

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 14-245)**

Overview and Legal and Fiscal Impact

The proposed regulations: alter one of the pathways by which an individual may become licensed as a polysomnographic technologist; authorize an extension of time by which an individual must satisfy licensure requirements under specified circumstances; alter reinstatement procedures for a lapsed license by authorizing reinstatement rather than requiring it; and repeal obsolete provisions relating to the reinstatement of an inactive license.

There are no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Board of Physicians: Licensure of Polysomnographic Technologists:
COMAR 10.32.06.04 and .07

Legal Analysis

Summary of Regulations

The proposed regulations: alter one of the pathways by which an individual may become licensed as a polysomnographic technologist; authorize an extension of time by which an individual must satisfy licensure requirements under specified circumstances; alter reinstatement procedures for a lapsed license by authorizing reinstatement rather than requiring it; and repeal obsolete provisions relating to the reinstatement of an inactive license.

A request for an extension of time to satisfy licensure requirements must be in writing and filed with the State Board of Physicians on or before February 28, 2015. The request must be based on the individual's failure to fulfill licensure requirements due to functional impairment, prolonged and serious illness, mandatory military service or deployment, a prolonged absence from the United States, an officially declared disaster, or other exceptional circumstances beyond the control of the applicant.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 14-205, 14-5C-10, 14-5C-14, and 14-5C-15 (repealed) of the Health Occupations Article as statutory authority for the proposed
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regulations. Section 14-205 requires the Board of Physicians to: oversee the licensing requirements for allied health professionals under its jurisdiction, including polysomnographic technologists; oversee the issuance and renewal of the licenses of these professionals; and adopt regulations to carry out the licensure and regulation of polysomnographic technologists. Section 14-5C-10 authorizes an individual to petition the board for an extension of time to meet the requirements for licensure as a polysomnographic technologist and requires the board to determine whether to grant the extension on a case-by-case basis. Section 14-5C-14 authorizes the board to reinstate the license of a polysomnographic technologist under specified circumstances. Section 14-5C-15 was repealed by Chapters 585 and 586 of 2013, effective October 1, 2013; it previously required a licensee to be placed on inactive status under specified circumstances.

This authority is correct and complete. The proposed regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

The department has submitted replacement pages for the originally transmitted documents. Specifically, the replacement pages effectuate the following changes: the deadline for requesting an extension of time to satisfy licensure requirements is changed from December 31, 2014 to be February 28, 2015; reinstatement provisions are no longer repealed in their entirety; reinstatement provisions are altered such that the board may reinstate a license, but is not required to do so; reinstatement provisions relating to an inactive license are still repealed; and the cited statutory authority is corrected to include § 14-5C-14 of the Health Occupations Article. The analysis above reflects these changes as if they have already been made.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations (1) establish an alternative pathway to licensure as a polysomnographic technologist under the Maryland Board of Physicians; (2) authorize applicants who did not satisfy specified licensure requirements by September 30, 2013, to file a request for an extension with the board until February 28, 2015; and (3) specify that the board is permitted *but not required* to reinstate the license of a polysomnographic technologist under specified circumstances (per Chapters 585 and 586 of 2013). The department advises that the regulations have no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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