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RULE PROPOSALS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

41 N.J.R. 1663(a)

Proposed New Rules: N.J.A.C. 13:44L

[Click here to view Interested Persons Statement](#)

STATE BOARD OF POLYSOMNOGRAPHY

State Board of Polysomnography Rules

Authorized By: State Board of Polysomnography, J. Michael Walker, Executive Director

Authority: *N.J.S.A. 45:14G-1* et seq., specifically 45:14G-7.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-107.

Submit written comments by June 19, 2009 to:

J. Michael Walker, Executive Director
State Board of Polysomnography
Post Office Box 45051
124 Halsey Street
Newark, NJ 07101

The agency proposal follows:

Summary

P.L. 2005, c. 244 the "Polysomnography Practice Act" (the Act) (*N.J.S.A. 45:14G-1* et seq.) became effective December 21, 2005. The Act created the State Board of Polysomnography (the Board). The Board was assigned the

responsibility of establishing licensure standards for polysomnographic technologists, technicians and trainees. In order to implement the provisions of the Act, the Board is proposing a new chapter, State Board of Polysomnography, to be codified at N.J.A.C. 13:44L. The proposed new rules provide for the licensure and regulation of licensed polysomnographic technologists, technicians and trainees in the State of New Jersey.

Proposed new N.J.A.C. 13:44L-1.1 states the purpose of the chapter. It also identifies to whom the provisions of the chapter apply and to whom they do not. Proposed new N.J.A.C. 13:44L-1.2 provides definitions for terms used throughout the chapter.

Subchapter 2 deals with licensure application requirements. Proposed new N.J.A.C. 13:44L-2.1 sets forth application requirements for those seeking provisional licenses as polysomnographic trainees. Applicants must submit proof that they have completed the Accredited Sleep Technologist Education Program (A-STEP) Introductory Course and proof that they will be supervised by a licensed polysomnographic technologist or licensed physician. A provisional license as a polysomnographic trainee will be valid for one year.

Proposed new N.J.A.C. 13:44L-2.2 sets forth application requirements for those seeking to be licensed as polysomnographic technicians, who are temporary licensees who may only practice under the supervision of a physician or polysomnographic technologist. The rule provides two application procedures, one for applicants who hold provisional licenses as polysomnographic trainees and another for applicants who do not. An applicant who is licensed as a polysomnographic trainee is required, amongst other things, to provide proof that he or she has completed the A-STEP Self-Study Module, has completed 50 sleep studies and will be supervised by a polysomnographic technologist or a licensed physician. An applicant who is not licensed as a polysomnographic trainee must, amongst other things, provide proof that he or she has completed a Commission on the Accreditation of Allied Health Education Programs (CAAHEP) accredited polysomnographic course and that he or she will be supervised by a polysomnographic technologist or licensed physician. A temporary license will be valid for one year.

Proposed new N.J.A.C. 13:44L-2.3 sets forth application requirements for those seeking licensure as polysomnographic technologists. The rule provides two procedures for licensure, one for those who hold temporary licenses as polysomnographic technicians and another for those who do not. An applicant for licensure who holds a temporary license must submit proof that he or she has completed at least 50 sleep studies as a polysomnographic technician and proof that he or she has completed the Board of Registered Polysomnographic Technologists (BRPT) certification examination. An applicant who does not hold a temporary license will be required to submit, among other items, proof that he or she [page=1664] has completed a CAAHEP accredited course and has passed the BRPT certification examination.

Proposed new rule N.J.A.C. 13:44L-2.4 sets forth the licensing process for applicants who hold polysomnographic technologist licenses in another state. Such applicants will be required to submit proof that their state of licensure imposes the substantially equivalent educational requirements as the Board. Applicants will also be required to submit proof that they have passed the BRPT certification examination.

Proposed new rule N.J.A.C. 13:44L-2.5 provides application requirements for applicants who passed the BRPT examination or practiced prior to the effective date of these new rules. An applicant who passed the BRPT examination prior to the effective date of the rules will have six months from the date the rules are effective to apply for licensure as a polysomnographic technologist pursuant to this rule. An applicant who was performing polysomnography prior to the effective date of the rules, but who did not pass the BRPT examination, will have six months to apply to the Board for a temporary license as a polysomnographic technician pursuant to this rule. A temporary license granted pursuant to this rule will be valid for two years from the effective date of these rules.

Subchapter 3 sets forth requirements for renewal of licensure. Pursuant to proposed new rule N.J.A.C. 13:44L-3.1, a licensee must inform the Board if he or she changes his or her name or address within 30 days of the change.

Proposed new rule N.J.A.C. 13:44L-3.2 sets forth renewal requirements for licensed polysomnographic technologists. A licensed polysomnographic technologist who fails to renew his or her license by the expiration date will have 30 days to submit a late renewal. After this 30-day period, a licensed polysomnographic technologist who has not renewed his or her license will be suspended. A person seeking to renew a polysomnographic license within five years of being suspended may do so by submitting a reinstatement application to the Board. Such a renewal applicant must, among other things, submit the past due renewal fees, a reinstatement fee and proof that he or she has completed the continuing education requirements from every biennial renewal period during which he or she was suspended. A person seeking reinstatement more than five years from being suspended is required to, among other things, successfully pass the examination required for initial licensure. The rule permits licensed polysomnographic technologists to renew as inactive. Licensed polysomnographic technologists on inactive status are prohibited from practicing polysomnography. An inactive licensed polysomnographic technologist who seeks to return to active status with five years of going on inactive status must submit, among other things, proof that he or she has completed the continuing education required for every biennial period during which the applicant was on inactive status. An inactive polysomnographic technologist who has been on inactive status for more than five years will be required to reapply for licensure and meet all of the initial requirements for licensure found at N.J.A.C. 13:44L-2.3.

Proposed new rule N.J.A.C. 13:44L-3.3 sets forth renewal requirements for temporary polysomnographic technician licenses. A licensed polysomnographic technician may renew his or her temporary license once and must apply to the Board for renewal 60 days prior to the expiration of the license. An application for renewal must include proof that the licensed polysomnographic technician has completed at least 100 sleep studies and 10 continuing education credits within the last year.

Proposed new rule N.J.A.C. 13:44L-3.4 permits a polysomnographic trainee or technician to place his or her provisional or temporary license on inactive status if he or she will not be able to act as a trainee or technician due to reasons of hardship. A polysomnographic trainee or technician on inactive status is prohibited from practicing polysomnography. The period during which a licensed polysomnographic trainee or technician is on inactive status will not count towards the one-year effective period for a provisional or temporary license. A licensed polysomnographic trainee or technician on inactive status may apply to the Board to return to active status. Inactive status shall be effective for one year. If an inactive polysomnographic trainee or technician does not renew inactive status at the end of this one-year period, his or her license shall lapse.

Proposed new Subchapter 4 sets forth requirements for continuing education. Proposed new rule N.J.A.C. 13:44L-4.1 requires licensed polysomnographic technologists to complete 20 credits of continuing education as a pre-requisite for renewal of licensure. Licensed polysomnographic technologists are also required to obtain current certification in basic life support.

Proposed new rule N.J.A.C. 13:44L-4.2 sets forth the methods by which licensed polysomnographic technologists may obtain continuing education credit hours. Licensees may obtain credits by completing continuing education courses related to polysomnography or by reading magazine articles and completing self tests.

Proposed new rule N.J.A.C. 13:44L-4.3 authorizes the Board to perform random audits on licensed polysomnographic technologists to determine if they are complying with continuing education requirements. The rule also requires licensed polysomnographic technologists to maintain records of completed continuing education credits for four years. Proposed new rule N.J.A.C. 13:44L-4.4 permits the Board to require licensed polysomnographic technologists to complete continuing education credits as part of a disciplinary measure.

Proposed new Subchapter 5 sets forth practice requirements for licensed polysomnographic technologists, technicians and trainees. Proposed new rule N.J.A.C. 13:44L-5.1 sets forth the scope of practice for licensed polysomnographic technologists. This rule delineates the tasks that polysomnographic technologists may perform and provides that a licensed polysomnographic technologist perform these tasks only when a physician has referred a patient for services. A licensed polysomnographic technologist is required to work at a facility that has a qualified medical

director.

Proposed new rule N.J.A.C. 13:44L-5.2 sets forth the scope of practices for licensed polysomnographic technicians. The rule sets forth the tasks that a licensed polysomnographic technician may perform and allows a licensed polysomnographic technician to provide those services only when a physician has referred a patient. A licensed polysomnographic technician must work at a facility that has a qualified medical director and must be supervised by a licensed polysomnographic technologist or licensed physician.

Proposed new rule N.J.A.C. 13:44L-5.3 sets forth the scope of practice for licensed polysomnographic trainees. The rule permits a licensed polysomnographic trainee to assist a licensed polysomnographic technologist or licensed physician in the performance of specific functions. A licensed polysomnographic trainee may provide this assistance only if he or she is working at a facility that has a qualified medical director and is under the supervision of a licensed polysomnographic technologist or a licensed physician.

Proposed new rule N.J.A.C. 13:44L-5.4 deals with unlicensed practice. An individual is engaged in the unlicensed practice of polysomnography if he or she performs polysomnography and is not licensed by the Board, is not licensed by another State entity with a scope of practice that includes polysomnography or is not enrolled in a polysomnography educational program. This rule recognizes that home-based unattended self-administered diagnostic tests are not considered polysomnography and can be performed by individuals who are not licensed by the Board, as long as the results from such tests are read and analyzed by a licensed polysomnographic technologist or licensed physician.

Proposed new rule N.J.A.C. 13:44L-5.5 prohibits licensed polysomnographic technologists, technicians and trainees from aiding an unlicensed person to engage in polysomnography.

Proposed new N.J.A.C. 13:44L-5.6 addresses sexual misconduct. The rule prohibits licensed polysomnographic technologists, technicians and trainees from engaging in sexual contact with a patient while a patient-licensee relationship is ongoing. They are also prohibited from seeking sexual contact with a patient or with any person in exchange for professional services or from engaging in sexual harassment inside or outside of the professional setting. The rule does not prevent a licensed polysomnographic technologist, technician or trainee from rendering polysomnographic services to a spouse, provided such services are consistent with accepted standards and are not used to exploit the spouse.

Proposed new rule N.J.A.C. 13:44L-5.7 requires every licensed polysomnographic technologist, technician and trainee to post specific notices in the places they work and to present their licenses to any patient [page=1665] or employer upon request. Proposed new rule N.J.A.C. 13:44L-5.8 requires every licensed polysomnographic technologist, technician and trainee to wear identification tags. A licensed polysomnographic technologist, technician or trainee may apply to the Board for an exemption to this requirement if wearing an identification tag would endanger his or her safety, substantially invade his or her privacy or cause patients physical harm.

Proposed new rule N.J.A.C. 13:44L-5.9 requires licensed polysomnographic technologists to enter specific information into facility patient records. Proposed new rule N.J.A.C. 13:44L-5.10 requires licensed polysomnographic technologists to maintain records that indicate that they are working with qualified medical directors.

Proposed new Subchapter 6 sets forth the fees the Board will charge for the services it provides.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The proposed new rules will have a positive impact on consumers who are the recipients of polysomnography and polysomnographic technologists, technicians and trainees. The licensing standards in the rules will ensure that every

licensed technologist, technician or trainee is adequately prepared to safely and effectively provide polysomnographic services to consumers. Practice standards will help to ensure that licensed technologists, technicians and trainees are performing polysomnography in a safe and effective manner. The new rules will provide consumers with the ability to direct questions, concerns or problems that may arise with a polysomnographic technologist, technician or trainee to the Board. Polysomnographic technologists, technicians and trainees will benefit from having clear practice standards that provide guidance to themselves, and to other professionals, as to what constitutes polysomnography and the tasks these individuals may perform.

Economic Impact

The Board expects that there may be some economic impact on prospective applicants for licensure. Proposed new N.J.A.C. 13:44L-2 sets forth requirements for applicants for licensure. These rules require applicants to complete polysomnographic education and successfully pass the BRPT certification examination. The cost of completing this education and taking the examination will be borne by applicants for licensure. These rules also require applicants to submit applications to the Board. The cost of preparing and submitting these applications, and paying the application fee pursuant to N.J.A.C. 13:44L-6.1, will be borne by applicants.

The proposed new rules will impose costs on licensed polysomnographic technologists, technicians and trainees. Proposed new N.J.A.C. 13:44L-6.1 sets forth fees that licensed polysomnographic technologists, technicians and trainees must pay, such as initial license fees, renewal fees and a duplicate license fee. Proposed new N.J.A.C. 13:44L-5.7 requires polysomnographic technologists, technicians and trainees to post specific notifications at practice sites and they will bear the costs of obtaining and posting these notifications. Proposed new N.J.A.C. 13:44L-5.8 imposes costs on licensed polysomnographic technologists, technicians and trainees by requiring them to wear identification tags. Licensed polysomnographic technologists will bear the cost of complying with the continuing education requirements of proposed new Subchapter 4 and the recordkeeping requirements of proposed new N.J.A.C. 13:44L-5.9 and 5.10.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the proposed new rules.

Jobs Impact

The Board anticipates that the proposed new rules may create more jobs for continuing education instructors who teach courses that are applicable to the practice of polysomnography. The Board does not anticipate that any other section of the proposed new rules will increase or decrease the number of jobs in the State.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

Since polysomnographic technologists, technicians and trainees will be individually licensed by the Board, they may be considered "small businesses" under the Regulatory Flexibility Act (the Act), N.J.S.A. 52:14B-1.6 et seq.

The costs imposed on small businesses by the new rules will be the same costs that are imposed on all licensed polysomnographic technologists, technicians and trainees as set forth in the Economic Impact above. The Board does not believe that polysomnographic technologists, technicians and trainees will need to employ any professional services to comply with the proposed new rules. The proposed new rules impose compliance, reporting and recordkeeping

requirements as detailed in the Summary above.

As the compliance, reporting and recordkeeping requirements contained in the proposed new rules are necessary to adequately regulate polysomnographic technologists, technicians and trainees and protect consumers who use their services, the Board believes that the rules must be uniformly applied to all polysomnographic technologists, technicians and trainees and no exemptions are provided based on the size of the polysomnographic technologists, technicians and trainees business.

Smart Growth Impact

The Committee does not anticipate that the new rules will have any impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan, otherwise known as the State Plan.

Housing Affordability Impact

The new rules will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules concern the licensure and regulation of polysomnographic technologists, technicians and trainees.

Smart Growth Development Impact

The new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules concern the licensure and regulation of polysomnographic technologists, technicians and trainees.

Full text of the proposed new rules follows:

CHAPTER 44L

STATE BOARD OF POLYSOMNOGRAPHY

SUBCHAPTER 1. GENERAL PROVISIONS

13:44L-1.1 Purpose and scope

(a) The purpose of this chapter is to implement the provisions of P.L. 2005, c. 244 (*N.J.S.A. 45:14G-1 et seq.*), the Polysomnography Practice Act.

(b) This chapter shall apply to all applicants who seek to be licensed by the Board to practice polysomnography and all persons who are licensed by the Board and practice as polysomnographic technologists, polysomnographic technicians or polysomnographic trainees in this State.

(c) This chapter does not apply to any other healthcare professional licensed or certified by the State who is performing duties that are consistent with his or her scope of practice and does not represent that he or she is a licensed polysomnographic technologist, licensed polysomnographic technician or a licensed polysomnographic trainee.

13:44L-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"AASM" means the American Academy of Sleep Medicine.

"AAST" means the American Association of Sleep Technologists.

[page=1666]"Act" means the Polysomnography Practice Act, *N.J.S.A. 45:14G-1* et seq.

"A-STEP" means the Accredited Sleep Technologist Education Program offered by the AASM.

"Board" means the State Board of Polysomnography.

"BRPT" means the Board of Registered Polysomnographic Technologists.

"CAAHEP" means the Commission on the Accreditation of Allied Health Education Programs.

"Direct supervision" means continuous on-site presence of a supervising licensed polysomnographic technologist, or supervising licensed physician, available to render immediate physical assistance as required.

"Licensed physician" means a physician licensed by the State Board of Medical Examiners.

"On-site presence" means that the supervising licensed polysomnographic technologist or licensed physician is in the same room as the polysomnographic trainee whenever the polysomnographic trainee performs polysomnography.

"Polysomnography" means the allied health specialty involving the treatment, management, diagnostic testing, research, education and care of patients with sleep and wake disorders.

"Polysomnographic technician" means a person who holds a temporary license issued by the Board and who practices polysomnography under the supervision of either a licensed polysomnographic technologist or a licensed physician in a sleep center or laboratory, which is provisionally accredited or fully accredited by AASM.

"Polysomnographic technologist" means a person licensed by the Board to practice polysomnography under the direction of a licensed physician.

"Polysomnographic trainee" means a person who holds a provisional license issued by the Board and performs polysomnography under the direct supervision of either a licensed polysomnographic technologist or a licensed physician in a sleep center or laboratory, which is provisionally accredited or fully accredited by AASM.

"Qualified medical director" means a licensed physician who is either eligible for board certification or is board certified in sleep medicine by the American Board of Sleep Medicine, or a certification board recognized by the American Board of Medical Specialties, which bases its certification in sleep medicine upon the sleep medicine examination created by the American Board of Internal Medicine, and who acts as the medical director of any:

1. In-patient or out-patient sleep center or laboratory provisionally accredited or fully accredited by AASM;
2. Home health agencies, assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care sponsor agencies licensed by the Department of Health and Senior Services; or
3. Health care service firms licensed by the Division of Consumer Affairs.

"Supervision" means a licensed polysomnographic technologist or licensed physician is constantly accessible, either on-site or through voice or electronic communication.

"Unattended diagnostic test" means a polysomnographic test that is not set up by, or performed in the presence of, any health care provider, including a licensed polysomnographic technologist, technician or trainee or his or her designee.

SUBCHAPTER 2. LICENSURE

13:44L-2.1 Application for a provisional license as a polysomnographic trainee

(a) An applicant for a provisional license as a polysomnographic trainee shall submit, or arrange to have submitted, to the Board:

1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;
3. A high school diploma, sent by the high school, or a General Educational Development (GED) certificate;
4. Proof that the applicant has successfully completed the A-STEP Introductory Course;
5. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
6. Proof that the applicant will be directly supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic trainee pursuant to N.J.A.C. 13:44L-5.3; and
7. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)4.

(b) A provisional license as a polysomnographic trainee shall be issued for a one-year period and shall not be renewed.

13:44L-2.2 Application for a temporary license as a polysomnographic technician

(a) A provisionally licensed polysomnographic trainee applying for a temporary license as a polysomnographic technician shall submit to the Board:

1. A completed application on a form provided by the Board;
2. Proof that the applicant has completed the A-STEP Self-Study Modules within the last year;
3. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
4. Documentary proof signed by a supervising polysomnographic technologist or qualified medical director, indicating that the applicant has completed at least 50 sleep studies in one or more facilities that are provisionally or fully accredited by AASM during a period that was at least two months long within the last year;
5. Proof that the applicant will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic technician pursuant to N.J.A.C. 13:44L-5.2; and

6. The licensing fee set forth in N.J.A.C. 13:44L-6.1(a)3.

(b) An applicant for a temporary license as a polysomnographic technician who does not hold a provisional license as a polysomnographic trainee shall submit, or arrange to have submitted, to the Board:

1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;
3. A high school diploma, sent by the high school, or a General Educational Development (GED) certificate;
4. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
5. Proof that the applicant has successfully completed a CAAHEP accredited polysomnographic course;
6. Proof that the applicant will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic technician pursuant to N.J.A.C. 13:44L-5.2; and
7. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)3.

(c) A temporary license as a polysomnographic technician shall be issued for a one-year period. The temporary license may be renewed for an additional one-year period pursuant to N.J.A.C. 13:44L-3.3 to afford the holder of a temporary license the opportunity to take the certification examination.

13:44L-2.3 Application for license as a polysomnographic technologist

(a) A licensed polysomnographic technician applying for licensure as a polysomnographic technologist shall submit to the Board:

1. A completed application on a form provided by the Board;
2. Proof that applicant has completed 10 continuing education credits over the past year that qualify for credit pursuant to N.J.A.C. 13:44L-4.1;
3. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

[page=1667] 4. Documentary proof signed by a supervising polysomnographic technologist or qualified medical director indicating that the applicant has completed at least 50 sleep studies in one or more facilities that are provisionally or fully accredited by AASM;

5. Proof that the applicant has successfully completed the certification examination administered by the BRPT; and
6. The licensing fee set forth in N.J.A.C. 13:44L-6.1(a)2.

(b) An applicant for licensure as a polysomnographic technologist who does not hold a temporary license as a polysomnographic technician shall submit to the Board:

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1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;
3. Proof that the applicant has successfully completed a CAAHEP accredited polysomnographic course;
4. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
5. Proof that the applicant has successfully completed the certification examination administered by the BRPT; and
6. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)2.

13:44L-2.4 Application for licensure by out-of-State licensed polysomnographic technologist

(a) An applicant for licensure as a licensed polysomnographic technologist who is licensed as a polysomnographic technologist in another state shall submit to the Board:

1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;
3. Proof that the applicant is licensed in a state that requires successful completion of either:
 - i. A CAAHEP accredited polysomnographic course; or
 - ii. The A-STEP Introductory Course, A-STEP Self-Study Modules and at least 50 case studies;
4. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
5. Proof that the applicant has successfully completed the certification examination administered by the BRPT; and
6. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)2.

13:44L-2.5 Licensure for those who passed BRPT examination or practiced prior to (effective date of this chapter)

(a) Prior to (six months from the effective date of this chapter), a person who has passed the certification examination administered by the BRPT prior to (the effective date of this chapter), may apply to the Board for a license as a polysomnographic technologist.

(b) A person applying for a polysomnographic technologist license pursuant to (a) above shall submit:

1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;

3. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

4. Proof that the applicant has successfully completed the certification examination administered by the BRPT; and

5. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)2.

(c) Prior to (six months from the effective date of this chapter), a person who is performing polysomnography but who has not completed the certification examination administered by the BRPT by (the effective date of this chapter), may apply to the Board for a temporary license as a polysomnographic technician.

(d) A person applying for a temporary license as polysomnographic technician pursuant to (c) above shall submit:

1. A completed application on a form provided by the Board;

2. A completed Criminal History Certification of Authorization form;

3. Proof that he or she has successfully completed either:

i. A CAAHEP accredited polysomnographic course; or

ii. At least 720 hours performing polysomnography indicated by documentary proof signed by a qualified medical director;

4. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

5. Proof that the applicant will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic technician pursuant to N.J.A.C. 13:44L-5.2;

6. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)3.

(e) A temporary license granted pursuant to (c) above shall be effective until (two years from the effective date of this chapter).

(f) An applicant who receives a temporary license pursuant to (c) above shall pass the certification examination required by the BRPT prior to applying for a license as a polysomnographic technologist pursuant to N.J.A.C. 13:44L-2.3.

SUBCHAPTER 3. RENEWAL

13:44L-3.1 Change in address of record or name

(a) A licensed polysomnographic technologist, technician or trainee shall notify the Board in writing, within 30 days, of changes to:

1. The licensee's address of record. Service to the address of record registered with the Board shall constitute effective notice pursuant to *N.J.A.C. 13:45-3.2*; or

2. The licensee's legal name. Notification of a name change shall include a copy of the marriage license or a court order, which authorized the legal name change.

13:44L-3.2 Renewal of polysomnographic technologist license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each licensed polysomnographic technologist shall attest that the continuing education requirements of N.J.A.C. 13:44L-4.1 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each licensed polysomnographic technologist, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

(c) The licensed polysomnographic technologist shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:44L-6.1(a)5 prior to the date of expiration of the license. If the licensed polysomnographic technologist does not renew the license prior to its expiration date, the licensed polysomnographic technologist may renew it no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:44L-6.1(a)7. A licensed polysomnographic technologist who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(d) Individuals who continue to practice or hold themselves out as licensed polysomnographic technologists after being suspended shall be deemed to have violated *N.J.S.A. 45:14G-9*, even if no notice of suspension had been provided to the person.

(e) A person seeking reinstatement as a polysomnographic technologist within five years following the suspension of a license shall submit the following to the Board:

1. A completed reinstatement application on a form provided by the Board;
2. Proof that the person holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
3. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:44L-6.1(a)5;
4. Payment of a reinstatement fee as set forth in N.J.A.C. 13:44L-6.1(a)8;
- [page=1668] 5. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:44L-4.1 for the renewal of a license for each biennial renewal period during which the person was suspended; and
6. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a licensure shall satisfy the requirements of (e)1, 2, 3, 4 and 6 above and shall successfully pass the examination required for initial licensure as set forth in N.J.A.C. 13:44L-2.3.

(g) Renewal applications for all licenses shall provide the licensed polysomnographic technologist with the option of either active or inactive renewal. Licensed polysomnographic technologists electing to renew as inactive shall not

practice or hold themselves out to the public in New Jersey as licensed polysomnographic technologists.

(h) The Board may permit a licensed polysomnographic technologist who has been on inactive status to return to active status upon application to the Board.

(i) A licensed polysomnographic technologist who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon submission of the following to the Board:

1. Proof that the licensed polysomnographic technologist holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
2. A certification verifying completion of the continuing education hours required pursuant to N.J.A.C. 13:44L-4.1 for the renewal of a license for each biennial renewal period during which the person was on inactive status;
3. An affidavit of employment listing each job held during the period the licensed polysomnographic technologist was on inactive status which includes the name, address, and telephone number of each employer; and
4. Payment of the renewal fee as set forth in N.J.A.C. 13:44L-6.1(a)5.

(j) A licensed polysomnographic technologist who has been on inactive status for more than five years who wishes to return to the practice of polysomnography shall reapply for licensure. The applicant shall fulfill all of the initial licensure requirements found at N.J.A.C. 13:44L-2.3.

13:44L-3.3 Renewal of polysomnographic technician license

(a) A licensed polysomnographic technician may renew his or her temporary license once.

(b) A licensed polysomnographic technician who wishes to renew his or her temporary license shall apply to the Board for renewal 60 days prior to the expiration of his or her temporary license.

(c) A licensed polysomnographic technician applying for renewal of a temporary license pursuant to (b) above shall submit to the Board:

1. A completed renewal of temporary license application on a form provided by the Board;
2. Proof that the licensed polysomnographic technician holds current certification in Basic Life support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
3. Proof that the licensed polysomnographic technician will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic technician pursuant to N.J.A.C. 13:44L-5.2;
4. Documentary proof signed by a supervising polysomnographic technologist or qualified medical director indicating that, within the last year, the applicant has completed at least 100 sleep studies in a facility that is provisionally or fully accredited by AASM;
5. Proof that the licensed polysomnographic technician has completed 10 continuing education credits pursuant to N.J.A.C. 13:44L-4.1 within the last year; and

6. The license renewal fee set forth in N.J.A.C. 13:44L-6.1(a)6.

13:44L-3.4 Inactive status for provisional and temporary license

(a) A polysomnographic trainee or technician may request the Board to place a provisional or temporary license on inactive status for reasons of hardship, which prevent the individual from acting as a polysomnographic trainee or technician, such as severe illness, disability or military service.

(b) A request for inactive status shall be submitted to the Board in writing and shall set forth in specific detail the reasons for requesting inactive status. The polysomnographic trainee or technician shall provide the Board with supplemental materials that support the request for inactive status.

(c) If the Board determines that the individual will not be able to act as a trainee or technician due to the hardship identified in the written request, the Board shall put the individual's provisional or temporary license on inactive status.

(d) A polysomnographic trainee or technician on inactive status shall not practice or hold him- or herself out as a polysomnographic trainee or technician.

(e) If a provisional or temporary license is placed on inactive status, the period during which the license is inactive shall not count towards the one-year effective period of the license set forth in N.J.A.C. 13:44L-2.1(b) or 2.2(c).

(f) A polysomnographic trainee or technician on inactive status may request a return to active status by submitting a written request to the Board, indicating why he or she is able to recommence acting as a polysomnographic trainee or technician. A written request for return from inactive status shall also include:

1. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross; and

2. Proof that the applicant will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic trainee or technician pursuant to N.J.A.C. 13:44L-5.2 or 5.3.

(g) If the Board determines that an individual applying for reactivation pursuant to (f) above is able to continue acting as a polysomnographic trainee or technician, the Board shall reactivate the individual's provisional or temporary license.

(h) When a license has been reactivated pursuant to (g) above, the one-year effective period of the license set forth in N.J.A.C. 13:44L-2.1(b) or 2.2(c) shall recommence starting from the point at which it was effective prior to the granting of inactive status. For example, a license that was effective for four months prior to becoming inactive will be effective for an additional eight months after reactivation.

(i) If a provisional or temporary license placed on inactive status is not reactivated pursuant to (g) above, it shall be on inactive status for one year. An inactive polysomnographic trainee or technician who wishes to extend the period of inactive status shall submit a written request for inactive status pursuant to (b) above at least 60 days prior to the end of the period of inactive status.

(j) If an inactive polysomnographic trainee or technician does not renew inactive license status pursuant to (i) above, the license shall lapse after the one-year period of inactive status and the individual will no longer be licensed by the Board.

SUBCHAPTER 4. CONTINUING EDUCATION

13:44L-4.1 Continuing education

- (a) Upon biennial licensure renewal, each licensed polysomnographic technologist shall attest that he or she has completed courses of continuing education of the types and number of credits specified in (b), (c) and (d) below and N.J.A.C. 13:44L-4.2. Falsification of any information submitted on the renewal application may require an appearance before the Board and may subject a licensee to penalties and/or suspension or revocation of the licensure pursuant to *N.J.S.A. 45:1-21* through *45:1-25*.
- (b) Each applicant for biennial license renewal as a licensed polysomnographic technologist shall be required to obtain current [page=1669] certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross.
- (c) Each applicant for biennial license renewal as a licensed polysomnographic technologist shall be required to complete, during the preceding biennial period, except as provided in (d) below, a minimum of 20 credits of continuing education related to the practice of polysomnography, with at least five of those credits being completed in each year.
- (d) A licensed polysomnographic technologist who is initially licensed in the second year of a biennial renewal period shall be required to complete 10 credits of continuing education.

13:44L-4.2 Continuing education programs

- (a) A licensed polysomnographic technologist may obtain continuing education credits from the following:

1. Successful completion of continuing education courses or programs related to the practice of polysomnography recognized by the BRPT Education Advisory Board (BRPT-EAC), the AASM, the AAST, the American Society of Electroneurodiagnostic Technologists, Inc. (ASET) and the American Association for Respiratory Care (AARC); one credit for each hour of attendance;
2. Reading articles, and completing self tests on those articles, that have been approved by BRPT-EAC, AAST or AASM; one and one-half credit hours for every four articles completed, up to 12 credits.

13:44L-4.3 Continuing education audits; records of continuing education

- (a) The Board shall perform audits on randomly selected licensees to determine compliance with continuing education requirements.
- (b) A licensed polysomnographic technologist shall maintain the following documentation for a period of four years after completion of the credit hours and shall submit such documentation to the Board upon request for:

1. Attendance at programs or courses: a certificate of completion from the sponsor; and
2. Reading articles: a certificate of completion from either BRPT, AAST or AASM.

13:44L-4.4 Additional continuing education credits

- (a) The Board may direct or order a licensed polysomnographic technologist to complete continuing education credit hours:

1. As part of a disciplinary or remedial measure in addition to the required 20 hours of continuing education; or

2. To correct a deficiency in the licensee's continuing education requirements.

(b) Any continuing education credit hours completed by the licensed polysomnographic technologist in compliance with an order or directive from the Board as set forth in (a) above shall not be used to satisfy the minimum continuing education requirements as set forth in N.J.A.C. 13:44L-4.1.

SUBCHAPTER 5. PRACTICE REQUIREMENTS

13:44L-5.1 Scope of practice: licensed polysomnographic technologist

(a) The following functions are within the scope of practice of a licensed polysomnographic technologist:

1. Analyzing, monitoring and recording physiologic data during sleep and wakefulness;
2. Assessing, diagnosing and assisting in the treatment and research of disorders, syndromes and dysfunctions that are sleep related, manifest during sleep or disrupt normal sleep and wake cycles and activities;
3. The therapeutic and diagnostic use of oxygen;
4. The use of positive airway pressure, which includes continuous positive airway pressure (CPAP), bi-level modalities and multiple function modalities;
5. Cardiopulmonary resuscitation;
6. Maintaining nasal and oral airways that do not extend in the trachea;
7. Transcribing and implementing written or verbal orders of a physician pertaining to the practice of polysomnography;
8. Reading and analyzing test results obtained from home-based, self-administered diagnostic tests; and
9. Recognizing wake and sleep stages.

(b) A licensed polysomnographic technologist shall provide the services from (a) above only when a physician who has medical responsibility for the patient has referred the patient to the licensed polysomnographic technologist or to the sleep center or laboratory at which the licensed polysomnographic technologist works.

(c) A licensed polysomnographic technologist may provide the services from (a) above only if he or she is working at a State-licensed facility that has a qualified medical director.

13:44L-5.2 Scope of practice: licensed polysomnographic technician

(a) The following functions are within the scope of practice of a licensed polysomnographic technician:

1. Analyzing, monitoring and recording physiologic data during sleep and wakefulness;
2. Assessing, diagnosing and assisting in the treatment and research of disorders, syndromes and dysfunctions that are sleep related, manifest during sleep or disrupt normal sleep and wake cycles and activities;
3. The therapeutic and diagnostic use of oxygen;

4. The use of positive airway pressure, which includes continuous positive airway pressure (CPAP), bi-level modalities and multiple level modalities;
5. Cardiopulmonary resuscitation;
6. Maintaining nasal and oral airways that do not extend in the trachea;
7. Transcribing and implementing written or verbal orders of a physician pertaining to the practice of polysomnography;
8. Assisting licensed polysomnographic technologists and licensed physicians with reading and analyzing test results obtained from home-based, self-administered diagnostic tests; and
9. Recognizing wake and sleep stages.

(b) A licensed polysomnographic technician shall provide the services from (a) above only when a physician who has medical responsibility for the patient has referred the patient to the licensed polysomnographic technician or to the sleep center or laboratory at which the licensed polysomnographic technician works.

(c) A licensed polysomnographic technician may provide the services from (a) above only if he or she is working at a State-licensed facility that has a qualified medical director and is under the supervision of a licensed polysomnographic technologist or licensed physician.

(d) A licensed polysomnographic technician who is not under the supervision of a licensed polysomnographic technologist or licensed physician shall not provide any of the services listed in (a) above.

13:44L-5.3 Scope of practice: licensed polysomnographic trainee

(a) A licensed polysomnographic trainee may assist a licensed polysomnographic technologist or licensed physician in the performance of the following functions:

1. Analyzing, monitoring and recording physiologic data during sleep and wakefulness;
2. Assessing, diagnosing and assisting in the treatment and research of disorders, syndromes and dysfunctions that are sleep related, manifest during sleep or disrupt normal sleep and wake cycles and activities;
3. The therapeutic and diagnostic use of oxygen;
4. The use of positive airway pressure, which includes continuous positive airway pressure (CPAP), bi-level modalities and multiple level modalities;
5. Cardiopulmonary resuscitation;
6. Maintaining nasal and oral airways that do not extend in the trachea;
7. Implementing written orders of a physician pertaining to the practice of polysomnography;
8. Reading and analyzing test results obtained from home-based, self-administered diagnostic tests; and
9. Recognizing wake and sleep stages.

(b) A licensed polysomnographic trainee may provide the services from (a) above only if he or she is working at a State-licensed facility that has a qualified medical director and is under the direct supervision of a licensed polysomnographic technologist or licensed physician.

[page=1670] (c) A licensed polysomnographic trainee who is not under the direct supervision of a licensed polysomnographic technologist or licensed physician shall not provide any of the services from (a) above.

13:44L-5.4 Unlicensed practice of polysomnography; exemptions

(a) An individual is engaging in unlicensed practice of polysomnography if the individual engages in any of the practices set forth in N.J.A.C. 13:44L-5.1, 5.2 or 5.3 and is not either:

1. Licensed by the Board as a polysomnographic technologist, technician or trainee; or
2. Exempt from the requirements of this chapter pursuant to (b) or (c) below.

(b) Pursuant to *N.J.S.A. 45:14G-9*, an individual who is licensed by another State agency is exempt from the requirements of this chapter if his or her licensed scope of practice includes the performance of the practices set forth in N.J.A.C. 13:44L-5.1, 5.2 or 5.3.

(c) Pursuant to *N.J.S.A. 45:14G-9*, an individual who is enrolled in a CAAHEP-accredited polysomnographic course is exempt from the provisions of this chapter while he or she is performing any of the practices set forth in N.J.A.C. 13:44L-5.1, 5.2 or 5.3 that are part of the course in which he or she is enrolled.

(d) A person exempt from this chapter pursuant to (b) or (c) above shall not identify him or herself as a Board licensed polysomnographic technologist, technician or trainee.

(e) This chapter shall not apply to an unattended diagnostic test when:

1. The test is performed in a patient's home;
2. The patient places any sensors on him or herself; and
3. The test is performed using a testing device that records three or fewer channels of data.

(f) A diagnostic test that is exempt from this chapter pursuant to (e) above shall be explained to a patient by a licensed polysomnographic technologist or a licensed physician.

(g) The result from a diagnostic test that is exempt from this chapter pursuant to (e) above shall be read or analyzed by a licensed polysomnographic technologist or a licensed physician.

13:44L-5.5 Aiding and abetting unlicensed practice

It shall be unlawful for a licensed polysomnographic technologist, technician or trainee to aid or abet any unlicensed person engaging in any of the practices identified at N.J.A.C. 13:44L-5.1, 5.2 and 5.3.

13:44L-5.6 Sexual misconduct

(a) The purpose of this section is to identify for licensees conduct which shall be deemed sexual misconduct.

(b) As used in this section, the following terms have the following meanings unless the context clearly indicates otherwise:

"Licensee" means any person who holds a license from the Board as a licensed polysomnographic technologist, technician or trainee.

"Patient" means any person who is the recipient of polysomnographic services.

"Patient-licensee relationship" means a relationship between a licensee and a patient in which the licensee owes a continuing duty to the patient to render polysomnographic services consistent with his or her training and experience.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes the imposition of a part of the licensee's body upon a part of the patient's body, sexual penetration or the insertion or imposition of any object or any part of a licensee or patient's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a patient's body, which is necessary during the performance of a generally accepted and recognized polysomnographic procedure.

"Sexual harassment" means solicitation of any sexual act, physical advances or verbal or non-verbal conduct that is sexual in nature and which occurs in connection with a licensee's activities or role as a provider of polysomnographic services and that either: is unwelcome, is offensive to a reasonable person or creates a hostile workplace environment, and the licensee knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include conduct of a licensee with a patient, co-worker, employee, student or supervisee, whether or not such individual is in a subordinate position to the licensee.

"Spouse" means the husband, wife or fiancée of the licensee or an individual involved in a long-term committed relationship with the licensee. For purposes of the definition of "spouse," a long-term committed relationship means a relationship, which is at least six months in duration.

(c) A licensee shall not engage in sexual contact with a patient with whom he or she has a patient-licensee relationship. The patient-licensee relationship is considered ongoing for purposes of this section, unless:

1. Terminated by way of written notice to the patient and documented in the patient's record; or
2. Three months have lapsed since the last professional service was rendered by the practitioner to the patient.

(d) A licensee shall not seek or solicit sexual contact with a patient with whom he or she has a patient-licensee relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a person with whom the licensee has a patient-licensee relationship, unless that discussion is directly related to a proper polysomnographic purpose. Such discussion shall not include disclosure by the licensee of his or her own sexual relationships.

(f) A licensee shall provide privacy conditions, which prevent the exposure of the unclothed body of the patient. Appropriate draping measures shall be employed to protect patient privacy.

(g) A licensee shall not engage in sexual harassment either within or outside of the professional setting.

(h) A licensee shall not engage in any other activity, which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or which is for the sexual arousal or sexual gratification of the licensee or patient or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall constitute professional misconduct pursuant to *N.J.S.A. 45:1-21(e)*.

(j) Nothing in this section shall be construed to prevent a licensee from rendering polysomnography to his or her spouse, providing that the rendering of such polysomnography is consistent with accepted practice standards and that the performance of polysomnography is not utilized to exploit the spouse for the sexual arousal or sexual gratification of the licensee.

(k) It shall not be a defense to any action under this section that:

1. The patient solicited or consented to sexual contact with the licensee; or
2. The licensee is in love with or held affection for the patient.

13:44L-5.7 Posting of notification of licensure; Duty to provide license

(a) Every licensed polysomnographic technologist, technician and trainee shall prominently display in every place where he or she practices polysomnography the following notice:

"(Name of Licensed polysomnographic technologist, technician or trainee) is licensed by the New Jersey Board of Polysomnography, an agency of the Division of Consumer Affairs. (Name of licensed polysomnographic technologist, technician or trainee) must present his or her license to you upon request. Any member of the consuming public may notify the Board of any complaint relative to the practice conducted under this license at the Division of Consumer Affairs, New Jersey Board of Polysomnography, Post Office Box 45051, 124 Halsey Street, Newark, New Jersey 07101 or through the New Jersey Board of Polysomnography's website:

<http://www.nj.gov/oag/ca/medical/poly.htm>."

(b) Every licensed polysomnographic technologist, technician and trainee shall present his or her current biennial renewal certificate to any patient who requests to see the license or any individual who employs the licensed polysomnographic technologist, technician or trainee upon request.

[page=1671] 13:44L-5.8 Identification tags

(a) Every licensed polysomnographic technologist, technician or trainee shall wear an identification tag when engaging in the practice of polysomnography. The identification tag shall be clearly visible at all times and shall bear the first name or initial, the full surname and the term reflecting the individual's level of licensure. The letters on the tag shall be of equal size in type, not smaller than one-quarter inch. The size of the identification tag shall be equal to or greater than that of any other identification worn by the licensee.

(b) Where a general hospital requires a facility staff member who is a licensed polysomnographic technologist, technician or trainee to wear an identifying badge pursuant to P.L. 1997, c. 76 (N.J.S.A. 26:21H-12.8a), that staff member need wear only one identification badge, as long as the badge meets requirements of both P.L. 1997, c. 76 (N.J.S.A. 26:21H-12.8a) and (a) above.

(c) In order to protect his or her personal safety or to prevent the substantial invasion of his or her privacy or to prevent the identification tag from causing physical harm to the patient, a licensed polysomnographic technologist, technician or trainee may request an exemption from the requirements of (a) above. Such requests for an exemption shall be made by the licensed polysomnographic technologist, technician or trainee in writing to the Board and shall set forth the reasons why wearing the tag would endanger his or her personal safety, substantially invade his or her privacy or physically harm a patient.

(d) The exemption set forth in (c) above shall not apply to those facility staff members in a general hospital, where such general hospital requires a facility staff member to wear an identifying badge pursuant to P.L. 1997, c. 76 (*N.J.S.A. 26:2H-12.8a*).

13:44L-5.9 Documentation of patient services

(a) Licensed polysomnographic technologists shall make contemporaneous, permanent entries into facility patient records, which shall accurately reflect the polysomnographic services rendered. These entries shall contain, at a minimum:

1. An intake record;
2. The date of service;
3. Reasons for the visit;
4. The name and license number of the licensed polysomnographic technologist, technician or trainee who provided services;
5. Polysomnographic observation notes on each service provided by the licensed polysomnographic technologist, technician or trainee. Observation notes entered by a polysomnographic technician or trainee shall include the signature of the technician's or trainee's supervising polysomnographic technologist or licensed physician; and
6. A summary of any verbal orders taken by the licensed polysomnographic technologist or technician.

13:44L-5.10 Recordkeeping: qualified medical director

(a) Every licensed polysomnographic technologist shall obtain documentation from the qualified medical director with whom he or she is working that indicates that the qualified medical director is:

1. A licensed physician who is either eligible for board certification or is board certified in sleep medicine by either the American Board of Sleep Medicine or a certification board recognized by the American Board of Medical Specialties, which bases its certification in sleep medicine upon the sleep medicine examination created by the American Board of Internal Medicine; and
2. Acting as the medical director of an in-patient or out-patient:
 - i. Sleep center or laboratory provisionally accredited or fully accredited by AASM; or
 - ii. Home health agencies, assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care sponsor agencies licensed by the Department of Health and Senior Services; or
 - iii. Health care service firms licensed by the Division of Consumer Affairs.

(b) If a qualified medical director's board certification has an expiration date, the documentation required by (a) above shall include this expiration date.

(c) Every licensed polysomnographic technologist shall maintain the documentation required by (a) above as part of his or her records and shall submit this documentation to the Board upon request.

SUBCHAPTER 6. FEE SCHEDULE

13:44L-6.1 Fees

(a) The following fees shall be charged by the Board in connection with the licensure of polysomnographic technologists, technicians and trainees:

1. Application fee	\$100.00
2. Initial polysomnographic technologist licensure fee	
i. If paid during the first year of a biennial renewal period.	\$500.00
ii. If paid during the second year of a biennial renewal period.	\$250.00
3. Initial polysomnographic technician licensure fee. . .	\$150.00
4. Initial polysomnographic trainee licensure fee. . . .	\$50.00
5. Renewal of polysomnographic technologist licensure. . .	\$500.00
6. Renewal of polysomnographic technician licensure. . . .	\$150.00
7. Late licensure renewal	\$75.00
	Plus the applicable biennial licensure renewal fee set forth in (a)5 or 6 above
8. Reinstatement fee	\$175.00

Plus the applicable
biennial certification

renewal fee set forth
in (a)5 or 6 above

9. Verufication of licence. \$35.00

10. Duplicate license \$25.00

11. Inactive license fee.
(to be established
by the Board by
rule)
