



POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE

August 29, 2023

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
 Jim O. Donaldson, RPSGT
 Charity Worrick, RPSGT
 Roy Shedd, RPSGT
 Mark Spiceland, RPSGT

Absent Members: James McGuirk, MD

Staff Present: Stacy Tarr, Executive Director
 Justin Harleman, Advisory Attorney
 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.

Approval of Minutes

Mr. Donaldson made a motion to approve the meeting minutes from May 9, 2023 and Ms. Worrick seconded. The motion passed.

Ratify New/Reinstated Licenses and Permits

Mr. Donaldson made a motion to ratify the new/reinstated licenses and permits and Mr. Spiceland seconded. The motion passed.

Discussion on Making the Polysomnographic Technician Extension Policy into a Rule

Mr. Harleman explained that this policy currently allows the Committee's designated consultant to approve extension requests made by Temporary Polysomnographic Technicians follow the applicable Statutes and Rules. Mr. Harleman explained the office of General Counsel has concluded this policy would need to be made into a Rule and the rule making process would begin. Ms. Tarr mentioned that adding language that would also allow a Committee Member to approve these requests in cases where the Medical Consultant was not available.

Review and Approval of the policy in regards to 63-31-106(c)

Mr. Harleman explained that this policy resulted from discussion at the May 9, 2023 meeting and memorializes the Committee's interpretation of the Grandfather Clause to apply to applicants working in the field of Polysomnography "on or before" July 2007. Dr. Valentino motioned to adopt the policy and Ms. Worrick seconded. The motion passed.

Discussion of application review and the position of Medical Consultant

Ms. Tarr informed the Committee that Dr. Rene Saunders, the Medical Consultant for the Board of Medical Examiners, had left the Department of Health shortly after the May 9, 2023 meeting. The Department has been searching for a replacement and appears to be close to filling the position. In the absence of a Medical Consultant, some members of the Committee have been reviewing applications. Ms. Tarr thanked the Committee for stepping in to assist with application review and stated that once the Medical Consultant position was filled this situation would not be an issue moving forward. However, Administrative staff may have future need to reach out to Committee Members for review in situations where either the Medical Consultant or the Committee's designated Consultant, Mr. Donaldson, have a conflict of interest or are otherwise unable to complete the review.

Reports from the Office of Investigations

The Office of Investigations was not able to send staff to present the report, but the

report was provided to Committee Members. Ms. Tarr explained to the Committee that if any questions arose based on the Committee's review of the report, she would forward those questions to the Office of Investigations and would follow up with the Committee via email. Ms. Tarr briefly went over the report which showed year to date, one complaint had been opened, one complaint closed, and one complaint was currently open. The opened complaint was for a lapsed license.

Financial Report

Ms. Emily Godwin introduced herself as the new Fiscal Director for the Division of Health Related Boards. Ms. Godwin explained that as part of her review of Committee finances, it was discovered that some of the previous information provided to the Board was erroneous. This information has been corrected and she presented the updated information to the Committee. The 2023 projected expenditures were at slightly over \$40,000 and projected revenue was \$35,500 with a projected deficit of \$4,814. The 2023 Projected Cumulative carryover is \$4,804. Ms. Godwin said these number could change slightly based on the final numbers received when the fiscal year was closed out, but it was much closer to the actual numbers than had been previously provided. Ms. Godwin provided a breakdown the expenditures and noted that the largest increase was for employee salaries and wages. This increase was attributed to recent market adjustment increases and performance increases for state employees. Upon hearing no questions, Ms. Godwin concluded her report.

Manager's Report

Ms. Allocco reported between May 1, 2023 and July 31, 2023, 8 technologist, 4 temporary, 0 trainee/student and 0 reinstatement applications were received in the administrative office.

Total New Licenses Issued

Technologist (Full)	4
Technicians (Temporary)	7
Trainee	0
Number of Renewals	60
Online Renewals	53
Percentage of renewals on-line	88%

The total number of active licensees as of July 31, 2023 were 465. The total number of temporary permits were 19. Upon hearing no questions, Ms. Allocco concluded her report.

Office of General Counsel

Mr. Harleman stated there are currently no open cases.

Mr. Harleman gave the disciplinary report. Four licensees are under reprimand and the outstanding fees were \$7,250.51. No licensees were on probation, suspension, or revoked.

Mr. Harleman informed the Committee that while they had previously approved funding travel and attendance for two Conferences at their last meeting, that approval was based on erroneous financial information and the travel had not been booked. Upon hearing no questions, Mr. Harleman concluded his report.

Legislative Report

Mr. Grayson Carter, Legislative Liaison for the Department of Health, provided a legislative update to the Committee.

Public Chapter No. 41

This law allows law enforcement or the district attorney general's office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. *This was a Department of Mental Health and Substance Abuse's legislative initiative.*

Public Chapter No. 55

This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth. This law was effective on March 21, 2023.

Public Chapter No.114

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1,

2023. *This was a Department of Labor and Workforce Development legislative initiative.*

Public Chapter No.156

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

Public Chapter No. 188

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. "Recent cancer treatment" is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. *This law was a Department of Health legislative initiative.*

Public Chapter No. 252

This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board's attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

Public Chapter No. 265

This law vacates and reconstitutes the Tennessee Emergency Medical Services Board, as of July 1, 2023. This law staggers the initial terms of appointment so that a portion of new members must be appointed in each year for the next four years. Members serving on the Board as of June 30, 2023, may be reappointed to the new Board. After the initial round of appointments, the terms of appointment expand to four years. Additionally, this law also makes various changes to the qualifications for candidates being considered as an appointment for the Board. For purposes of promulgating rules and carrying out administrative duties, this law was effective on April 28, 2023. For all other purposes, this law takes effect on June 30, 2023.

Public Chapter No. 270

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of

obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

Public Chapter No. 300

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

Public Chapter No. 316

This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.

Public Chapter No. 325

This law terminates the Radiologic Imaging and Radiation Therapy Board of Examiners with no wind down period. This law authorizes the Board of Medical Examiners to establish and issue limited and full X-ray certifications. This law was effective on April 28, 2023.

Public Chapter No. 426

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

Public Chapter No. 443

This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Alcohol and Drug Abuse Counselors Board to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United

States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 45 days from the date the board receives the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application. "Completed application" means an application that satisfies all statutory and board rule requirements. This law takes effect May 17, 2023.

Public Chapter No. 457

This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding a residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members' existing terms. This law was effective May 17, 2023.

Upon hearing no questions, Mr. Carter concluded his report.

Public Comment

A member of the public was present and inquired about SB 0468/HB 0334. Ms. Tarr explained that she did not have information available and would reach out to the legislative team and follow up with the commenter via email.

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