

# SENATE BILL 350

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By: **Senator Conway**

Introduced and read first time: January 30, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Respiratory Care Practitioners – Practicing Polysomnography – Licensing**  
3 **Exceptions**

4 FOR the purpose of providing that a licensed respiratory care practitioner has the  
5 right to practice respiratory care within the scope of practice of the respiratory  
6 care practitioner’s license, including practicing respiratory care in a sleep  
7 laboratory; providing that the licensing requirements to practice  
8 polysomnography do not apply to a certain respiratory care practitioner licensed  
9 by the State Board of Physicians on or before a certain date; and generally  
10 relating to licensing exceptions to the practice of polysomnography by  
11 respiratory care practitioners.

12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 14–5C–02 and 14–5C–08  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2011 Supplement)

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

19 **Article – Health Occupations**

20 14–5C–02.

21 This subtitle does not limit:

22 (1) The right of an individual to practice a health occupation that the  
23 individual is authorized to practice under this article; [or]

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) The right of a licensed home medical equipment provider to  
2 provide home medical equipment services as defined under Title 19, Subtitle 4A of the  
3 Health – General Article; OR

4           **(3) THE RIGHT OF A LICENSED RESPIRATORY CARE**  
5 **PRACTITIONER TO PRACTICE RESPIRATORY CARE WITHIN THE SCOPE OF**  
6 **PRACTICE OF THE RESPIRATORY CARE PRACTITIONER’S LICENSE, INCLUDING**  
7 **PRACTICING RESPIRATORY CARE IN A SLEEP LABORATORY.**

8 14–5C–08.

9           (a) Except as otherwise provided in this subtitle, on or after October 1, 2013,  
10 an individual shall be licensed by the Board before the individual may practice  
11 polysomnography in this State.

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

15           **(C) THIS SECTION DOES NOT APPLY TO A RESPIRATORY CARE**  
16 **PRACTITIONER WHO WAS LICENSED BY THE BOARD TO PRACTICE RESPIRATORY**  
17 **CARE ON OR BEFORE DECEMBER 31, 2012, AND WHOSE DUTIES INCLUDE**  
18 **PRACTICING POLYSOMNOGRAPHY.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2012.