

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 16-074)**

Overview and Legal and Fiscal Impact

The regulations make changes to the chapter of COMAR that governs the licensure of polysomnographic technologists by the State Board of Physicians, including the approval of continuing education.

The regulations present 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 10.32.06.02, .04, and .08

Legal Analysis

Summary of Regulations

The regulations make changes to the chapter of COMAR that governs the licensure of polysomnographic technologists in the State. Specifically, the regulations:

- define a “board eligible” physician as being a status of limited duration, as determined by the American Board of Medical Specialties or the American Osteopathic Association, in the context of a physician who assesses an applicant’s ability to meet core competencies;
- repeal an obsolete reference to an extension request for an application for initial licensure;
and
- require the board to recognize sleep-related continuing education offered by the Board of Registered Polysomnographic Technologists or any other organization recommended by the Polysomnography Professional Standards Committee and approved by the board.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 14-5C-07, 14-5C-09, and 14-5C-10 of the Health Occupations Article as statutory authority for the regulations. Section 14-5C-07 requires the committee to develop and recommend to the board continuing education requirements for license renewal. Section 14-5C-09 sets forth the qualifications for licensure as a polysomnographic technologist. Section 14-5C-10 requires the board to determine, on a case-by-case basis, whether an extension of the deadline by which to meet the educational requirements for licensure should be granted.

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

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, the department agrees to narrow the statutory authority for the regulations to be only §§ 14-5C-07, 14-5C-09, and 14-5C-10 of the Health Occupations Article, rather than all of Subtitle 5C, Title 14 of the Health Occupations Article.

The Joint Committee on Administrative, Executive, and Legislative Review may wish to note that although the *regulatory* deadline (February 28, 2015) by which an extension may be granted from the educational requirements for licensure has become obsolete and is being repealed under the regulations, the *statutory* authority of § 14-5C-10 still requires the board to determine, on a case-by-case basis, whether an extension of the deadline by which to meet the educational requirements for licensure should be granted. The board reports that it will propose to the Secretary of Health and Mental Hygiene that § 14-5C-10 should be repealed during the 2017 Legislative Session.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations (1) define the term “board-eligible” as used in regulations regarding the practice of polysomnographic technology; (2) repeal obsolete regulations; and (3) expand the list of organizations that may provide continuing education courses for polysomnographic technologists. 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.

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