
By: **Delegates Benson, Pendergrass, and Stocksdale**

Introduced and read first time: February 9, 2006

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 technologist
12 license; waiving certain education requirements under certain circumstances
13 until a certain date; authorizing certain individuals to petition the Board for an
14 extension to a certain waiver; requiring the Board to determine whether to
15 grant a certain waiver on a case-by-case basis; providing for the scope of a
16 polysomnographic technologist license; providing for the issuance, expiration,
17 and renewal of certain licenses; authorizing the Board to deny a license to an
18 applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a
19 license, or impose certain penalties under certain circumstances; establishing
20 certain hearing and appeal procedures for licensed polysomnographic
21 technologists; prohibiting certain acts; providing for certain criminal penalties;
22 establishing certain reporting requirements; requiring that an evaluation of the
23 Committee be performed on or before a certain date; specifying the terms of the
24 initial members of the Committee; requiring the State Board of Physicians, the
25 MD/DC Society for Respiratory Care, and the Maryland Sleep Consortium to
26 meet and discuss certain developments on the accreditation of polysomnography
27 programs and report to certain committees; defining certain terms; and
28 generally relating to the licensure of individuals to practice polysomnography or
29 to be polysomnographic technologists.

30 BY renumbering

31 Article - State Government

32 Section 8-403(b)(53) through (68), respectively

33 to be Section 8-403(b)(54) through (69), respectively

34 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

2 BY adding to

3 Article - Health Occupations

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

5 "Subtitle 5C. Polysomnographic Technologists"

6 Annotated Code of Maryland

7 (2005 Replacement Volume)

8 BY repealing and reenacting, without amendments,

9 Article - State Government

10 Section 8-403(a)

11 Annotated Code of Maryland

12 (2004 Replacement Volume and 2005 Supplement)

13 BY adding to

14 Article - State Government

15 Section 8-403(b)(53)

16 Annotated Code of Maryland

17 (2004 Replacement Volume and 2005 Supplement)

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

19 MARYLAND, That Section(s) 8-403(b)(53) through (68), respectively, of Article -

20 State Government of the Annotated Code of Maryland be renumbered to be Section(s)

21 8-403(b)(54) through (69), respectively.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland

23 read as follows:

24 **Article - Health Occupations**

25 **SUBTITLE 5C. POLYSOMNOGRAPHIC TECHNOLOGISTS.**

26 14-5C-01.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

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

30 (C) "COMMITTEE" MEANS THE POLYSOMNOGRAPHY PROFESSIONAL
31 STANDARDS COMMITTEE ESTABLISHED UNDER § 14-5C-05 OF THIS SUBTITLE.

32 (D) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD.

33 (E) "LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST" MEANS A
34 POLYSOMNOGRAPHIC TECHNOLOGIST WHO IS LICENSED BY THE BOARD UNDER

1 THIS SUBTITLE TO PRACTICE POLYSOMNOGRAPHY UNDER THE SUPERVISION OF A
2 LICENSED PHYSICIAN.

3 (F) (1) "PRACTICE POLYSOMNOGRAPHY" MEANS:

4 (I) MONITORING AND RECORDING PHYSIOLOGIC DATA DURING
5 SLEEP, INCLUDING SLEEP-RELATED RESPIRATORY DISTURBANCES; OR

6 (II) USING DATA COLLECTED UNDER ITEM (I) OF THIS PARAGRAPH
7 FOR THE PURPOSES OF DIAGNOSING AND TREATING SLEEP AND WAKE DISORDERS.

8 (2) "PRACTICE POLYSOMNOGRAPHY" INCLUDES:

9 (I) PROVIDING POLYSOMNOGRAPHY SERVICES THAT ARE SAFE,
10 ASEPTIC, PREVENTIVE, AND RESTORATIVE;

11 (II) DIAGNOSING AND TREATING INDIVIDUALS WHO SUFFER FROM
12 SLEEP DISORDERS AS A RESULT OF DEVELOPMENTAL DEFECTS, THE AGING
13 PROCESS, PHYSICAL INJURY, DISEASE, OR ACTUAL OR ANTICIPATED SOMATIC
14 DYSFUNCTION;

15 (III) OBSERVING AND MONITORING PHYSICAL SIGNS AND
16 SYMPTOMS, GENERAL BEHAVIOR, AND GENERAL PHYSICAL RESPONSE TO
17 POLYSOMNOGRAPHIC EVALUATION AND DETERMINING WHETHER INITIATION,
18 MODIFICATION, OR DISCONTINUATION OF A TREATMENT REGIMEN IS WARRANTED;

19 (IV) USING EVALUATION TECHNIQUES THAT INCLUDE LIMITED
20 CARDIOPULMONARY FUNCTION ASSESSMENTS, THE NEED AND EFFECTIVENESS OF
21 THERAPEUTIC MODALITIES AND PROCEDURES, AND THE ASSESSMENT AND
22 EVALUATION OF THE NEED FOR EXTENDED CARE; AND

23 (V) APPLYING THE USE OF TECHNIQUES, EQUIPMENT, AND
24 PROCEDURES INVOLVED IN THE EVALUATION OF POLYSOMNOGRAPHY, INCLUDING:

25 1. CONTINUOUS POSITIVE AIRWAY PRESSURE OR BI-LEVEL
26 POSITIVE AIRWAY PRESSURE TITRATION ON SPONTANEOUSLY BREATHING
27 PATIENTS;

28 2. SUPPLEMENTAL LOW FLOW OXYGEN THERAPY DURING
29 POLYSOMNOGRAM;

30 3. CAPNOGRAPHY DURING POLYSOMNOGRAM;

31 4. CARDIOPULMONARY RESUSCITATION;

32 5. PULSE OXIMETRY;

33 6. PH PROBE PLACEMENT AND MONITORING;

34 7. ESOPHAGEAL PRESSURE;

1 14-5C-04.

2 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF
3 AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO
4 POLYSOMNOGRAPHIC TECHNOLOGISTS.

5 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
6 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE
7 OTHER SERVICES PROVIDED TO POLYSOMNOGRAPHIC TECHNOLOGISTS.

8 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
9 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

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

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

14 14-5C-05.

15 THERE IS A POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE
16 WITHIN THE BOARD.

17 14-5C-06.

18 (A) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED BY THE
19 BOARD AS FOLLOWS:

20 (1) (I) ON OR BEFORE SEPTEMBER 30, 2009, THREE REGISTERED
21 POLYSOMNOGRAPHIC TECHNOLOGISTS; OR

22 (II) ON OR AFTER OCTOBER 1, 2009, THREE LICENSED
23 POLYSOMNOGRAPHIC TECHNOLOGISTS;

24 (2) THREE PHYSICIANS WHO ARE BOARD CERTIFIED IN SLEEP
25 MEDICINE:

26 (I) ONE OF WHOM IS A SPECIALIST IN PSYCHIATRY OR INTERNAL
27 MEDICINE;

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

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

30 (3) ONE CONSUMER MEMBER.

31 (B) THE CONSUMER MEMBER OF THE COMMITTEE:

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

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

2 (I) A POLYSOMNOGRAPHIC TECHNOLOGIST;

3 (II) ANY HEALTH CARE PROFESSIONAL; OR

4 (III) IN TRAINING TO BE A POLYSOMNOGRAPHIC TECHNOLOGIST OR
5 OTHER HEALTH CARE PROFESSIONAL;

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

8 (4) MAY NOT:

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

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

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

15 (IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
16 FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO
17 POLYSOMNOGRAPHIC TECHNOLOGISTS OR TO THE FIELD OF POLYSOMNOGRAPHY.

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

19 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
20 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2006.

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

23 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
24 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
25 QUALIFIES.

26 14-5C-07.

27 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE
28 COMMITTEE SHALL:

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

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

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

3 (4) DEVELOP AND RECOMMEND TO THE BOARD THE REQUIREMENTS
4 FOR LICENSURE AS A POLYSOMNOGRAPHIC TECHNOLOGIST, INCLUDING:

5 (I) CRITERIA FOR THE EDUCATIONAL AND CLINICAL TRAINING OF
6 LICENSED POLYSOMNOGRAPHIC TECHNOLOGISTS; AND

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

9 (5) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR
10 LICENSED POLYSOMNOGRAPHIC TECHNOLOGISTS WHO ARE LICENSED IN OTHER
11 STATES TO PRACTICE IN THIS STATE;

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

14 (7) EVALUATE THE CREDENTIALS OF APPLICANTS AND RECOMMEND
15 LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS FOR A LICENSE TO
16 PRACTICE POLYSOMNOGRAPHY;

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

19 (9) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING THE
20 PRACTICE OF POLYSOMNOGRAPHY;

21 (10) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR THE
22 DIRECTION OF STUDENTS IN CLINICAL EDUCATION PROGRAMS BY LICENSED
23 POLYSOMNOGRAPHIC TECHNOLOGISTS AND LICENSED PHYSICIANS;

24 (11) KEEP A RECORD OF ITS PROCEEDINGS; AND

25 (12) SUBMIT AN ANNUAL REPORT TO THE BOARD.

26 14-5C-08.

27 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL SHALL
28 BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
29 POLYSOMNOGRAPHY IN THIS STATE.

30 14-5C-09.

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

33 (B) THE APPLICANT SHALL:

34 (1) BE OF GOOD MORAL CHARACTER; AND

1 (2) BE AT LEAST 18 YEARS OLD.

2 (C) AN APPLICANT FOR A POLYSOMNOGRAPHIC TECHNOLOGIST LICENSE
3 SHALL:

4 (1) HAVE PASSED THE NATIONAL CERTIFYING EXAMINATION GIVEN BY
5 THE BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS OR ANOTHER
6 EXAMINATION APPROVED BY THE BOARD;

7 (2) SUBMIT TO THE BOARD PROOF OF CERTIFICATION AS A REGISTERED
8 POLYSOMNOGRAPHIC TECHNOLOGIST OR OTHER NATIONAL CERTIFICATION
9 APPROVED BY THE BOARD;

10 (3) HAVE GRADUATED FROM:

11 (I) A POLYSOMNOGRAPHIC EDUCATIONAL PROGRAM THAT IS
12 ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH
13 EDUCATION PROGRAMS;

14 (II) A RESPIRATORY CARE EDUCATIONAL PROGRAM THAT IS
15 ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH
16 EDUCATION PROGRAMS; OR

17 (III) AN ELECTRONEURO-DIAGNOSTIC EDUCATIONAL PROGRAM
18 THAT IS ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH
19 EDUCATION PROGRAMS; AND

20 (4) MEET ANY OTHER EDUCATIONAL OR CLINICAL REQUIREMENTS
21 ESTABLISHED BY THE COMMITTEE AND APPROVED BY THE BOARD.

22 14-5C-10.

23 (A) THE BOARD SHALL WAIVE THE EDUCATION REQUIREMENT UNDER §
24 14-5C-09(C)(3) OF THIS SUBTITLE IF ON OR BEFORE SEPTEMBER 30, 2009, AN
25 INDIVIDUAL:

26 (1) HAS PASSED THE NATIONAL CERTIFYING EXAMINATION BY THE
27 BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS;

28 (2) IS CERTIFIED BY THE BOARD OF REGISTERED POLYSOMNOGRAPHIC
29 TECHNOLOGISTS AS A REGISTERED POLYSOMNOGRAPHIC TECHNOLOGIST;

30 (3) HAS SUBMITTED AN APPLICATION FOR LICENSURE TO THE BOARD;
31 AND

32 (4) MEETS ALL OF THE REQUIREMENTS UNDER § 14-5C-09(B) AND (C)(1)
33 AND (2) OF THIS SUBTITLE.

34 (B) (1) IF AN INDIVIDUAL HAS NOT SATISFIED THE REQUIREMENTS UNDER
35 SUBSECTION (A) OF THIS SECTION ON OR BEFORE SEPTEMBER 30, 2009, THE
36 INDIVIDUAL MAY PETITION THE BOARD FOR AN EXTENSION.

1 (2) THE BOARD SHALL DETERMINE WHETHER TO GRANT AN EXTENSION
2 UNDER THIS SUBSECTION ON A CASE-BY-CASE BASIS.

3 14-5C-11.

4 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

5 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
6 BOARD REQUIRES; AND

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

8 14-5C-12.

9 THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE
10 REQUIREMENTS OF THIS SUBTITLE.

11 14-5C-13.

12 (A) A LICENSE AUTHORIZES A POLYSOMNOGRAPHIC TECHNOLOGIST TO
13 PRACTICE POLYSOMNOGRAPHY UNDER THE SUPERVISION OF A LICENSED
14 PHYSICIAN IN THIS STATE WHILE THE LICENSE IS EFFECTIVE.

15 (B) A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY:

16 (1) MONITOR OR RECORD PHYSIOLOGIC DATA DURING SLEEP UNDER
17 THE SUPERVISION OF A LICENSED PHYSICIAN; OR

18 (2) ASSIST A LICENSED PHYSICIAN IN THE DIAGNOSIS AND TREATMENT
19 OF SLEEP AND WAKE DISORDERS.

20 (C) A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY PERFORM
21 POLYSOMNOGRAPHIC SERVICES IN:

22 (1) A HOSPITAL SLEEP LABORATORY; OR

23 (2) A STAND-ALONE SLEEP CENTER.

24 14-5C-14.

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

27 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND
28 TO THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST, BY FIRST-CLASS MAIL TO
29 THE LAST KNOWN ADDRESS OF THE LICENSED POLYSOMNOGRAPHIC
30 TECHNOLOGIST, A RENEWAL NOTICE THAT STATES:

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

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

4 (3) THE AMOUNT OF THE RENEWAL FEE.

5 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE
6 EXPIRES, THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST PERIODICALLY MAY
7 RENEW IT FOR AN ADDITIONAL TERM, IF THE LICENSEE:

8 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

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

10 (3) SUBMITS TO THE BOARD:

11 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
12 REQUIRES; AND

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

16 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
17 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING
18 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE RENEWAL
19 OF A LICENSE UNDER THIS SECTION.

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

22 (F) THE BOARD SHALL REINSTATE THE LICENSE OF A POLYSOMNOGRAPHIC
23 TECHNOLOGIST WHO HAS NOT PLACED THE LICENSE ON AN INACTIVE STATUS AND
24 WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE
25 POLYSOMNOGRAPHIC TECHNOLOGIST:

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

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

29 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.
30 14-5C-15.

31 (A) (1) THE BOARD SHALL PLACE A LICENSED POLYSOMNOGRAPHIC
32 TECHNOLOGIST ON INACTIVE STATUS, IF THE LICENSEE SUBMITS TO THE BOARD:

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

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

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

6 (B) THE BOARD MAY REINSTATE THE LICENSE OF A POLYSOMNOGRAPHIC
7 TECHNOLOGIST WHO HAS NOT BEEN PUT ON INACTIVE STATUS, WHO HAS FAILED TO
8 RENEW THE LICENSE FOR ANY REASON, AND WHO APPLIES FOR REINSTATEMENT
9 MORE THAN 30 DAYS AFTER THE LICENSE HAS EXPIRED, IF THE
10 POLYSOMNOGRAPHIC TECHNOLOGIST:

11 (1) MEETS THE RENEWAL REQUIREMENTS OF § 14-5C-14 OF THIS
12 SUBTITLE;

13 (2) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;
14 AND

15 (3) MEETS ANY OTHER REQUIREMENTS ESTABLISHED BY REGULATION.
16 14-5C-16.

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

22 14-5C-17.

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

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

29 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

30 (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE
31 PRACTICE OF POLYSOMNOGRAPHY;

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

33 (5) ABANDONS A PATIENT;

34 (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) KNOWINGLY DELEGATES A POLYSOMNOGRAPHIC DUTY TO AN
29 UNLICENSED INDIVIDUAL;

30 (17) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY
31 A SECRET METHOD, TREATMENT, OR MEDICINE;

32 (18) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR IS
33 CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS
34 DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR
35 THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE
36 GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY
37 STATUTES;

1 (19) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF
2 POLYSOMNOGRAPHIC SERVICES PERFORMED IN A HOSPITAL SLEEP LABORATORY OR
3 A STAND-ALONE SLEEP CENTER;

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

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

10 (II) HAS:

11 1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE
12 STATE OR COUNTRY; OR

13 2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE STATE OR
14 COUNTRY TO EXPIRE OR LAPSE;

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

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

19 (24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED
20 SCOPE OF PRACTICE;

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

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

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

33 (B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE
34 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER
35 SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM
36 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
37 BOARD IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS
38 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 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,
14 HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED
15 IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A
16 REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
17 SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR
18 TERMINATED ANY LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST FOR ANY
19 REASON THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 14-5C-17 OF
20 THIS SUBTITLE.

21 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
22 EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED POLYSOMNOGRAPHIC
23 TECHNOLOGIST HAS COMMITTED AN ACTION OR HAS A CONDITION THAT MIGHT BE
24 GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED POLYSOMNOGRAPHIC
25 TECHNOLOGIST OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE
26 LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST IS ALCOHOL IMPAIRED OR DRUG
27 IMPAIRED IS NOT REQUIRED TO REPORT THE TECHNOLOGIST TO THE BOARD IF:

28 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
29 SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED POLYSOMNOGRAPHIC
30 TECHNOLOGIST IS:

31 (I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
32 ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE
33 ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

34 (II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS
35 COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE; AND

36 (2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
37 SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED
38 POLYSOMNOGRAPHIC TECHNOLOGIST REMAINS IN THE TREATMENT PROGRAM
39 UNTIL DISCHARGE; AND

40 (II) THE ACTION OR CONDITION OF THE LICENSED
41 POLYSOMNOGRAPHIC TECHNOLOGIST HAS NOT CAUSED INJURY TO ANY PERSON

1 WHILE THE TECHNOLOGIST IS PRACTICING AS A LICENSED POLYSOMNOGRAPHIC
2 TECHNOLOGIST.

3 (C) (1) IF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST ENTERS, OR
4 IS CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
5 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTH CARE
6 ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED
7 POLYSOMNOGRAPHIC TECHNOLOGIST SHALL NOTIFY THE HOSPITAL, RELATED
8 INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED
9 POLYSOMNOGRAPHIC TECHNOLOGIST'S DECISION TO ENTER THE TREATMENT
10 PROGRAM.

11 (2) IF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST FAILS TO
12 PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND
13 THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
14 EMPLOYER LEARNS THAT THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST HAS
15 ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION,
16 ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD THAT
17 THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST HAS ENTERED A TREATMENT
18 PROGRAM AND HAS FAILED TO PROVIDE THE REQUIRED NOTICE.

19 (3) IF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST IS FOUND
20 TO BE NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND
21 PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM
22 SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
23 SYSTEM, OR EMPLOYER OF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST'S
24 NONCOMPLIANCE.

25 (4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH
26 (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
27 HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED POLYSOMNOGRAPHIC
28 TECHNOLOGIST SHALL REPORT THE LICENSED POLYSOMNOGRAPHIC
29 TECHNOLOGIST'S NONCOMPLIANCE TO THE BOARD.

30 (D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT
31 THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR
32 REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE
33 PATIENT RECORDS.

34 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
35 OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION
36 DESCRIBED IN THIS SECTION.

37 (F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA OR
38 DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF A
39 HEARING AND DECISION OF THE BOARD UNDER THIS TITLE.

1 14-5C-19.

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

5 14-5C-20.

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

9 14-5C-21.

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

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

18 14-5C-22.

19 A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR
20 REPRESENT THAT THE PERSON PROVIDES POLYSOMNOGRAPHY UNLESS THE
21 POLYSOMNOGRAPHY IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO
22 PRACTICE POLYSOMNOGRAPHY UNDER THIS SUBTITLE.

23 14-5C-23.

24 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY
25 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
26 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

27 (B) ANY PERSON WHO VIOLATES § 14-5C-21 OF THIS SUBTITLE IS SUBJECT TO
28 A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

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

31 14-5C-24.

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

33 14-5C-25.

34 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
35 MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF

1 THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS
2 ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER
3 JULY 1, 2011.

4

Article - State Government

5 8-403.

6 (a) On or before December 15 of the 2nd year before the evaluation date of a
7 governmental activity or unit, the Legislative Policy Committee, based on a
8 preliminary evaluation, may waive as unnecessary the evaluation required under this
9 section.

10 (b) Except as otherwise provided in subsection (a) of this section, on or before
11 the evaluation date for the following governmental activities or units, an evaluation
12 shall be made of the following governmental activities or units and the statutes and
13 regulations that relate to the governmental activities or units:

14 (53) POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE (§
15 14-5C-05 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2010);

16 SECTION 3. AND BE IT FURTHER ENACTED, That:

17 (a) The terms of the initial members of the Polysomnography Professional
18 Standards Committee shall expire as follows:

19 (1) two members in 2007;

20 (2) two members in 2008; and

21 (3) three members in 2009.

22 (b) On or after October 1, 2009, a licensed polysomnographic technologist
23 shall replace a registered polysomnographic technologist as a member of the
24 Committee on the expiration of the registered polysomnographic technologist's term.

25 SECTION 4. AND BE IT FURTHER ENACTED, That:

26 (a) The State Board of Physicians, the MD/DC Society for Respiratory Care,
27 and the Maryland Sleep Consortium shall meet once each year in 2007 and 2008 to
28 discuss new developments on the accreditation of polysomnography education
29 programs in the State and determine how to accelerate the process; and

30 (b) The State Board of Physicians, the MD/DC Society for Respiratory Care,
31 and the Maryland Sleep Consortium shall report to the Senate Education, Health,
32 and Environmental Affairs Committee and the House Health and Government
33 Operations Committee on or before December 31, 2008, on the developments on the
34 accreditation of polysomnography education programs in the State and any proposed
35 legislation.

1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.