

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/06/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/10/2016

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
10	32	06	02, .04 and .08

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator	Telephone Number
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Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 32 BOARD OF PHYSICIANS
10.32.06 Licensure of Polysomnographic Technologists

Authority: Health Occupations Article, §14-5C-01—14-5C-24, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to amend Regulations .02, .04, and .08 under COMAR 10.32.06 Licensure of Polysomnographic Technologists. This action was considered at a public meeting on March 30, 2016, notice of which was provided by posting on the Board's website at <http://www.mbp.state.md.us/forms/mar16fullagenda.pdf> from March 16, 2016 through March 30, 2016, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the regulation by:

- 1) Adding "Board eligible" to the Definitions regulation;
- 2) Deleting an extension request provision that has expired; and
- 3) Adding to a list of approved organizations that may provide continuing education courses.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room

512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmfh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through July 11, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2017
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly: Adding a definition for “Board eligible”, deleting an expired provision, and adding an additional organization that may provide continuing education courses will have no economic impact on any group noted in Part A.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
See E.
- G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 32 BOARD OF PHYSICIANS

10.32.06 Licensure of Polysomnographic Technologists

Authority: Health Occupations Article, §14-5C-01—14-5C-24, Annotated Code of Maryland

10.32.06.02 (March 10, 2016)

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)

(2) “Board eligible” means a physician’s status that starts upon completion of all the requirements to take a sleep medicine certifying examination and lasts for a limited period of time, as determined by the American Board of Medical Specialties or the American Osteopathic Association.

[(2)] (3)—(19) [(18)] (text unchanged)

10.32.06.04

.04 Application for Initial Licensure as a Polysomnographic Technologist.

A.—B. (text unchanged)

[C. Extension Request.

(1) An applicant who has not satisfied the licensure requirements under §A of this regulation on or before September 30, 2013, may file a request for an extension of time with the Board.

(2) The request shall be in writing and filed before February 28, 2015.

(3) The Board shall consider and render a decision on the request within 45 days of receiving the written request.

(4) On a case-by-case basis, the Board may grant a one-time extension for no more than 6 months if the Board determines that:

(a) Failure to fulfill the licensure requirements is clearly a result of:

(i) Functional impairment;

(ii) Prolonged and serious illness;

(iii) Mandatory military service or deployment;

(iv) A prolonged absence from the United States;

(v) An officially declared disaster; or

(vi) Other exceptional circumstances beyond the control of the applicant;

(b) The applicant readily and appropriately attempted to meet the requirements;

(c) The applicant provides documentation substantiating the basis of the request, as determined by the Board;

and

(d) The applicant submits a plan for completing the requirements.

(5) The Board shall deny the request for an extension for failure to comply with §C (4) of this regulation.

(6) The Board shall deny any request filed after February 28, 2015.]

10.32.06.08

.08 Continuing Education.

A. (text unchanged)

B. Requirements.

(1) (text unchanged)

(2) The Board shall recognize sleep-related continuing education hours approved by one of the following organizations *or any other organization recommended by the committee and approved by the Board:*

(a)—(d) (text unchanged)

(e) American Association for Respiratory Care; [or]

(f) American Nursing Association; *or*

(g) *Board of Registered Polysomnographic Technologists*

C. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene