

Chapter 586

(House Bill 879)

AN ACT concerning

Health Occupations – Polysomnographic Technologists – Licensure and Discipline

FOR the purpose of authorizing, rather than requiring, the State Board of Physicians to reinstate, under certain circumstances, the license of a polysomnographic technologist; repealing the requirement that the Board place a licensed polysomnographic technologist on inactive status under certain circumstances; repealing obsolete language regarding the reinstatement of licenses of certain polysomnographic technologists; authorizing the Board, subject to a certain provision of law, to deny a license or take certain action against a licensee for failing to cooperate with a lawful investigation conducted by the Board; prohibiting, except as otherwise provided by certain provisions of law, a licensed physician from employing or supervising an individual practicing polysomnography without a license; prohibiting certain entities, except as otherwise provided by certain provisions of law, from employing an individual practicing polysomnography without a license; authorizing the Board to impose a certain civil penalty for the violation of certain provisions of this Act; requiring the Board to pay the penalty into the General Fund of the State; providing that a person who violates a provision of the Maryland Polysomnography Act is subject to a certain civil fine to be levied by the Board; and generally relating to the regulation of the practice of polysomnography in the State.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–5C–14(f), 14–5C–17(a)(26) and (27), and 14–5C–23(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing

Article – Health Occupations

Section 14–5C–15

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – Health Occupations

Section 14–5C–17(a)(28) and 14–5C–22.1

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Article – Health Occupations

14–5C–14.

(f) The Board [shall] **MAY** reinstate the license of a polysomnographic technologist who has [not placed the license on an inactive status and who has] failed to renew the license for any reason, **AND WHO APPLIES FOR REINSTATEMENT AFTER THE LICENSE HAS EXPIRED**, if the polysomnographic technologist:

(1) [Applies for reinstatement within 30 days after the date the license expires;

(2)] Meets the renewal requirements of this section; [and]

[(3)] **(2)** Pays to the Board the reinstatement fee set by the Board;

AND

(3) MEETS ANY OTHER REQUIREMENTS ESTABLISHED BY REGULATION.

[14–5C–15.

(a) (1) The Board shall place a licensed polysomnographic technologist on inactive status, if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) The Board shall issue a license to an individual who is on inactive status if the individual complies with the renewal requirements that exist at the time the individual changes from inactive to active status.

(b) The Board may reinstate the license of a polysomnographic technologist who has not been put on inactive status, who has failed to renew the license for any reason, and who applies for reinstatement more than 30 days after the license has expired, if the polysomnographic technologist:

(1) Meets the renewal requirements of § 14–5C–14 of this subtitle;

- (2) Pays to the Board the reinstatement fee set by the Board; and
- (3) Meets any other requirements established by regulation.]

14-5C-17.

(a) Subject to the hearing provisions of § 14-405 of this title, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(26) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; [or]

(27) Practices or attempts to practice a polysomnography procedure or uses or attempts to use polysomnography equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment; OR

(28) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.

14-5C-22.1.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING POLYSOMNOGRAPHY WITHOUT A LICENSE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING POLYSOMNOGRAPHY WITHOUT A LICENSE.

(C) THE BOARD MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$5,000 FOR A VIOLATION OF THIS SECTION.

(D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

14-5C-23.

(b) Any person who violates [§ 14-5C-21] A PROVISION of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 16, 2013.