

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 16-026)**

Overview and Legal and Fiscal Impact

The regulation authorizes a physician who is either board-eligible or board-certified in sleep medicine by the American Osteopathic Association to complete specified documentation for an individual who is applying for licensure as a polysomnographic technologist in Maryland.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Board of Physicians: Licensure of Polysomnographic Technologists:
COMAR 10.32.06.04

Legal Analysis

Background

In addition to other requirements, COMAR 10.32.06.04(7)(e) requires an applicant for initial licensure as a polysomnographic technologist to provide documentation of: (1) graduation from a sleep technologist educational program accredited by the American Academy of Sleep Medicine; (2) proof of meeting core competencies in the three years preceding the application as assessed by a sleep technologist credentialed as a Registered Polysomnographic Technologist, a sleep technologist with national certification approved by the State Board of Physicians, or a physician who is either board-eligible or board-certified in sleep medicine by the American Board of Sleep Medicine or American Board of Medical Specialties; and (3) a letter of attestation for completion of clinical hours and competencies from a physician who is either board-eligible or board-certified in sleep medicine by the American Board of Sleep Medicine or American Board of Medical Specialties where the applicant practiced.

Summary of Regulation

The regulation authorizes a physician who is either board-eligible or board-certified in sleep medicine by the American Osteopathic Association to complete the documentation required

under COMAR 10.32.06.04(7)(e)(ii) and (iii) for an individual who is applying for licensure as a polysomnographic technologist in Maryland.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 14-205 and 14-5C-09 of the Health Occupations Article as statutory authority for the regulation. Section 14-205 requires the State Board of Physicians to adopt regulations to carry out specified provisions of law and maintain the rules, regulations, and policies of the board so that the rules, regulations, and policies reflect the current practices of the board. Section 14-5C-09 establishes the qualifications for licensure as a polysomnographic technologist.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

As the change is procedural in nature, the department advises that the regulation has no impact on State or local governments. 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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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