

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 433

(Senator Astle)

Education, Health, and Environmental Affairs

Health and Government Operations

**State Board of Physicians - Polysomnographic Technologists - Education and
Licensing Requirements**

This bill delays the date by which a polysomnographic technologist must be licensed by the State Board of Physicians in order to practice in the State from October 1, 2009 to October 1, 2011. The bill also extends the date by which licensure applicants can fulfill the requirements for a waiver of educational requirements from September 30, 2009 to September 30, 2011.

Fiscal Summary

State Effect: To the extent that qualified applicants delay applying for licensure until October 1, 2011, special fund revenues decrease from FY 2010 through 2011. Likewise, since contractual staff to review and process licensure applications may not be needed from FY 2010 to 2011, special fund expenditures may also decrease in those years. Special fund revenues and expenditures rebound beginning in FY 2012 as polysomnographic technologists are licensed.

Local Effect: None.

Small Business Effect: Meaningful for small businesses that employ polysomnographic technologists who are allowed to continue to practice without a license beyond 2009.

Analysis

Current Law: The practice of polysomnography means monitoring and recording physiologic data during sleep, including sleep-related respiratory disturbances under the supervision of a licensed physician, or using these data for the purposes of assisting a

licensed physician in the diagnosis and treatment of sleep and wake disorders. It also includes diagnosing and treating individuals who suffer from sleep disorders under certain circumstances.

Chapter 595 of 2006 required the board to license and regulate the practice of polysomnography and established the board's Polysomnography Professional Standards Committee. The committee has to develop and recommend to the board various provisions necessary to appropriately regulate the profession, including regulations, a code of ethics, standards of care for the practice of polysomnography, and requirements for licensure. Polysomnographers must be licensed by October 1, 2009.

The law requires that, in order to qualify for licensure, applicants have to have graduated from a polysomnographic educational program that is accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP). The board has to waive the education requirement if, on or before September 30, 2009, an individual has passed the national certifying examination, is certified by the national Board of Registered Polysomnographic Technologists, and has submitted a licensure application to the board.

Background: While 19 educational programs have been accredited by CAAHEP nationwide, only recently has one been accredited in Maryland, at the Baltimore County Community College. According to the Department of Health and Mental Hygiene, that program does not have the capacity to graduate all the polysomnographers currently working in Maryland who would need to qualify for licensure by 2009, absent the bill.

To date, the board has received only one application for licensure, which it is currently processing. The board advises that postponing the licensure date deadline will avoid disruption in health care by allowing technologists to continue providing sleep studies until they can qualify for licensure.

Additional Information

Prior Introductions: This bill is similar to HB 1082 of 2008, as amended by the House Health and Government Operations Committee and the Senate Education, Health, and Environmental Affairs Committee. HB 1082 passed the House and reached second reading in the Senate, but no further action was taken.

Cross File: HB 597 (Delegate Benson) – Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2009
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