



POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE **Regular Board Meeting**

February 23, 2021

MINUTES

A WebEx meeting of the **Tennessee Polysomnography Professional Standards Committee** was called to order at 9:10 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Penny Sprigs-Smith, Committee Chairperson.

Members Present: Stephen Heyman, MD
Mark Spiceland, RPSGT
Penny Sprigs-Smith, RPSGT
Jim O. Donaldson, RPSGT
Charity Worrick, RPSGT
Scott Vogt, RPSGT

Absent Members: Theresa Hill, Consumer Member

Staff Present: Angela Lawrence, Executive Director
Rene Saunders, MD, Medical Consultant
Samuel Moore, Advisory Attorney
Tammy Hulseley, Administrator
Candyce Wilson, Administrative Director
Stacy Tarr, Administrative Director

Ms. Lawrence made opening remarks to the Committee and outlined the requirements for a WebEx meeting. Ms. Lawrence conducted a rollcall of the Committee members to confirm attendance. Ms. Sprigs-Smith made a motion to proceed with the meeting in order to consider time sensitive matters considering the covid-19 pandemic and adhere to CDC requirements for limiting attendance at in-person meetings. Mr. Spiceland seconded the motion. A roll call vote was taken, and the motion passed. Ms. Sprigs-Smith motioned that all requirements for a WebEx meeting were satisfied. Dr. Heyman seconded the motion. The motion passed by roll call vote.

Ms. Lawrence then confirmed, by roll call, that all present members received the materials relevant to this meeting prior to today's meeting.

At this time, the meeting was turned over to Ms. Sprigs-Smith, Board Chairperson.

Introduction of George Darden, Health Related Boards Director and Grant Mullins, Office of General Counsel

Ms. Lawrence introduced Mr. Darden and stated that Mr. Mullins is unable to attend due a scheduling conflict.

Mr. Darden explained that he has assumed the role of Health Related Boards Director. Prior to this role, he was a Program Manager in the Family Services Child Support Division of the Department of Human Services. He thanked the Committee for the excellent work they are doing to protect the health and welfare of fellow Tennesseans.

Applicant Interview

Jennifer Wallace – Ms. Wallace is an applicant for a Polysomnography Technologist license. She has not completed an educational program contemplated by statute. She has completed an A-Step program and is certified by the BRPT via Pathway 1 (a minimum of 1,638 hours of experience in the field and also completing a STAR-designated Self-Study education program (A-Step)). She holds a Louisiana state technician license. Achieving Tennessee licensure by completing the A-Step program is no longer an available option since there were four programs in the State. Those technologists who were actively practicing on or before July 1, 2007 were grandfathered. Licensure via reciprocity for this applicant is not available because the Louisiana rules are not significantly similar to those of Tennessee. The Committee discussed the rules and concluded that there are currently no avenues by which this applicant can be licensed. Ms. Worrick made a motion to deny the license. Ms. Sprigs-Smith seconded the motion. Mr. Moore reviewed the conflict of interest policy with the Committee and confirmed that none of the Committee members had a conflict of interest. Mr. Spiceland asked what the benefits of withdrawing the application would have versus a denial of licensure. Dr. Saunders explained that a denial is reported to the National Practitioner Data Bank. She also explained that the applicant could reapply in the future should her circumstances change. Ms. Wallace opted to withdraw her application.

Approval of Minutes

After review, Mr. Spiceland made a motion to approve the minutes for the August 25, 2020 Committee meeting. Ms. Worrick seconded the motion. The motion passed by roll call vote.

Ratify New/Reinstated Licenses and Renewals

Ms. Sprigs-Smith made a motion to approve the new/reinstated licenses and renewals. Ms. Spiceland seconded the motion. The motion passed by roll call vote.

Office of General Counsel

Mr. Moore reported that there is currently no open litigation, rule changes or civil suits in the Office of General Counsel. The Committee is still effectively in a sunset situation. During the last session of the legislature, there was a bill that would have moved the sunset of the Committee by four years. There was another bill that would have nullified the Committee completely. Before any action could be taken on those bills, the legislature recessed due to the Covid-19 pandemic, essentially sending the Committee into sunset and placing it in wind down mode. We are currently awaiting instruction from the legislature on how to proceed. There are currently two bills before the legislature. One would move the sunset of the Committee for two years until 2022 and another "caption bill" that would change the Committee to a registry rather than a licensure and change the powers of this Committee. Currently those bills are moving through the legislature committees. He encouraged the Committee members to contact their representatives to have a voice in this matter.

Mr. Moore reported that there are currently two open cases pertaining to respondents who hold Polysomnographic licenses. There are currently no consent orders before the Committee regarding these cases.

Agreed Citation(s)

Susan Scott O'Meara, PSGP – did not appear before the Committee nor did legal representation appear on her behalf. Mr. Samuel Moore represented the state. Ms. O'Meara acknowledges that she failed to timely renew her license and as a result, practiced without a license. She has agreed to pay a civil penalty in the amount of \$200 within 60 days. Ms. Worrick motioned to approve the Agreed Citation. Ms. Sprigs-Smith seconded the motion. A roll call vote was taken. The motion passed.

Chelsie Lane Thompson, PSGP - did not appear before the Committee nor did legal representation appear on her behalf. Mr. Samuel Moore represented the state. Ms. Thompson acknowledges that she failed to obtain four hours of required continuing education credits. She has agreed to pay \$120 civil penalty and make up the deficient hours within 60 days. Ms. Thompson will also complete ten penalty hours of continuing education. Mr. Spiceland made a motion to approve the Agreed Citation. Ms. Worrick seconded the motion. The motion passed by roll call vote.

Mr. Moore brought a possible rule change regarding continuing education upon reinstatement of a lapsed license to the Committee for discussion. Rule 0880-14-.06 requires that, if a license is retired for more than two years, then any continuing education hours they are missing be made up. That requirement is not in place upon reinstatement

of a license that was allowed to lapse/expire. Mr. Moore asked for a volunteer to assist in reaching out to professional organizations and formulating the language that is the most appropriate for this rule change. Ms. Sprigs-Smith volunteered to assist Mr. Moore. Ms. Sprigs-Smith motioned to explore a potential rule change regarding re-entry to practice for expired licensees. Mr. Vogt seconded the motion. A roll call vote was taken, and the motion passed.

A discussion ensued regarding whether an out of state physician can serve as a polysomnography's supervising physician. Dr. Saunders explained that the issue with an out of state supervising physician is that, should something go wrong, we don't have an avenue to address it. Mr. Spiceland asked that this discussion be moved to the next meeting and that the language used by other Committees regarding supervision be made available to aide in formulating a policy. The Committee agreed and this discussion will be added to the next meeting agenda.

Financial Report

Mr. Matt McSpadden presented the mid-year 2020 financial report to the Committee. He began by reminding the Committee that the State's fiscal year ends in July. The current mid-year report covers July 1, 2020 through December 31, 2020. Mr. McSpadden prepared a comparison of the past three fiscal years so that the Committee can see expenditure/revenue. For mid-year 2021, payroll expenditures are \$11,551.00 and other direct expenditures were just over \$1,019 for a total direct expenditure amount of \$12,570.00. Allocated expenditures including administration, investigations, legal, and cash office are \$4,014.34. Total expenditures are \$16,584.00. Board fee revenue thus far is \$21,839.68. The Committee is currently in the black for the mid-year and projections indicate that they will finish in the black for 2021. Carryover is expected to be just over \$21,000. No fee increases or decrease is expected to be considered.

Reports from the Office of Investigations and Disciplinary Coordinator

Ms. Lori Leonard, Disciplinary Coordinator reported that there are three currently monitored licensees under Board Order. These are all older cases and are currently in collections. There is one licensee under suspension for three years. The suspension will be up next year. The licensee is under a TNPap order.

In 2020, the Office of Investigations received two complaints for polysomnography. One was for a lapsed license and one was regarding a CE violation. A total of three complaints were closed. All three of the closed complaints were sent to the Office of General Counsel for formal discipline. At year end, there was one open complaint being reviewed/investigated.

In 2021, the Office of Investigations has received and opened one new complaint regarding a lapsed license. No complaints have been closed this year.

Manager's Report

Ms. Stacy Tarr reported that between August 1, 2020 and January 31, 2021, 38 technologists/technicians, and 3 reinstatement applications were received in the administrative office.

Total New Licenses Issued

Technologist (Full)	10
Technicians (Temporary)	6
Trainee	9
Number of Renewals	116
Online Renewals	101
Percentage of renewals on-line	87%

The total number of active licensees as of January 31, 2020 is 524. The total number of temporary permits is 36, and total student/trainee permits is 165.

Public Comment

No public attendees were present.

Mr. Spiceland motioned to adjourn the meeting. Ms. Worrick seconded the motion.

There being no other Committee business, the meeting was adjourned at 10:15 a.m.