



POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE

February 6, 2024

Minutes

A meeting of the **Tennessee Polysomnography Professional Standards Committee** was called to order at 9:05 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Roxanne Valentino, Committee Chairperson.

Members Present:

Rozanne Valentino, MD
James McGuirk, MD
Charity Worrick, RPSGT
Roy Shedd, RPSGT
Mark Spiceland, RPSGT

Members Absent:

Jim O. Donaldson, RPSGT

Staff Present:

Stacy Tarr, Executive Director
Ashley Fine, Advisory Attorney
Kavita Vankineni, MD, Medical Board Consultant
Brandi Allocco, Administrative Director
R. Brock Mann, Administrator

Dr. Valentino called the meeting to order at 9:05 am and conducted a roll call of members present.

Election of Officers

The Committee is required to elect a Chairperson and Secretary each year. Ms. Worrick nominates Dr Valentino to remain as Chairperson and Dr. Valentino accepted. Mr. Spiceland seconded and the motion passed. Dr. Valentino nominates that Ms. Worrick remain as Secretary and Ms. Worrick accepted. Dr. McGuirk Seconded and the motion passed.

Consideration of Applications

Rebecca Pfeiffer – Ms. Pfeiffer was an applicant for interview due to not meeting the requirement of having taken the BRPT exam within 12 months of applying for initial licensure or holding a license to practice Polysomnography in another state. Ms. Pfeiffer passed her exam in July 2021 and has been working in Kentucky, however Kentucky does not license polysomnographers. Ms. Ashley Fine, the Board's advisory attorney, explained the rule in more depth. She indicated to the Board that this rule was up for further discussion later on the meeting agenda, however a rule change would not help the applicant today as the rule change process can be lengthy. Dr. Valentino asked Ms. Fine what the Committee's options would be for this applicant. Ms. Fine advised from a legal standpoint, the Committee is required to follow its Rules. Mr. Spiceland expressed concern about missing out on good candidates who fall into this issue of working in a state without a license and have taken and passed the BRPT exam longer than 12 months ago. He agreed for the time being, however, that the Committee should follow the advice of Counsel and deny the application. Ms. Fine explained a denial was a reportable disciplinary action and asked if the committee would consider allowing Ms. Pfeiffer to withdraw her application. Ms. Pfeiffer asked to withdraw her application, Dr. Valentino made a motion to accept the withdrawal. Mr. Spiceland seconded and the motion passed.

Approval of Minutes

Ms. Worrick made a motion to approve the meeting minutes from August 29, 2023. Dr. Valentino seconded and the motion passed.

Ratify New/Reinstated Licenses and Permits

Ms. Tarr explained these were applicants who have been reviewed by Dr. Kavita Vankineni and Mr. Donaldson as the Committee's Consultant. The licensees were granted an authorization to begin practice and were now before the Board for full Committee approval. Dr. McGuirk made a motion to ratify the new/reinstated licenses and permits and Mr. Shedd seconded. The motion passed.

Change in Federal Law related to portability of professional licenses of service members and their spouses

Ms. Fine explained that in 2023, the federal government passed the professional license portability for service members and their spouses as part of the Service Member Civil Relief ACT. This allows an avenue for service members and their spouses stationed or relocated to Tennessee to have their licenses recognized by the State of Tennessee while they were within the state. She explained the Office of General Counsel was working on a Health Related Board Rule to establish the process for this.

Possible Rule change or Policy for license by examination pathway, Rule 0880-14.03(h)

Ms. Fine told the Board this was the same issue their earlier applicant, Ms. Pfeiffer, experienced where she did not qualify since her passing BRPT exam was in excess of 12 months from the application date. Dr. Valentino asked if someone who has already taken the exam. Ms. Tarr expanded that this rule caused a situation where an otherwise qualified applicant could pass the BRPT exam, work for several years in a state without licensure, and then move to TN but be unable to obtain a license under this Rule. This situation could cause the state to miss out on potentially good candidates entering the field of polysomnography. Dr. Valentino asked is any applicants had encountered this issue and retaken the exam. Mr. Mann explained that according to information from the BRPT, applicants can retake the exam, but only during their renewal period. The BRPT has a 5-year renewal cycle, so a candidate could potentially have to wait several years before being able to retake the exam.

Mr. Spiceland stated that he had struggled to think of any ramifications that could come up if they removed the 12 months or extended the time period. Ms. Tarr suggested that potentially changing it to “has been practicing” in another state rather than “licensed” in another state. Dr. Valentino asked what the process would be to change the wording of the rule. Ms. Fine said the Committee could adopt language today and send the language for internal review or the Committee could discuss the language and she would draft the changes for the Committee to vote on at its next meeting. Dr. Valentino expressed the need to discuss language and begin the process for rule change since this issue had come up before.

Ms. Tarr brought up an example where if the Committee removed the 12-month rule entirely and only required the BRPT exam to have been passed at any time in the past, but the applicant had not practiced in the field for an extended period of time, which could affect their competency. Ms. Tarr stated that some other Board have a policy that is an applicant has been out of practice for a certain number of time, they would come before the Committee to discuss remediation prior to licensure. Dr. Valentino suggested having a requirement of passing the BRPT Exam, maintaining BRPT certification and working in a state that does not have licensure for 12 preceding months. Dr. McGuirk suggested adjust that requirement to working 12 of the last 24 months, to cover cases where an applicant may have taken time off of work for personal issues. After further discussion, Dr. Valentino summarized the changes as adding language that if a person is certified by the BRPT and has documented work history in another state for at least 12 of the previous 36 months they would have a pathway for licensure and that if they did not have the documented work history, they would appear before the Committee. Ms. Tarr suggested that would likely need to be a separate section and that the Committee could nominate a member to work with Ms. Fine to draft the changes to be presented at the next Committee

Meeting to approve. Dr. McGuirk made a motion to accept the changes discussed and for Mr. Spiceland to work with Ms. Fine on the draft set of rules. Ms. Worrick seconded. The Committee briefly moved on to the next agenda item, but at Ms Fine's request, a vote was taken, and the motion passed by roll call vote.

Possible Rule change or Policy for reinstatement continuing education requirement, Rule 0880-14- .06(d)

The Committee was presented with issues that had arisen related to continuing education requirements for applicants reinstating a license. Confusion had occurred about the acceptability of hours completed at different times (prior to expiration, during expiration, and within 6 months of submission of a reinstatement application). Since the rule does not provide a cap on hours, a situation could arise where excessive continuing education hours would be required. Dr. Valentino suggested placing a cap of 20 hours of Continuing education, the equivalent of 2 years requirement. Mr. Spiceland agreed that 20 hours would be enough to show competency. Dr. Valentino suggested to extend the completion period for CEs to be within 12 months of the application and to place a cap on the total requirement of 20 hours. The Board discussed with staff if changes would be a rule change or policy and it was decided that a rule change was appropriate in this situation. Dr. McGuirk made a motion to change the rule language to reflect a 12-month time frame and a cap of 20 total hours required for reinstatement. Mr. Spiceland seconded, and the motion passed.

Reconsider Policy Regarding Applicants Practicing Prior to July 1, 2007

Ms. Fine explained that the policy adopted at the previous meeting regarding interpreting the grandfather clause's intention in the polysomnography statute to mean "on or before/prior to" rather than just "on" could exceed the authority of the Committee. She further explained that when read as a piece of the entire statute, which in other areas contains the use of the word prior to, indicating the absence of "prior" or "before" was purposeful. The policy had not been ratified by the Board of Medical Examiners and therefore had not taken effect. Her recommendation was for the Committee to rescind the previous vote, and the change would need to take place through legislative action. Dr. McGuirk motioned to rescind the policy. Ms. Worrick seconded and the motion passed.

Reports from the Office of Investigations

Barbara Granum, Intake Coordinator, was present to give the Office of Investigations Report. Three complaints were opened and two closed. Of the closed complaints one was referred to Office of General Counsel, and the other closed without action. Of the new complaints, one was for violation of Board Order and the other two were for lapsed license practice. Upon there being no questions, Ms. Granum concluded her report.

Manager's Report

Ms. Allocco reported between August 1, 2024 and January 31, 2024, 25 technologist, 12 temporary, 0 trainee/student and 7 reinstatement applications were received in the administrative office.

Total New Licenses Issued

Technologist (Full)	15
Technicians (Temporary)	7
Trainee	0
Number of Renewals	92
Online Renewals	82
Percentage of renewals on-line	89%

The total number of active licensees as of January 31, 2024 were 462. The total number of temporary permits were 17. 24 new licenses were issued in 2023. Upon hearing no questions, Ms. Allocco concluded her report.

Office of General Counsel

Ms. Fine gave the Office of General Counsel Report. Ms. Fine started by reminding the Committee of the Conflict of Interest Policy and the Open Meetings ACT

There is currently one open case.

Ms. Fine informed the Committee of Public Chapter 328 which required the Department to review each set of rules. Rules found during this review that needed to be changed would be presented to the Committee at the May 1, 2024 meeting.

Ms. Fine stated Senate Bill 468 regarding A-STEP education was still in the Senate and there had been no movement.

Ms. Fine gave the disciplinary report. Four licensees are under reprimand. No licensees were on probation, suspension, or revoked.

Approval of Agreed Citations

Laura Foutch was issued an agreed citation for practicing on a lapsed license. Ms. Foutch had signed the citation and paid the assessed fees. Dr. McQuirk motioned to approve the citation. Mr. Shedd seconded, and the motion passed.

Public Comment

Charles Mercado was present for public comment. He wished to inquire about a pending application. Ms. Tarr explained that the administrative staff would follow up with him regarding his application after the meeting.

There being no other Committee business, the meeting was adjourned at 9:55 a.m.

The Tennessee Polysomnography Professional Standards Committee will meet again May 1, 2024.