

# SENATE BILL 641

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11r2058  
CF HB 560

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By: **Senator Benson**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Polysomnography – Technologists and Technicians – Licensing**  
3 **Requirements Licensure**

4 FOR the purpose of ~~establishing a polysomnographic technician license; requiring the~~  
5 ~~State Board of Physicians to set certain fees regarding the licensing of~~  
6 ~~polysomnographic technicians; altering the duties of the Polysomnography~~  
7 ~~Professional Standards Committee; altering certain education requirements to~~  
8 ~~qualify for a polysomnographic technologist license; providing for the~~  
9 ~~qualifications for a polysomnographic technician license; requiring the Board to~~  
10 ~~waive certain education requirements for certain applicants for a~~  
11 ~~polysomnographic technologist license under certain circumstances; providing~~  
12 ~~that a certain applicant who qualified for a polysomnographic technician license~~  
13 ~~under certain circumstances is entitled to be licensed for a single term under~~  
14 ~~certain circumstances; providing for the scope of a license to practice~~  
15 ~~polysomnography as a polysomnographic technician; prohibiting the Board from~~  
16 ~~renewing the license of a polysomnographic technician; prohibiting a licensed~~  
17 ~~polysomnographic technician from surrendering or allowing a license to lapse~~  
18 ~~under certain circumstances; defining certain terms; making certain conforming~~  
19 ~~changes~~ extending the date by which an individual is required to be licensed by  
20 the State Board of Physicians before the individual may practice  
21 polysomnography in the State; extending the date on or before which the Board  
22 is required to waive a certain education requirement for certain individuals;  
23 extending the date by which certain individuals may petition the Board for a  
24 certain extension; and generally relating to licensing requirements for  
25 polysomnographic technologists ~~and technicians.~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
 2 Article – Health Occupations  
 3 Section ~~14-5C-01, 14-5C-04, 14-5C-07, 14-5C-09, 14-5C-13, 14-5C-14,~~  
 4 ~~14-5C-16, and 14-5C-18~~ 14-5C-08 and 14-5C-10  
 5 Annotated Code of Maryland  
 6 (2009 Replacement Volume and 2010 Supplement)

7 ~~BY adding to~~  
 8 ~~Article – Health Occupations~~  
 9 ~~Section 14-5C-10.1 and 14-5C-10.2~~  
 10 ~~Annotated Code of Maryland~~  
 11 ~~(2009 Replacement Volume and 2010 Supplement)~~

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Health Occupations**

15 ~~14-5C-01.~~

16 (a) ~~In this subtitle the following words have the meanings indicated.~~

17 (b) ~~“Board” means the State Board of Physicians.~~

18 (c) ~~“CERTIFIED POLYSOMNOGRAPHIC TECHNICIAN” MEANS A~~  
 19 ~~POLYSOMNOGRAPHIC TECHNICIAN WHO IS CERTIFICATED BY THE BOARD OF~~  
 20 ~~REGISTERED POLYSOMNOGRAPHIC TECHNICIANS.~~

21 ~~[(e)] (D) “Committee” means the Polysomnography Professional Standards~~  
 22 ~~Committee established under § 14-5C-05 of this subtitle.~~

23 ~~[(d)] (E) “License” means a license issued by the Board.~~

24 (f) ~~“LICENSED POLYSOMNOGRAPHIC TECHNICIAN” MEANS A~~  
 25 ~~POLYSOMNOGRAPHIC TECHNICIAN WHO IS LICENSED BY THE BOARD UNDER~~  
 26 ~~THIS SUBTITLE TO PRACTICE POLYSOMNOGRAPHY UNDER THE SUPERVISION OF~~  
 27 ~~A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST AND A LICENSED PHYSICIAN.~~

28 ~~[(e)] (G) “Licensed polysomnographic technologist” means a~~  
 29 ~~polysomnographic technologist who is licensed by the Board under this subtitle to~~  
 30 ~~practice polysomnography under the supervision of a licensed physician.~~

31 ~~[(f)] (H) (1) “Practice polysomnography” means:~~

1                   ~~(i) Monitoring and recording physiologic data during sleep,~~  
2 ~~including sleep-related respiratory disturbances under the supervision of a licensed~~  
3 ~~physician; or~~

4                   ~~(ii) Using data collected under item (i) of this paragraph for the~~  
5 ~~purposes of assisting a licensed physician in the diagnosis and treatment of sleep and~~  
6 ~~wake disorders.~~

7                   ~~(2) "Practice polysomnography" includes:~~

8                   ~~(i) Providing polysomnography services that are safe, aseptic,~~  
9 ~~preventive, and restorative;~~

10                   ~~(ii) Diagnosing and treating individuals who suffer from sleep~~  
11 ~~disorders as a result of developmental defects, the aging process, physical injury,~~  
12 ~~disease, or actual or anticipated somatic dysfunction;~~

13                   ~~(iii) Observing and monitoring physical signs and symptoms,~~  
14 ~~general behavior, and general physical response to polysomnographic evaluation and~~  
15 ~~determining whether initiation, modification, or discontinuation of a treatment~~  
16 ~~regimen is warranted;~~

17                   ~~(iv) Using evaluation techniques that include limited~~  
18 ~~cardiopulmonary function assessments, the need and effectiveness of therapeutic~~  
19 ~~modalities and procedures, and the assessment and evaluation of the need for~~  
20 ~~extended care; and~~

21                   ~~(v) Applying the use of techniques, equipment, and procedures~~  
22 ~~involved in the evaluation of polysomnography, including:~~

23                   ~~1. Continuous positive airway pressure or bi-level~~  
24 ~~positive airway pressure titration on spontaneously breathing patients;~~

25                   ~~2. Supplemental low flow oxygen therapy during~~  
26 ~~polysomnogram;~~

27                   ~~3. Capnography during polysomnogram;~~

28                   ~~4. Cardiopulmonary resuscitation;~~

29                   ~~5. Pulse oximetry;~~

30                   ~~6. PH probe placement and monitoring;~~

31                   ~~7. Esophageal pressure;~~

## SENATE BILL 641

1 ~~8. Sleep staging including surface~~  
 2 ~~electroencephalography, surface electrooculography, and surface submental~~  
 3 ~~electromyography;~~

4 ~~9. Surface electromyography of arms and legs;~~

5 ~~10. Electrocardiography;~~

6 ~~11. Respiratory effort including thoracic and abdominal;~~

7 ~~12. Plethysmography blood flow;~~

8 ~~13. Snore monitoring;~~

9 ~~14. Audio or video monitoring;~~

10 ~~15. Implementation of a written or verbal order from a~~  
 11 ~~licensed physician that requires the practice of polysomnography;~~

12 ~~16. Monitoring the effects a nasal device, used to treat~~  
 13 ~~sleep apnea, has on sleep patterns provided that the device does not extend into the~~  
 14 ~~trachea; and~~

15 ~~17. Monitoring the effects an oral device, used to treat~~  
 16 ~~sleep apnea, has on sleep patterns, provided that:~~

17 ~~A. The device does not extend into the trachea;~~

18 ~~B. A dentist has evaluated the structures of the patient's~~  
 19 ~~oral and maxillofacial region for purposes of fitting;~~

20 ~~C. A dentist made or directed the making of the oral~~  
 21 ~~device; and~~

22 ~~D. A dentist directs the use of the oral device.~~

23 ~~[(g)] (I) "Student" means an individual who, in accordance with section~~  
 24 ~~14-5C-09(e) of this subtitle, is:~~

25 ~~(1) Enrolled in an accredited educational program in order to qualify~~  
 26 ~~for a license under this title; and~~

27 ~~(2) Performing polysomnography services within the accredited~~  
 28 ~~program under the supervision of a licensed physician and without compensation.~~

1 ~~[(h)] (J)~~ “~~Registered polysomnographic technologist~~” means ~~a~~  
2 ~~polysomnographic technologist who is registered by the Board of Registered~~  
3 ~~Polysomnographic Technicians.~~

4 ~~[(i)] (K)~~ “~~Supervision~~” means ~~general or direct supervision of:~~

5 ~~(1) [a] A LICENSED POLYSOMNOGRAPHIC TECHNICIAN BY A~~  
6 ~~licensed polysomnographic technologist [by] AND a licensed physician; OR~~

7 ~~(2) A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST BY A~~  
8 ~~LICENSED PHYSICIAN.~~

9 ~~14-5C-04.~~

10 ~~(a) (1) The Board shall set reasonable fees for the issuance of and renewal~~  
11 ~~of licenses and other services it provides to polysomnographic technologists AND~~  
12 ~~POLYSOMNOGRAPHIC TECHNICIANS.~~

13 ~~(2) The fees charged shall be set so as to produce funds to approximate~~  
14 ~~the cost of maintaining the licensure program and the other services provided to~~  
15 ~~polysomnographic technologists AND POLYSOMNOGRAPHIC TECHNICIANS.~~

16 ~~(b) (1) The Board shall pay all fees collected under the provisions of this~~  
17 ~~subtitle to the Comptroller.~~

18 ~~(2) The Comptroller shall distribute all fees to the Board.~~

19 ~~(c) The fees shall be used to cover the actual documented direct and indirect~~  
20 ~~costs of fulfilling the statutory and regulatory duties of the Board as provided by the~~  
21 ~~provisions of this subtitle.~~

22 ~~14-5C-07.~~

23 ~~In addition to the powers set forth elsewhere in this subtitle, the Committee~~  
24 ~~shall:~~

25 ~~(1) Develop and recommend to the Board regulations to carry out the~~  
26 ~~provisions of this subtitle;~~

27 ~~(2) Develop and recommend to the Board a code of ethics for the~~  
28 ~~practice of polysomnography for adoption by the Board;~~

29 ~~(3) Develop and recommend to the Board standards of care for the~~  
30 ~~practice of polysomnography;~~

1           ~~(4) Develop and recommend to the Board the requirements for~~  
2 ~~licensure as a polysomnographic technologist OR A POLYSOMNOGRAPHIC~~  
3 ~~TECHNICIAN, including:~~

4           ~~(i) Criteria for the educational and clinical training of licensed~~  
5 ~~polysomnographic technologists AND POLYSOMNOGRAPHIC TECHNICIANS; and~~

6           ~~(ii) Criteria for a professional competency examination and~~  
7 ~~testing of applicants for a license to practice polysomnography;~~

8           ~~(5) Develop and recommend to the Board criteria for licensed~~  
9 ~~polysomnographic technologists who are licensed in other states to practice in this~~  
10 ~~State;~~

11           ~~(6) Evaluate the accreditation status of education programs in~~  
12 ~~polysomnography for approval by the Board;~~

13           ~~(7) Evaluate the credentials of applicants and recommend licensure of~~  
14 ~~applicants who fulfill the requirements for a license to practice polysomnography;~~

15           ~~(8) Develop and recommend to the Board continuing education~~  
16 ~~requirements for license renewal;~~

17           ~~(9) Provide the Board with recommendations concerning the practice~~  
18 ~~of polysomnography;~~

19           ~~(10) Develop and recommend to the Board criteria for the direction of~~  
20 ~~students in clinical education programs by licensed POLYSOMNOGRAPHIC~~  
21 ~~TECHNICIANS, polysomnographic technologists, and licensed physicians;~~

22           ~~(11) Keep a record of its proceedings; and~~

23           ~~(12) Submit an annual report to the Board.~~

24 ~~14-5C-09.~~

25           ~~(a) To qualify for a license, an applicant shall be an individual who meets the~~  
26 ~~requirements of this section.~~

27           ~~(b) The applicant shall:~~

28           ~~(1) Be of good moral character; and~~

29           ~~(2) Be at least 18 years old.~~

30           ~~(c) An applicant for a polysomnographic technologist license shall:~~

1           ~~(1) Have passed the national certifying examination given by the~~  
2 ~~Board of Registered Polysomnographic Technologists or another examination approved~~  
3 ~~by the Board;~~

4           ~~(2) Submit to the Board proof of certification as a registered~~  
5 ~~polysomnographic technologist or other national certification approved by the Board;~~

6           ~~(3) [(i) Have graduated from a polysomnographic educational~~  
7 ~~program that is accredited by the Commission on Accreditation of Allied Health~~  
8 ~~Education Programs;~~

9                           ~~(ii) 1. Have graduated from a respiratory care educational~~  
10 ~~program that is accredited by the Commission on Accreditation of Allied Health~~  
11 ~~Education Programs; and~~

12                                   ~~2. Have completed the Committee on Accreditation for~~  
13 ~~Respiratory Care's curriculum for a polysomnography certificate that is accredited by~~  
14 ~~the Commission on Accreditation of Allied Health Education Programs; or~~

15                           ~~(iii) 1. Have graduated from an electroneuro diagnostic~~  
16 ~~educational program that is accredited by the Commission on Accreditation of Allied~~  
17 ~~Health Education Programs; and~~

18                                   ~~2. Have completed additional units, modules, and~~  
19 ~~courses of instruction focused on polysomnographic technology that are accredited by~~  
20 ~~the Commission on Accreditation of Allied Health Education Programs] MEET THE~~  
21 ~~EDUCATION REQUIREMENTS;~~

22                           ~~(I) ESTABLISHED BY THE COMMITTEE AND APPROVED BY~~  
23 ~~THE BOARD; OR~~

24                           ~~(II) ESTABLISHED BY THE BOARD OF REGISTERED~~  
25 ~~POLYSOMNOGRAPHIC TECHNOLOGISTS OR THE AMERICAN ACADEMY OF~~  
26 ~~SLEEP MEDICINE AND APPROVED BY THE BOARD; and~~

27           ~~(4) Meet any other educational or clinical requirements established by~~  
28 ~~the Committee and approved by the Board.~~

29           ~~(D) AN APPLICANT FOR A POLYSOMNOGRAPHIC TECHNICIAN LICENSE~~  
30 ~~SHALL:~~

31           ~~(1) QUALIFY TO TAKE OR HAVE PASSED THE NATIONAL~~  
32 ~~EXAMINATION FOR CERTIFIED POLYSOMNOGRAPHIC TECHNICIANS GIVEN BY~~  
33 ~~THE BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS;~~

~~(2) SUBMIT TO THE BOARD PROOF OF CERTIFICATION AS A CERTIFIED POLYSOMNOGRAPHIC TECHNICIAN OR OF ELIGIBILITY TO TAKE THE EXAMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND~~

~~(3) MEET ANY EDUCATIONAL OR CLINICAL REQUIREMENTS ESTABLISHED BY THE COMMITTEE AND APPROVED BY THE BOARD.~~

~~14-5C-10.1.~~

~~(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL WAIVE THE EDUCATION REQUIREMENTS OF § 14-5C-09(C)(3) OF THIS SUBTITLE FOR AN APPLICANT FOR A POLYSOMNOGRAPHIC TECHNOLOGIST LICENSE WHO:~~

~~(1) RESIDES IN ANOTHER STATE;~~

~~(2) PASSED THE NATIONAL CERTIFYING EXAMINATION ADMINISTERED BY THE BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS; AND~~

~~(3) WAS CERTIFIED BY THE BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS AS A REGISTERED POLYSOMNOGRAPHIC TECHNOLOGIST ON OR BEFORE OCTOBER 1, 2011.~~

~~(B) THE BOARD SHALL GRANT A WAIVER UNDER THIS SECTION ONLY IF THE APPLICANT:~~

~~(1) IS OF GOOD MORAL CHARACTER;~~

~~(2) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD UNDER § 14-5C-11 OF THIS SUBTITLE; AND~~

~~(3) PROVIDES ADEQUATE EVIDENCE OF MEETING THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

~~14-5C-10.2.~~

~~AN APPLICANT WHO IS OTHERWISE QUALIFIED FOR A LICENSE UNDER § 14-5C-09(D) OF THIS SUBTITLE IS ENTITLED TO BE LICENSED FOR A SINGLE TERM DURING WHICH THE INDIVIDUAL IS REQUIRED TO WORK TOWARDS QUALIFYING FOR THE NATIONAL CERTIFYING EXAMINATION FOR REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS GIVEN BY THE BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS.~~

~~14-5C-13.~~



1           (a)   ~~(1) A license authorizes a polysomnographic technologist to practice~~  
2 ~~polysomnography in this State while the license is effective.~~

3                           ~~(2) A LICENSE AUTHORIZES A POLYSOMNOGRAPHIC TECHNICIAN~~  
4 ~~TO PRACTICE POLYSOMNOGRAPHY UNDER SUPERVISION IN THIS STATE WHILE~~  
5 ~~THE LICENSE IS EFFECTIVE.~~

6           (b)   ~~A licensed polysomnographic technologist AND A LICENSED~~  
7 ~~POLYSOMNOGRAPHIC TECHNICIAN may practice polysomnography in:~~

8                   (1)   ~~A hospital sleep laboratory; or~~

9                   (2)   ~~A stand-alone sleep center.~~

10 ~~14-5C-14.~~

11           (a)   ~~A license expires on a date set by the Board, unless the license is renewed~~  
12 ~~for an additional term as provided in this section.~~

13           (b)   ~~At least 1 month before a license expires, the Board shall send to the~~  
14 ~~licensed polysomnographic technologist, by first class mail to the last known address~~  
15 ~~of the licensed polysomnographic technologist, a renewal notice that states:~~

16                   (1)   ~~The date on which the current license expires;~~

17                   (2)   ~~The date by which the renewal application must be received by the~~  
18 ~~Board for the renewal to be issued and mailed before the license expires; and~~

19                   (3)   ~~The amount of the renewal fee.~~

20           (c)   ~~Except as otherwise provided in this subtitle, before a license expires, the~~  
21 ~~licensed polysomnographic technologist periodically may renew it for an additional~~  
22 ~~term, if the licensee:~~

23                   (1)   ~~Otherwise is entitled to be licensed;~~

24                   (2)   ~~Pays to the Board a renewal fee set by the Board; and~~

25                   (3)   ~~Submits to the Board:~~

26                   (i)   ~~A renewal application on the form that the Board requires;~~  
27 ~~and~~

1                   (ii) ~~Satisfactory evidence of compliance with any continuing~~  
2 ~~education or competency requirements and other requirements set under this section~~  
3 ~~for license renewal.~~

4                   (d) ~~In addition to any other qualifications and requirements established by~~  
5 ~~the Board, the Board may establish continuing education or competency requirements~~  
6 ~~as a condition of the renewal of a license under this section.~~

7                   (e) ~~(1) The Board shall renew the license of each [licensee] LICENSED~~  
8 ~~POLYSOMNOGRAPHIC TECHNOLOGIST who meets the requirements of this section.~~

9                   ~~(2) THE BOARD MAY NOT RENEW THE LICENSE OF A LICENSED~~  
10 ~~POLYSOMNOGRAPHIC TECHNICIAN.~~

11                   (f) ~~The Board shall reinstate the license of a polysomnographic technologist~~  
12 ~~who has not placed the license on an inactive status and who has failed to renew the~~  
13 ~~license for any reason if the polysomnographic technologist:~~

14                   (1) ~~Applies for reinstatement within 30 days after the date the license~~  
15 ~~expires;~~

16                   (2) ~~Meets the renewal requirements of this section; and~~

17                   (3) ~~Pays to the Board the reinstatement fee set by the Board.~~

18 ~~14-5C-16.~~

19                   ~~Unless the Board agrees to accept the surrender of a license, a licensed~~  
20 ~~polysomnographic technologist OR POLYSOMNOGRAPHIC TECHNICIAN may not~~  
21 ~~surrender the license nor may the license lapse by operation of law while the licensee~~  
22 ~~is under investigation or while charges are pending against the licensee.~~

23 ~~14-5C-18.~~

24                   (a) ~~Except as provided in subsections (b) and (d) of this section, hospitals,~~  
25 ~~related institutions, alternative health systems as defined in § 1-401 of this article,~~  
26 ~~and employers shall file with the Board a report that the hospital, related institution,~~  
27 ~~alternative health system, or employer limited, reduced, otherwise changed, or~~  
28 ~~terminated any licensed polysomnographic technologist OR LICENSED~~  
29 ~~POLYSOMNOGRAPHIC TECHNICIAN for any reason that might be grounds for~~  
30 ~~disciplinary action under § 14-5C-17 of this subtitle.~~

31                   (b) ~~A hospital, related institution, alternative health system, or employer~~  
32 ~~that has reason to know that a licensed polysomnographic technologist OR LICENSED~~  
33 ~~POLYSOMNOGRAPHIC TECHNICIAN has committed an action or has a condition that~~  
34 ~~might be grounds for reprimand or probation of the licensed polysomnographic~~

~~1~~ ~~technologist OR LICENSED POLYSOMNOGRAPHIC TECHNICIAN~~ or suspension or  
~~2~~ ~~revocation of the license because the licensed polysomnographic technologist OR~~  
~~3~~ ~~LICENSED POLYSOMNOGRAPHIC TECHNICIAN~~ is alcohol impaired or drug impaired  
~~4~~ ~~is not required to report the technologist OR TECHNICIAN to the Board if:~~

~~5~~ (1) ~~The hospital, related institution, alternative health system, or~~  
~~6~~ ~~employer knows that the licensed polysomnographic technologist OR LICENSED~~  
~~7~~ ~~POLYSOMNOGRAPHIC TECHNICIAN is:~~

~~8~~ (i) ~~In an alcohol or drug treatment program that is accredited~~  
~~9~~ ~~by the Joint Commission on Accreditation of Healthcare Organizations or is certified~~  
~~10~~ ~~by the Department; or~~

~~11~~ (ii) ~~Under the care of a health care practitioner who is~~  
~~12~~ ~~competent and capable of dealing with alcoholism and drug abuse; and~~

~~13~~ (2) (i) ~~The hospital, related institution, alternative health system,~~  
~~14~~ ~~or employer is able to verify that the licensed polysomnographic technologist OR~~  
~~15~~ ~~LICENSED POLYSOMNOGRAPHIC TECHNICIAN remains in the treatment program~~  
~~16~~ ~~until discharge; and~~

~~17~~ (ii) ~~The action or condition of the licensed polysomnographic~~  
~~18~~ ~~technologist OR LICENSED POLYSOMNOGRAPHIC TECHNICIAN has not caused~~  
~~19~~ ~~injury to any person while the technologist OR TECHNICIAN is practicing as a licensed~~  
~~20~~ ~~polysomnographic technologist OR A LICENSED POLYSOMNOGRAPHIC TECHNICIAN.~~

~~21~~ (e) (1) ~~If the licensed polysomnographic technologist OR LICENSED~~  
~~22~~ ~~POLYSOMNOGRAPHIC TECHNICIAN enters, or is considering entering, an alcohol or~~  
~~23~~ ~~drug treatment program that is accredited by the Joint Commission on Accreditation~~  
~~24~~ ~~of Healthcare Organizations or that is certified by the Department, the licensed~~  
~~25~~ ~~polysomnographic technologist OR LICENSED POLYSOMNOGRAPHIC TECHNICIAN~~  
~~26~~ ~~shall notify the hospital, related institution, alternative health system, or employer of~~  
~~27~~ ~~the licensed polysomnographic technologist's OR LICENSED POLYSOMNOGRAPHIC~~  
~~28~~ ~~TECHNICIAN'S decision to enter the treatment program.~~

~~29~~ (2) ~~If the licensed polysomnographic technologist OR LICENSED~~  
~~30~~ ~~POLYSOMNOGRAPHIC TECHNICIAN fails to provide the notice required under~~  
~~31~~ ~~paragraph (1) of this subsection, and the hospital, related institution, alternative~~  
~~32~~ ~~health system, or employer learns that the licensed polysomnographic technologist OR~~  
~~33~~ ~~LICENSED POLYSOMNOGRAPHIC TECHNICIAN has entered a treatment program,~~  
~~34~~ ~~the hospital, related institution, alternative health system, or employer shall report to~~  
~~35~~ ~~the Board that the licensed polysomnographic technologist OR LICENSED~~  
~~36~~ ~~POLYSOMNOGRAPHIC TECHNICIAN has entered a treatment program and has failed~~  
~~37~~ ~~to provide the required notice.~~

1           ~~(3) If the licensed polysomnographic technologist OR LICENSED~~  
2 ~~POLYSOMNOGRAPHIC TECHNICIAN is found to be noncompliant with the treatment~~  
3 ~~program's policies and procedures while in the treatment program, the treatment~~  
4 ~~program shall notify the hospital, related institution, alternative health system, or~~  
5 ~~employer of the licensed polysomnographic technologist's OR LICENSED~~  
6 ~~POLYSOMNOGRAPHIC TECHNICIAN'S noncompliance.~~

7           ~~(4) On receipt of the notification required under paragraph (3) of this~~  
8 ~~subsection, the hospital, related institution, alternative health system, or employer of~~  
9 ~~the licensed polysomnographic technologist OR LICENSED POLYSOMNOGRAPHIC~~  
10 ~~TECHNICIAN shall report the licensed polysomnographic technologist's OR LICENSED~~  
11 ~~POLYSOMNOGRAPHIC TECHNICIAN'S noncompliance to the Board.~~

12           ~~(d) A person is not required under this section to make any report that would~~  
13 ~~be in violation of any federal or state law, rule, or regulation concerning the~~  
14 ~~confidentiality of alcohol and drug abuse patient records.~~

15           ~~(e) The hospital, related institution, alternative health system, or employer~~  
16 ~~shall submit the report within 10 days of any action described in this section.~~

17           ~~(f) A report made under this section is not subject to subpoena or discovery~~  
18 ~~in any civil action other than a proceeding arising out of a hearing and decision of the~~  
19 ~~Board under this title.~~

20           ~~(g) (1) The Board may impose a civil penalty of up to \$1,000 for failure to~~  
21 ~~report under this section.~~

22           ~~(2) The Board shall remit any penalty collected under this subsection~~  
23 ~~into the General Fund of the State.~~

24 14-5C-08.

25           (a) Except as otherwise provided in this subtitle, on or after October 1,  
26 [2011] 2013, an individual shall be licensed by the Board before the individual may  
27 practice polysomnography in this State.

28           (b) This section does not apply to a student enrolled in an education program  
29 under § 14-5C-09(c)(3) of this subtitle while practicing polysomnography in that  
30 program.

31 14-5C-10.

32           (a) The Board shall waive the education requirement under § 14-5C-09(c)(3)  
33 of this subtitle if on or before September 30, [2011] 2013, an individual:

1           (1) Has passed the national certifying examination by the Board of  
2 Registered Polysomnographic Technologists;

3           (2) Is certified by the Board of Registered Polysomnographic  
4 Technologists as a registered polysomnographic technologist;

5           (3) Has submitted an application for licensure to the Board; and

6           (4) Meets all of the requirements under § 14-5C-09(b) and (c)(1) and  
7 (2) of this subtitle.

8           (b) (1) If an individual has not satisfied the requirements under  
9 subsection (a) of this section on or before September 30, [2011] 2013, the individual  
10 may petition the Board for an extension.

11           (2) The Board shall determine whether to grant an extension under  
12 this subsection on a case-by-case basis.

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2011.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

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Speaker of the House of Delegates.