
By: **Delegate Benson**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

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 an individual be
10 licensed by the Board before the individual may practice polysomnography;
11 providing for the educational requirements for a polysomnographic technician
12 license; providing for the applicant requirements to practice polysomnography
13 as a polysomnographic trainee; authorizing the issuance and renewal of certain
14 licenses; providing for the expiration and renewal of certain licenses;
15 authorizing the Board to deny a license to an applicant, refuse to renew a
16 license, reprimand a licensee, suspend or revoke a license, or impose certain
17 penalties under certain circumstances; establishing certain hearing and appeal
18 procedures for polysomnographic technicians; prohibiting certain acts; providing
19 for certain criminal penalties; requiring that an evaluation of the Committee be
20 performed on or before a certain date; defining certain terms; and generally
21 relating to the licensure of individuals to practice polysomnography or to be
22 polysomnographic technicians.

23 BY adding to

24 Article - Health Occupations

25 Section 14-5C-01 through 14-5C-24, inclusive, to be under the new subtitle

26 "Subtitle 5C. Polysomnographers"

27 Annotated Code of Maryland

28 (2000 Replacement Volume and 2004 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

30 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health Occupations**

2 SUBTITLE 5C. POLYSOMNOGRAPHERS.

3 14-5C-01.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

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

7 (C) "COMMITTEE" MEANS THE POLYSOMNOGRAPHY PROFESSIONAL
8 STANDARDS COMMITTEE ESTABLISHED UNDER § 14-5C-05 OF THIS SUBTITLE.9 (D) "DIRECT SUPERVISION" MEANS THE RESPONSIBILITY OF A PHYSICIAN OR
10 LICENSED POLYSOMNOGRAPHER TO EXERCISE ON-SITE DIRECTION FOR A
11 POLYSOMNOGRAPHIC TRAINEE PERFORMING DELEGATED MEDICAL ACTS.

12 (E) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD.

13 (F) "LICENSED POLYSOMNOGRAPHIC TECHNICIAN" MEANS A
14 POLYSOMNOGRAPHIC TECHNICIAN WHO IS LICENSED BY THE BOARD UNDER THIS
15 TITLE TO PRACTICE POLYSOMNOGRAPHY UNDER THE SUPERVISION OF A LICENSED
16 PHYSICIAN.17 (G) "LICENSEE" MEANS AN INDIVIDUAL LICENSED BY THE BOARD TO
18 PRACTICE POLYSOMNOGRAPHY TO THE EXTENT DETERMINED BY THE BOARD.19 (H) "POLYSOMNOGRAPHER" MEANS AN INDIVIDUAL AUTHORIZED BY THE
20 BOARD TO PRACTICE POLYSOMNOGRAPHY AS:

21 (1) A LICENSED POLYSOMNOGRAPHIC TECHNICIAN; OR

22 (2) A POLYSOMNOGRAPHIC TRAINEE.

23 (I) "POLYSOMNOGRAPHIC TRAINEE" MEANS AN INDIVIDUAL AUTHORIZED BY
24 THE BOARD TO PRACTICE POLYSOMNOGRAPHY UNDER THE DIRECT SUPERVISION OF
25 A LICENSED PHYSICIAN OR A LICENSED POLYSOMNOGRAPHIC TECHNICIAN.26 (J) (1) "PRACTICE POLYSOMNOGRAPHY" MEANS TO ANALYZE, ATTEND,
27 MONITOR, OR RECORD THE PHYSIOLOGICAL DATA OF AN INDIVIDUAL DURING SLEEP
28 OR WHILE AWAKE TO ASSESS AND DIAGNOSE SLEEP OR WAKE DISORDERS OR OTHER
29 SLEEP-RELATED DISORDERS, SYNDROMES, OR DYSFUNCTIONS THAT MAY MANIFEST
30 DURING SLEEP OR MAY DISRUPT AN INDIVIDUAL'S NORMAL SLEEP AND WAKE CYCLE
31 AND RELATED ACTIVITIES.

32 (2) "PRACTICE POLYSOMNOGRAPHY" INCLUDES:

33 (I) PROVIDING POLYSOMNOGRAPHY SERVICES THAT ARE SAFE,
34 ASEPTIC, PREVENTIVE, AND RESTORATIVE;

1 (II) EVALUATING AND TREATING INDIVIDUALS WHO SUFFER FROM
2 SLEEP DISORDERS AS A RESULT OF DEVELOPMENTAL DEFECTS, THE AGING
3 PROCESS, PHYSICAL INJURY, DISEASE, OR ACTUAL OR ANTICIPATED SOMATIC
4 DYSFUNCTION;

5 (III) OBSERVING AND MONITORING PHYSICAL SIGNS AND
6 SYMPTOMS, GENERAL BEHAVIOR, AND GENERAL PHYSICAL RESPONSE TO
7 POLYSOMNOGRAPHIC EVALUATION AND DETERMINING IF INITIATION,
8 MODIFICATION, OR DISCONTINUATION OF A TREATMENT REGIMEN IS WARRANTED;

9 (IV) USING EVALUATION TECHNIQUES THAT INCLUDE LIMITED
10 CARDIOPULMONARY FUNCTION ASSESSMENTS, THE NEED AND EFFECTIVENESS OF
11 THERAPEUTIC MODALITIES AND PROCEDURES, AND THE ASSESSMENT AND
12 EVALUATION OF THE NEED FOR EXTENDED CARE AND HOME CARE PROCEDURES,
13 THERAPY, AND EQUIPMENT; AND

14 (V) APPLYING THE USE OF TECHNIQUES, EQUIPMENT, AND
15 PROCEDURES INVOLVED IN THE ADMINISTRATION OF POLYSOMNOGRAPHY,
16 INCLUDING:

17 1. CONTINUOUS POSITIVE AIRWAY PRESSURE OR BI-LEVEL
18 POSITIVE AIRWAY PRESSURE TITRATION;

19 2. SUPPLEMENTAL LOW FLOW OXYGEN THERAPY DURING
20 POLYSOMNOGRAM;

21 3. CAPNOGRAPHY DURING POLYSOMNOGRAM;

22 4. CARBON DIOXIDE MONITORING;

23 5. PULSE OXIMETRY;

24 6. PH PROBE PLACEMENT AND MONITORING

25 7. ESOPHAGEAL PRESSURE;

26 8. SLEEP STAGING INCLUDING SURFACE
27 ELECTROENCEPHALOGRAPHY, SURFACE ELECTROOCULOGRAPHY, AND SURFACE
28 SUBMENTAL ELECTROMYOGRAPHY;

29 9. SURFACE ELECTROMYOGRAPHY OF ARMS AND LEGS;

30 10. ELECTROCARDIOGRAPHY;

31 11. RESPIRATORY EFFORT INCLUDING THORACIC AND
32 ABDOMINAL;

33 12. PLETHYSMOGRAPHY BLOOD FLOW;

34 13. SNORE MONITORING; AND

1 14. AUDIO OR VIDEO MONITORING.

2 (K) "TEMPORARY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD UNDER
3 AND AS LIMITED BY § 14-5C-15 OF THIS SUBTITLE TO PRACTICE POLYSOMNOGRAPHY
4 AS A LICENSED POLYSOMNOGRAPHIC TECHNICIAN.

5 14-5C-02.

6 THIS SUBTITLE DOES NOT LIMIT:

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

9 (2) THE RIGHT OF A LICENSED HOME MEDICAL EQUIPMENT PROVIDER
10 TO PROVIDE HOME MEDICAL EQUIPMENT SERVICES AS DEFINED UNDER TITLE 19,
11 SUBTITLE 4A OF THE HEALTH - GENERAL ARTICLE; OR

12 (3) THE RIGHT OF AN INDIVIDUAL TO SELF ADMINISTER A SLEEP STUDY.

13 14-5C-03.

14 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE
15 OF POLYSOMNOGRAPHY.

16 14-5C-04.

17 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF
18 AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT PROVIDES TO
19 POLYSOMNOGRAPHERS.

20 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
21 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE
22 OTHER SERVICES PROVIDED TO POLYSOMNOGRAPHERS.

23 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
24 PROVISIONS OF THIS SUBTITLE TO THE STATE COMPTROLLER.

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

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

29 14-5C-05.

30 THERE IS A POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE
31 WITHIN THE BOARD.

1 14-5C-06.

2 (A) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED BY THE
3 BOARD AS FOLLOWS:

4 (1) THREE POLYSOMNOGRAPHERS;

5 (2) THREE PHYSICIANS WHO ARE BOARD CERTIFIED IN SLEEP
6 MEDICINE:

7 (I) ONE OF WHOM IS A SPECIALIST IN PSYCHIATRY OR INTERNAL
8 MEDICINE;

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

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

11 (3) ONE CONSUMER MEMBER.

12 (B) THE CONSUMER MEMBER OF THE COMMITTEE:

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

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

15 (I) A POLYSOMNOGRAPHER;

16 (II) ANY HEALTH CARE PROFESSIONAL; OR

17 (III) IN TRAINING TO BE A POLYSOMNOGRAPHER OR OTHER
18 HEALTH CARE PROFESSIONAL;

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

21 (4) MAY NOT:

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

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

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

28 (IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
29 FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO
30 POLYSOMNOGRAPHERS OR TO THE FIELD OF POLYSOMNOGRAPHY.

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

1 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
2 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON JULY 1, 2005.

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

5 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
6 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
7 QUALIFIES.

8 14-5C-07.

9 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE
10 COMMITTEE SHALL:

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

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

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

17 (4) DEVELOP AND RECOMMEND TO THE BOARD THE REQUIREMENTS
18 FOR LICENSURE AS A POLYSOMNOGRAPHER, INCLUDING:

19 (I) CRITERIA FOR THE EDUCATIONAL AND CLINICAL TRAINING OF
20 POLYSOMNOGRAPHERS; AND

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

23 (5) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR
24 POLYSOMNOGRAPHERS WHO ARE LICENSED IN OTHER STATES TO PRACTICE IN THIS
25 STATE;

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

28 (7) EVALUATE THE CREDENTIALS OF APPLICANTS AND RECOMMEND
29 LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS FOR A LICENSE TO
30 PRACTICE POLYSOMNOGRAPHY;

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

33 (9) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING THE
34 PRACTICE OF POLYSOMNOGRAPHY;

1 (10) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA RELATED TO
2 THE PRACTICE OF POLYSOMNOGRAPHY IN THE HOME SETTING;

3 (11) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR THE
4 DIRECTION OF STUDENTS IN CLINICAL EDUCATION PROGRAMS BY LICENSED
5 POLYSOMNOGRAPHERS;

6 (12) KEEP A RECORD OF ITS PROCEEDINGS; AND

7 (13) SUBMIT AN ANNUAL REPORT TO THE BOARD.

8 14-5C-08.

9 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL SHALL
10 BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
11 POLYSOMNOGRAPHY IN THIS STATE.

12 14-5C-09.

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

15 (B) THE APPLICANT SHALL:

16 (1) BE OF GOOD MORAL CHARACTER;

17 (2) BE AT LEAST 18 YEARS OLD; AND

18 (3) MEET THE EDUCATIONAL AND CLINICAL TRAINING REQUIREMENTS
19 ESTABLISHED BY THE COMMITTEE.

20 (C) AN APPLICANT FOR A POLYSOMNOGRAPHIC TECHNICIAN LICENSE SHALL:

21 (1) (I) HAVE SUCCESSFULLY COMPLETED A POLYSOMNOGRAPHY
22 EDUCATIONAL PROGRAM THAT INCLUDES AT LEAST 80 HOURS OF TRAINING AND
23 TEACHES A CURRICULUM THAT IS CERTIFIED BY:

24 1. THE COUNCIL ON THE ACCREDITATION OF ALLIED
25 HEALTH EDUCATION PROGRAMS;

26 2. THE ASSOCIATION FOR POLYSOMNOGRAPHIC
27 TECHNOLOGISTS;

28 3. THE AMERICAN ACADEMY OF SLEEP MEDICINE;

29 4. THE AMERICAN SOCIETY OF ELECTRONEURODIAGNOSTIC
30 TECHNOLOGISTS; OR

31 5. ANY OTHER ORGANIZATION APPROVED BY THE
32 COMMITTEE; OR

1 (II) BE A REGISTERED POLYSOMNOGRAPHIC TECHNOLOGIST; AND

2 (2) PROVIDE WRITTEN DOCUMENTATION TO THE BOARD THAT THE
3 INDIVIDUAL HAS SUCCESSFULLY COMPLETED COMPETENCY TESTING IN
4 POLYSOMNOGRAPHY AS APPROVED AND DEFINED BY THE COMMITTEE IN
5 CONSULTATION WITH THE POLYSOMNOGRAPHIC COMMUNITY.

6 (D) TO PRACTICE POLYSOMNOGRAPHY AS A POLYSOMNOGRAPHIC TRAINEE,
7 AN APPLICANT SHALL PROVIDE WRITTEN DOCUMENTATION TO THE BOARD:

8 (1) THAT A LICENSED PHYSICIAN OR LICENSED POLYSOMNOGRAPHIC
9 TECHNICIAN WILL PROVIDE DIRECT SUPERVISION OVER THE INDIVIDUAL'S
10 PRACTICE OF POLYSOMNOGRAPHY; AND

11 (2) THAT THE APPLICANT IS CURRENTLY ENROLLED IN A
12 POLYSOMNOGRAPHY PROGRAM THAT INCLUDES AT LEAST 80 HOURS OF TRAINING
13 AND TEACHES A CURRICULUM THAT IS CERTIFIED BY:

14 (I) THE COUNCIL ON THE ACCREDITATION OF ALLIED HEALTH
15 EDUCATION PROGRAMS;

16 (II) THE ASSOCIATION FOR POLYSOMNOGRAPHIC TECHNOLOGISTS;

17 (III) THE AMERICAN ACADEMY OF SLEEP MEDICINE; OR

18 (IV) THE AMERICAN SOCIETY OF ELECTRONEURODIAGNOSTIC
19 TECHNOLOGISTS.

20 14-5C-10.

21 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

22 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
23 BOARD REQUIRES; AND

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

25 14-5C-11.

26 THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN APPLICANT WHO
27 MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR THAT LICENSE.

28 14-5C-12.

29 A LICENSE AUTHORIZES THE LICENSEE TO PRACTICE POLYSOMNOGRAPHY
30 WHILE THE LICENSE IS EFFECTIVE.

31 14-5C-13.

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

1 (B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL
2 SEND TO THE LICENSEE, BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF
3 THE LICENSEE, A RENEWAL NOTICE THAT STATES:

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

5 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
6 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
7 THE LICENSE EXPIRES; AND

8 (3) THE AMOUNT OF THE RENEWAL FEE.

9 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE
10 EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM,
11 IF THE LICENSEE:

12 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

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

14 (3) SUBMITS TO THE BOARD:

15 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
16 REQUIRES; AND

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

20 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
21 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING
22 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE RENEWAL
23 OF LICENSES UNDER THIS SECTION.

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

26 (F) THE BOARD SHALL REINSTATE THE LICENSE OF A POLYSOMNOGRAPHER
27 WHO HAS NOT PLACED THE LICENSE ON AN INACTIVE STATUS AND WHO HAS FAILED
28 TO RENEW THE LICENSE FOR ANY REASON IF THE POLYSOMNOGRAPHER:

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

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

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

1 14-5C-14.

2 (A) (1) EXCEPT FOR THE HOLDER OF A TEMPORARY LICENSE ISSUED
3 UNDER § 14-5C-15 OF THIS SUBTITLE, THE BOARD SHALL PLACE A LICENSEE ON
4 INACTIVE STATUS, IF THE LICENSEE SUBMITS TO THE BOARD:

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

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

8 (2) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO IS ON
9 INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL
10 REQUIREMENTS THAT EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM
11 INACTIVE TO ACTIVE STATUS.

12 (B) THE BOARD MAY REINSTATE THE LICENSE OF A POLYSOMNOGRAPHIC
13 TECHNICIAN WHO HAS NOT BEEN PUT ON INACTIVE STATUS, WHO HAS FAILED TO
14 RENEW THE LICENSE FOR ANY REASON, AND WHO APPLIES FOR REINSTATEMENT
15 MORE THAN 30 DAYS AFTER THE LICENSE HAS EXPIRED, IF THE
16 POLYSOMNOGRAPHIC TECHNICIAN:

17 (1) MEETS THE RENEWAL REQUIREMENTS OF § 14-5C-13 OF THIS
18 SUBTITLE;

19 (2) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;
20 AND

21 (3) MEETS ANY OTHER REQUIREMENTS ESTABLISHED BY REGULATION.
22 14-5C-15.

23 (A) THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT WHO:

24 (1) HAS MET THE APPROPRIATE REQUIREMENTS FOR LICENSURE OF A
25 POLYSOMNOGRAPHIC TECHNICIAN UNDER § 14-5C-09 OF THIS SUBTITLE; OR

26 (2) (I) HAS APPLIED FOR THE FIRST NATIONAL CERTIFYING
27 EXAMINATION AND HAS SUCCESSFULLY COMPLETED A POLYSOMNOGRAPHY
28 EDUCATIONAL PROGRAM THAT INCLUDES AT LEAST 80 HOURS OF TRAINING AND
29 TEACHES A CURRICULUM THAT IS CERTIFIED BY:

30 1. THE COUNCIL ON THE ACCREDITATION OF ALLIED
31 HEALTH EDUCATION PROGRAMS;

32 2. THE ASSOCIATION FOR POLYSOMNOGRAPHIC
33 TECHNOLOGISTS;

34 3. THE AMERICAN ACADEMY OF SLEEP MEDICINE;

1 4. THE AMERICAN SOCIETY OF ELECTRONEURODIAGNOSTIC
2 TECHNOLOGISTS; OR

3 5. ANY OTHER ORGANIZATION APPROVED BY THE
4 COMMITTEE; OR

5 (II) BE A REGISTERED POLYSOMNOGRAPHIC TECHNOLOGIST.

6 (B) A TEMPORARY LICENSE ISSUED TO A POLYSOMNOGRAPHIC TECHNICIAN
7 AUTHORIZES THE HOLDER TO PRACTICE POLYSOMNOGRAPHY UNDER THE
8 SUPERVISION OF A PHYSICIAN OR A LICENSED POLYSOMNOGRAPHIC TECHNICIAN.

9 (C) A TEMPORARY LICENSE EXPIRES 45 DAYS AFTER THE DATE WHEN THE
10 RESULTS OF THE FIRST EXAMINATION THAT THE HOLDER WAS ELIGIBLE TO TAKE
11 ARE MADE PUBLIC.

12 (D) THE BOARD MAY NOT ISSUE MORE THAN TWO TEMPORARY LICENSES TO
13 AN INDIVIDUAL.

14 14-5C-16.

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

20 14-5C-17.

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

27 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
28 OBTAIN A LICENSE OR TEMPORARY LICENSE FOR THE APPLICANT, LICENSEE, OR
29 HOLDER OR FOR ANOTHER;

30 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR TEMPORARY
31 LICENSE;

32 (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE
33 PRACTICE OF POLYSOMNOGRAPHY;

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

35 (5) ABANDONS A PATIENT;

36 (6) IS HABITUALLY INTOXICATED;

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

4 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

5 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

6 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
7 SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER
8 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
9 INDICATION;

10 (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES,
11 OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

12 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
13 PRACTICE OF POLYSOMNOGRAPHY;

14 (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
15 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A
16 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

17 (12) BREACHES PATIENT CONFIDENTIALITY;

18 (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF
19 REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR
20 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM
21 OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR
22 REFERRING A PATIENT;

23 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING
24 POLYSOMNOGRAPHY;

25 (15) KNOWINGLY PRACTICES POLYSOMNOGRAPHY WITH AN
26 UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE
27 PRACTICE OF POLYSOMNOGRAPHY;

28 (16) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY
29 A SECRET METHOD, TREATMENT, OR MEDICINE;

30 (17) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR IS
31 CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS
32 DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR
33 THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR
34 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

35 (18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF
36 POLYSOMNOGRAPHIC SERVICES PERFORMED IN ANY INPATIENT OR OUTPATIENT

1 FACILITY, OFFICE, HOSPITAL OR RELATED INSTITUTION, DOMICILIARY CARE
2 FACILITY, PATIENT'S HOME, OR ANY OTHER LOCATION IN THIS STATE;

3 (19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR
4 WHICH SERVICES ARE NOT PROVIDED;

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

9 (II) THE LICENSED INDIVIDUAL:

10 1. SURRENDERED THE LICENSE ISSUED BY THE STATE OR
11 COUNTRY; OR

12 2. ALLOWED THE LICENSE ISSUED BY THE STATE OR
13 COUNTRY TO EXPIRE OR LAPSE;

14 (21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
15 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

16 (22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR
17 ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

18 (23) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED
19 SCOPE OF PRACTICE;

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

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

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

33 (B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
34 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS
35 SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
36 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD IN
37 ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.

1 (C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD
2 BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE
3 SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS GUILTY
4 OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE,
5 WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE
6 CONVICTION OR PLEA SET ASIDE.

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

12 14-5C-18.

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

16 14-5C-19.

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

20 14-5C-20.

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

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

29 14-5C-21.

30 A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR
31 REPRESENT THAT THE PERSON PROVIDES POLYSOMNOGRAPHY UNLESS THE
32 POLYSOMNOGRAPHY IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO
33 PRACTICE POLYSOMNOGRAPHY UNDER THIS SUBTITLE.

34 14-5C-22.

35 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY
36 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
37 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

1 (B) ANY PERSON WHO VIOLATES § 14-5C-20 OF THIS SUBTITLE IS SUBJECT TO
2 A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

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

5 14-5C-23.

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

7 14-5C-24.

8 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
9 MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF
10 THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL RULES AND
11 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO
12 EFFECT AFTER JULY 1, 2010.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
14 members of the Polysomnography Professional Standards Committee shall expire as
15 follows:

16 (1) two members in 2006;

17 (2) two members in 2007; and

18 (3) three members in 2008.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2005.