMNOGRAPHIC TECHNOLOGIST OR  
24 OTHER HEALTH CARE PROFESSIONAL;

25 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH CARE  
26 PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND

27 (4) MAY NOT:

28 (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL  
29 OR PROFESSIONAL FIELD RELATED TO POLYSOMNOGRAPHY;

30 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A  
31 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO POLYSOMNOGRAPHY;

1 (III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
2 FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR

3 (IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
4 FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO  
5 POLYSOMNOGRAPHIC TECHNOLOGISTS OR TO THE FIELD OF POLYSOMNOGRAPHY.

6 (C) (1) THE TERM OF A MEMBER IS 3 YEARS.

7 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
8 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2006.

9 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
10 SUCCESSOR IS APPOINTED AND QUALIFIES.

11 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
12 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
13 QUALIFIES.

14 14-5C-07.

15 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE  
16 COMMITTEE SHALL:

17 (1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO  
18 CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

19 (2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR  
20 THE PRACTICE OF POLYSOMNOGRAPHY FOR ADOPTION BY THE BOARD;

21 (3) DEVELOP AND RECOMMEND TO THE BOARD STANDARDS OF CARE  
22 FOR THE PRACTICE OF POLYSOMNOGRAPHY;

23 (4) DEVELOP AND RECOMMEND TO THE BOARD THE REQUIREMENTS  
24 FOR LICENSURE AS A POLYSOMNOGRAPHIC TECHNOLOGIST, INCLUDING:

25 (I) CRITERIA FOR THE EDUCATIONAL AND CLINICAL TRAINING OF  
26 LICENSED POLYSOMNOGRAPHIC TECHNOLOGISTS; AND

27 (II) CRITERIA FOR A PROFESSIONAL COMPETENCY EXAMINATION  
28 AND TESTING OF APPLICANTS FOR A LICENSE TO PRACTICE POLYSOMNOGRAPHY;

29 (5) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR  
30 LICENSED POLYSOMNOGRAPHIC TECHNOLOGISTS WHO ARE LICENSED IN OTHER  
31 STATES TO PRACTICE IN THIS STATE;

32 (6) EVALUATE THE ACCREDITATION STATUS OF EDUCATION PROGRAMS  
33 IN POLYSOMNOGRAPHY FOR APPROVAL BY THE BOARD;

1 (7) EVALUATE THE CREDENTIALS OF APPLICANTS AND RECOMMEND  
2 LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS FOR A LICENSE TO  
3 PRACTICE POLYSOMNOGRAPHY;

4 (8) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING  
5 EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

6 (9) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING THE  
7 PRACTICE OF POLYSOMNOGRAPHY;

8 (10) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR THE  
9 DIRECTION OF STUDENTS IN CLINICAL EDUCATION PROGRAMS BY LICENSED  
10 POLYSOMNOGRAPHIC TECHNOLOGISTS AND LICENSED PHYSICIANS;

11 (11) KEEP A RECORD OF ITS PROCEEDINGS; AND

12 (12) SUBMIT AN ANNUAL REPORT TO THE BOARD.

13 14-5C-08.

14 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER  
15 OCTOBER 1, 2009, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE  
16 INDIVIDUAL MAY PRACTICE POLYSOMNOGRAPHY IN THIS STATE.

17 (B) THIS SECTION DOES NOT APPLY TO A STUDENT ENROLLED IN AN  
18 EDUCATION PROGRAM UNDER § 14-5C-09(C)(3) OF THIS SUBTITLE WHILE  
19 PRACTICING POLYSOMNOGRAPHY IN THAT PROGRAM.

20 14-5C-09.

21 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL  
22 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

23 (B) THE APPLICANT SHALL:

24 (1) BE OF GOOD MORAL CHARACTER; AND

25 (2) BE AT LEAST 18 YEARS OLD.

26 (C) AN APPLICANT FOR A POLYSOMNOGRAPHIC TECHNOLOGIST LICENSE  
27 SHALL:

28 (1) HAVE PASSED THE NATIONAL CERTIFYING EXAMINATION GIVEN BY  
29 THE BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS OR ANOTHER  
30 EXAMINATION APPROVED BY THE BOARD;

31 (2) SUBMIT TO THE BOARD PROOF OF CERTIFICATION AS A REGISTERED  
32 POLYSOMNOGRAPHIC TECHNOLOGIST OR OTHER NATIONAL CERTIFICATION  
33 APPROVED BY THE BOARD;

34 (3) ~~HAVE GRADUATED FROM:~~



1 (I) HAVE GRADUATED FROM A POLYSOMNOGRAPHIC  
2 EDUCATIONAL PROGRAM THAT IS ACCREDITED BY THE COMMISSION ON  
3 ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS;

4 (II) 1. HAVE GRADUATED FROM A RESPIRATORY CARE  
5 EDUCATIONAL PROGRAM THAT IS ACCREDITED BY THE COMMISSION ON  
6 ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS; AND

7 2. HAVE COMPLETED THE COMMITTEE ON ACCREDITATION  
8 FOR RESPIRATORY CARE'S CURRICULUM FOR A POLYSOMNOGRAPHY CERTIFICATE  
9 THAT IS ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH  
10 EDUCATION PROGRAMS; OR

11 (III) 1. HAVE GRADUATED FROM AN  
12 ELECTRONEURO-DIAGNOSTIC EDUCATIONAL PROGRAM THAT IS ACCREDITED BY  
13 THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS;  
14 AND

15 2. HAVE COMPLETED ADDITIONAL UNITS, MODULES, AND  
16 COURSES OF INSTRUCTION FOCUSED ON POLYSOMNOGRAPHIC TECHNOLOGY THAT  
17 ARE ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH  
18 EDUCATION PROGRAMS; AND

19 (4) MEET ANY OTHER EDUCATIONAL OR CLINICAL REQUIREMENTS  
20 ESTABLISHED BY THE COMMITTEE AND APPROVED BY THE BOARD.

21 14-5C-10.

22 (A) THE BOARD SHALL WAIVE THE EDUCATION REQUIREMENT UNDER §  
23 14-5C-09(C)(3) OF THIS SUBTITLE IF ON OR BEFORE SEPTEMBER 30, 2009, AN  
24 INDIVIDUAL:

25 (1) HAS PASSED THE NATIONAL CERTIFYING EXAMINATION BY THE  
26 BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS;

27 (2) IS CERTIFIED BY THE BOARD OF REGISTERED POLYSOMNOGRAPHIC  
28 TECHNOLOGISTS AS A REGISTERED POLYSOMNOGRAPHIC TECHNOLOGIST;

29 (3) HAS SUBMITTED AN APPLICATION FOR LICENSURE TO THE BOARD;  
30 AND

31 (4) MEETS ALL OF THE REQUIREMENTS UNDER § 14-5C-09(B) AND (C)(1)  
32 AND (2) OF THIS SUBTITLE.

33 (B) (1) IF AN INDIVIDUAL HAS NOT SATISFIED THE REQUIREMENTS UNDER  
34 SUBSECTION (A) OF THIS SECTION ON OR BEFORE SEPTEMBER 30, 2009, THE  
35 INDIVIDUAL MAY PETITION THE BOARD FOR AN EXTENSION.

36 (2) THE BOARD SHALL DETERMINE WHETHER TO GRANT AN EXTENSION  
37 UNDER THIS SUBSECTION ON A CASE-BY-CASE BASIS.

1 14-5C-11.

2 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

3 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE  
4 BOARD REQUIRES; AND

5 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

6 14-5C-12.

7 THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE  
8 REQUIREMENTS OF THIS SUBTITLE.

9 14-5C-13.

10 (A) A LICENSE AUTHORIZES A POLYSOMNOGRAPHIC TECHNOLOGIST TO  
11 PRACTICE POLYSOMNOGRAPHY ~~UNDER THE SUPERVISION OF A LICENSED~~  
12 ~~PHYSICIAN~~ IN THIS STATE WHILE THE LICENSE IS EFFECTIVE.

13 ~~(B) A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY:~~

14 ~~(1) MONITOR OR RECORD PHYSIOLOGIC DATA DURING SLEEP UNDER~~  
15 ~~THE SUPERVISION OF A LICENSED PHYSICIAN; OR~~

16 ~~(2) ASSIST A LICENSED PHYSICIAN IN THE DIAGNOSIS AND TREATMENT~~  
17 ~~OF SLEEP AND WAKE DISORDERS.~~

18 ~~(C)~~ (B) A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY ~~PERFORM~~  
19 ~~POLYSOMNOGRAPHIC SERVICES~~ PRACTICE POLYSOMNOGRAPHY IN:

20 (1) A HOSPITAL SLEEP LABORATORY; OR

21 (2) A STAND-ALONE SLEEP CENTER.

22 14-5C-14.

23 (A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE  
24 IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

25 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND  
26 TO THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST, BY FIRST-CLASS MAIL TO  
27 THE LAST KNOWN ADDRESS OF THE LICENSED POLYSOMNOGRAPHIC  
28 TECHNOLOGIST, A RENEWAL NOTICE THAT STATES:

29 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

30 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
31 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
32 THE LICENSE EXPIRES; AND

1 (3) THE AMOUNT OF THE RENEWAL FEE.

2 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE  
3 EXPIRES, THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST PERIODICALLY MAY  
4 RENEW IT FOR AN ADDITIONAL TERM, IF THE LICENSEE:

5 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

6 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

7 (3) SUBMITS TO THE BOARD:

8 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD  
9 REQUIRES; AND

10 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
11 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER  
12 REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.

13 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS  
14 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING  
15 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE RENEWAL  
16 OF A LICENSE UNDER THIS SECTION.

17 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS  
18 THE REQUIREMENTS OF THIS SECTION.

19 (F) THE BOARD SHALL REINSTATE THE LICENSE OF A POLYSOMNOGRAPHIC  
20 TECHNOLOGIST WHO HAS NOT PLACED THE LICENSE ON AN INACTIVE STATUS AND  
21 WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE  
22 POLYSOMNOGRAPHIC TECHNOLOGIST:

23 (1) APPLIES FOR REINSTATEMENT WITHIN 30 DAYS AFTER THE DATE  
24 THE LICENSE EXPIRES;

25 (2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND

26 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

27 14-5C-15.

28 (A) (1) THE BOARD SHALL PLACE A LICENSED POLYSOMNOGRAPHIC  
29 TECHNOLOGIST ON INACTIVE STATUS, IF THE LICENSEE SUBMITS TO THE BOARD:

30 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM  
31 REQUIRED BY THE BOARD; AND

32 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

33 (2) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO IS ON  
34 INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL

1 REQUIREMENTS THAT EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM  
2 INACTIVE TO ACTIVE STATUS.

3 (B) THE BOARD MAY REINSTATE THE LICENSE OF A POLYSOMNOGRAPHIC  
4 TECHNOLOGIST WHO HAS NOT BEEN PUT ON INACTIVE STATUS, WHO HAS FAILED TO  
5 RENEW THE LICENSE FOR ANY REASON, AND WHO APPLIES FOR REINSTATEMENT  
6 MORE THAN 30 DAYS AFTER THE LICENSE HAS EXPIRED, IF THE  
7 POLYSOMNOGRAPHIC TECHNOLOGIST:

8 (1) MEETS THE RENEWAL REQUIREMENTS OF § 14-5C-14 OF THIS  
9 SUBTITLE;

10 (2) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;  
11 AND

12 (3) MEETS ANY OTHER REQUIREMENTS ESTABLISHED BY REGULATION.  
13 14-5C-16.

14 UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A  
15 LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY NOT SURRENDER THE  
16 LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE  
17 LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST  
18 THE LICENSEE.

19 14-5C-17.

20 (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, THE  
21 BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,  
22 PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE  
23 APPLICANT OR LICENSEE:

24 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
25 OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR FOR ANOTHER;

26 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

27 (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE  
28 PRACTICE OF POLYSOMNOGRAPHY;

29 (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

30 (5) ABANDONS A PATIENT;

31 (6) IS HABITUALLY INTOXICATED;

32 (7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR  
33 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL  
34 LAW ARTICLE;

35 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

- 1 (I) UNDER THE INFLUENCE OF ALCOHOL; OR
- 2 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
3 SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER  
4 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL  
5 INDICATION;
- 6 (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES,  
7 OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;
- 8 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE  
9 PRACTICE OF POLYSOMNOGRAPHY;
- 10 (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED  
11 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A  
12 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;
- 13 (12) BREACHES PATIENT CONFIDENTIALITY;
- 14 (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF  
15 REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR  
16 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM  
17 OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR  
18 REFERRING A PATIENT;
- 19 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING  
20 POLYSOMNOGRAPHY;
- 21 (15) KNOWINGLY PRACTICES POLYSOMNOGRAPHY WITH AN  
22 UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE  
23 PRACTICE OF POLYSOMNOGRAPHY;
- 24 (16) KNOWINGLY DELEGATES A POLYSOMNOGRAPHIC DUTY TO AN  
25 UNLICENSED INDIVIDUAL;
- 26 (17) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY  
27 A SECRET METHOD, TREATMENT, OR MEDICINE;
- 28 (18) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR IS  
29 CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS  
30 DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR  
31 THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE  
32 GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY  
33 STATUTES;
- 34 (19) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF  
35 POLYSOMNOGRAPHIC SERVICES PERFORMED IN A HOSPITAL SLEEP LABORATORY OR  
36 A STAND-ALONE SLEEP CENTER;

1 (20) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR  
2 WHICH SERVICES ARE NOT PROVIDED;

3 (21) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY  
4 ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY  
5 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY  
6 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

7 (II) HAS:

8 1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE  
9 STATE OR COUNTRY; OR

10 2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE STATE OR  
11 COUNTRY TO EXPIRE OR LAPSE;

12 (22) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN  
13 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

14 (23) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR  
15 ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

16 (24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED  
17 SCOPE OF PRACTICE;

18 (25) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A  
19 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY  
20 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA  
21 SET ASIDE;

22 (26) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST  
23 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR  
24 WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE  
25 INDIVIDUAL IS HIV POSITIVE; OR

26 (27) PRACTICES OR ATTEMPTS TO PRACTICE A POLYSOMNOGRAPHY  
27 PROCEDURE OR USES OR ATTEMPTS TO USE POLYSOMNOGRAPHY EQUIPMENT IF  
28 THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN  
29 THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE EQUIPMENT.

30 (B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE  
31 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER  
32 SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM  
33 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE  
34 BOARD IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS  
35 TITLE.

36 (C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD  
37 BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE  
38 SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS GUILTY

1 OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE,  
2 WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE  
3 CONVICTION OR PLEA SET ASIDE.

4 (2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE  
5 CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE  
6 WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL  
7 ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF  
8 THE ATTORNEY GENERAL.

9 14-5C-18.

10 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,  
11 HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED  
12 IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A  
13 REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
14 SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR  
15 TERMINATED ANY LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST FOR ANY  
16 REASON THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 14-5C-17 OF  
17 THIS SUBTITLE.

18 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR  
19 EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED POLYSOMNOGRAPHIC  
20 TECHNOLOGIST HAS COMMITTED AN ACTION OR HAS A CONDITION THAT MIGHT BE  
21 GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED POLYSOMNOGRAPHIC  
22 TECHNOLOGIST OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE  
23 LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST IS ALCOHOL IMPAIRED OR DRUG  
24 IMPAIRED IS NOT REQUIRED TO REPORT THE TECHNOLOGIST TO THE BOARD IF:

25 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
26 SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED POLYSOMNOGRAPHIC  
27 TECHNOLOGIST IS:

28 (I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS  
29 ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE  
30 ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

31 (II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS  
32 COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE; AND

33 (2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
34 SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED  
35 POLYSOMNOGRAPHIC TECHNOLOGIST REMAINS IN THE TREATMENT PROGRAM  
36 UNTIL DISCHARGE; AND

37 (II) THE ACTION OR CONDITION OF THE LICENSED  
38 POLYSOMNOGRAPHIC TECHNOLOGIST HAS NOT CAUSED INJURY TO ANY PERSON  
39 WHILE THE TECHNOLOGIST IS PRACTICING AS A LICENSED POLYSOMNOGRAPHIC  
40 TECHNOLOGIST.

1 (C) (1) IF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST ENTERS, OR  
2 IS CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS  
3 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTH CARE  
4 ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED  
5 POLYSOMNOGRAPHIC TECHNOLOGIST SHALL NOTIFY THE HOSPITAL, RELATED  
6 INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED  
7 POLYSOMNOGRAPHIC TECHNOLOGIST'S DECISION TO ENTER THE TREATMENT  
8 PROGRAM.

9 (2) IF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST FAILS TO  
10 PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND  
11 THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR  
12 EMPLOYER LEARNS THAT THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST HAS  
13 ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION,  
14 ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD THAT  
15 THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST HAS ENTERED A TREATMENT  
16 PROGRAM AND HAS FAILED TO PROVIDE THE REQUIRED NOTICE.

17 (3) IF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST IS FOUND  
18 TO BE NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND  
19 PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM  
20 SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
21 SYSTEM, OR EMPLOYER OF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST'S  
22 NONCOMPLIANCE.

23 (4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH  
24 (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE  
25 HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED POLYSOMNOGRAPHIC  
26 TECHNOLOGIST SHALL REPORT THE LICENSED POLYSOMNOGRAPHIC  
27 TECHNOLOGIST'S NONCOMPLIANCE TO THE BOARD.

28 (D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT  
29 THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR  
30 REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE  
31 PATIENT RECORDS.

32 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,  
33 OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION  
34 DESCRIBED IN THIS SECTION.

35 (F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA OR  
36 DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF A  
37 HEARING AND DECISION OF THE BOARD UNDER THIS TITLE.

38 14-5C-19.

39 ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN  
40 REVOKED, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL  
41 AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.



1 14-5C-20.

2 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT  
3 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE POLYSOMNOGRAPHY IN  
4 THIS STATE UNLESS LICENSED TO PRACTICE POLYSOMNOGRAPHY BY THE BOARD.

5 14-5C-21.

6 (A) UNLESS AUTHORIZED TO PRACTICE POLYSOMNOGRAPHY UNDER THIS  
7 SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY  
8 DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE  
9 PERSON IS AUTHORIZED TO PRACTICE POLYSOMNOGRAPHY IN THIS STATE.

10 (B) UNLESS AUTHORIZED TO PRACTICE POLYSOMNOGRAPHY UNDER THIS  
11 SUBTITLE, A PERSON MAY NOT USE THE ABBREVIATION "P.S.G." OR ANY OTHER  
12 WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON  
13 PRACTICES POLYSOMNOGRAPHY.

14 14-5C-22.

15 A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR  
16 REPRESENT THAT THE PERSON PROVIDES POLYSOMNOGRAPHY UNLESS THE  
17 POLYSOMNOGRAPHY IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO  
18 PRACTICE POLYSOMNOGRAPHY UNDER THIS SUBTITLE.

19 14-5C-23.

20 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY  
21 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
22 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

23 (B) ANY PERSON WHO VIOLATES § 14-5C-21 OF THIS SUBTITLE IS SUBJECT TO  
24 A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

25 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION  
26 INTO THE BOARD OF PHYSICIANS FUND.

27 14-5C-24.

28 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND POLYSOMNOGRAPHY ACT".

29 14-5C-25.

30 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE  
31 MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF  
32 THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS  
33 ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER  
34 JULY 1, 2011.

1

**Article - State Government**

2 8-403.

3 (a) On or before December 15 of the 2nd year before the evaluation date of a  
4 governmental activity or unit, the Legislative Policy Committee, based on a  
5 preliminary evaluation, may waive as unnecessary the evaluation required under this  
6 section.

7 (b) Except as otherwise provided in subsection (a) of this section, on or before  
8 the evaluation date for the following governmental activities or units, an evaluation  
9 shall be made of the following governmental activities or units and the statutes and  
10 regulations that relate to the governmental activities or units:

11 (53) POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE (§  
12 14-5C-05 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2010);

13 SECTION 3. AND BE IT FURTHER ENACTED, That:

14 (a) The terms of the initial members of the Polysomnography Professional  
15 Standards Committee shall expire as follows:

16 (1) two members in 2007;

17 (2) two members in 2008; and

18 (3) three members in 2009.

19 (b) On or after October 1, 2009, a licensed polysomnographic technologist  
20 shall replace a registered polysomnographic technologist as a member of the  
21 Committee on the expiration of the registered polysomnographic technologist's term.

22 SECTION 4. AND BE IT FURTHER ENACTED, That:

23 (a) The State Board of Physicians, the MD/DC Society for Respiratory Care,  
24 and the Maryland Sleep Consortium shall meet once each year in 2007 and 2008 to  
25 discuss new developments on the accreditation of polysomnography education  
26 programs in the State and determine how to accelerate the process; and

27 (b) The State Board of Physicians, the MD/DC Society for Respiratory Care,  
28 and the Maryland Sleep Consortium shall report to the Senate Education, Health,  
29 and Environmental Affairs Committee and the House Health and Government  
30 Operations Committee on or before December 31, 2008, on the developments on the  
31 accreditation of polysomnography education programs in the State and any proposed  
32 legislation.

33 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2006.

