



POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE

Regular Board Meeting

Tuesday, May 9, 2017

MINUTES

A regular meeting of the Tennessee Board of Medical Examiners' Polysomnography Professional Standards Committee was held in the Division of Health Related Boards, 665 Mainstream Drive, Poplar Room, Nashville, TN 37243.

Members Present: Roxanne M. Valentino, M.D.
Jim O. Donaldson, PSGP
Scott Vogt, PSGP
Dan Brown, PSGP
Charity Worrick, PSGP

Absent Members: Adam Clark
Theresa Hill

Staff Present: Maegan Carr Martin, JD, Executive Director
Rene Saunders, MD, Medical Consultant
Tracy Alcock, JD, Advisory Attorney
Tammy Davis, Administrator
Stacy Tarr, Administrative Manager

The Committee convened at 9:22 a.m. A quorum was present and Dr. Valentino, committee chair, called the meeting to order with a roll call.

Approval of Minutes

After review of the minutes, there was a correction on page 4. Ms. Ealy's attorney, Susie Lodico, was not present. Scott Vogt made a motion to approve the minutes with the noted correction. Jim Donaldson seconded the motion. The minutes were approved unanimously.

Applicant Interview

James Cates – Mr. Cates appeared before the Committee for an applicant interview because his application indicated that he does not possess the educational training required by TENN. CODE

ANN. § 63-31-106(b)(1). Mr. Cates is an applicant for initial licensure for polysomnographic technologist. He holds no other state licenses and has no criminal history. He was BRPT certified in 2008 via an alternative pathway. Tracy Alcock, Office of General Counsel, referred the Committee to Tenn. Code Ann. § 63-31-106(c) which provides: “any person who is engaged in the practice of polysomnography on July 1, 2007, shall be eligible for licensure under this chapter without meeting the educational requirements of subdivision (b)(1); provided, that the person meets the requirements of subdivisions (b)(2)-(4).”

The Committee considered Mr. Cate’s work history and training, and after a thorough discussion, the Mr. Vogt made a motion to approve his licensure contingent on submission of proof of completion of ten (10) CEs for 2016. Jim Donaldson seconded the motion. The motion carried.

Ratification of New Licenses & Reinstatements

Mr. Donaldson made a motion to approve the new licenses, temporary permits and expired licenses. Mr. Brown seconded the motion. The motion carried with no abstentions or opposition.

Office of General Counsel

Tracy Alcock, Office of General Counsel, stated that there are no open complaints pertaining to this Committee. She reminded the Committee that there was a rulemaking hearing at the February meeting. Those rules are currently under review at the Attorney General’s office. That review can be a lengthy process. Ms. Alcock also reminded the Committee of its conflict of interest policy.

Manager’s Report

Ms. Stacy Tarr reported the following activities that have transpired in the administrative office between February 1, 2017 and April 30, 2017 concerning Polysomnography professionals are as follows:

New Applications Received:

- Full Technician 5
- Technician/Temp 3
- Trainee/Student 7
- Reinstatements 0

Total New Licenses Issued

- Full Technician 4
- Technician/Temp 10
- Trainee/Student 9

Number of Renewals 42
Online Renewals 36 – 86%
Total number of active licensees as of April 30, 2017 is 542.

Ms. Martin said that our online licensing system is up and running.

Financial Report

Ms. Noranda French reviewed the mid-year financial report with the Committee. Ms. French reported that total direct expenditures through December, 2016 were \$7,406.82. The total expenditure amount for the mid-year point is \$16,897.67. Board generated revenue for this same time period is \$21,760.00. The mid-year net is \$4,862.33. The mid-year portion of LARS is \$2,289.28. We do have permission to take the LARS directly from the carryover amounts for all boards. With the potential net and the deduction of the LARS, it will lower the negative cumulative carryover to (\$10,134.29) for the mid-year point.

Ms. Martin asked if there would be another draw for LARS in the second half. Ms. French stated that there will be and the total is estimated to be \$4,578.56.

Ms. French reviewed projected expenditures for the rest of the fiscal year. Based on these projections, the Board's total expenditures are projected to be \$33,254.78. Board fee revenue is projected to be \$43,520.00. The Board's net is projected to be \$10,265.22. Total LARS expenditures are projected to be \$4,578.56 with a cumulative carryover of (\$7,020.68).

Ms. Alcock commented the legal expenses are directly related to the number of cases. It could go up if there is a large case just as it is possible that it could decrease if the number of cases lessens. Legal costs include everything including the attorney, copying, judge, etc. Case costs are assigned at the request of OGC. The monies paid by the respondents are allocated back to the Board.

Office of Investigations

Nichelle Dorroh reported that there are no open complaints in Office of Investigations.

Lapsed License Policy Discussion

Ms. Martin stated that at the last meeting the Committee discussed changing the lapsed license or unlicensed fee. The lapsed license fee is \$50 per month and the unlicensed practice fee is \$100 per month. Ms. Martin researched how other similar Boards/Committees approach this issue in accordance with the Committee's direction at the last meeting. There is quite a bit of variation in the amount of the penalty assessed, but most similarly situated Boards/Committees charge \$100 per month. Surprisingly, several Boards/Committees do not have an unlicensed practice policy. Ms. Martin recommended that we most likely will want to keep an unlicensed practice policy due to the age of the Committee.

An unlicensed practice policy will allow the Administrative Office to prepare an Agreed Citation and resolve the situation without referring it to the OGC, saving both time and money. Mr. Vogt commented that he feels that practicing without a license is a more serious offense than practicing on a lapsed license. He feels that the fee for a lapsed license should be \$100 per month and that unlicensed practice should be approximately \$250 per month. Mr. Donaldson

asked if Ms. Martin reviewed the respiratory therapy fees. She said that she did, and that the penalty for lapsed license is \$100 per month with no policy to address practice without a license. Mr. Vogt made a motion to increase the lapsed license penalty to \$100 per month and the unlicensed practice penalty to \$250 per month. The motion was unsuccessful as there was no second. Mr. Donaldson made a motion to increase the penalty for practicing on a lapsed license to \$100 per month and leave the penalty for unlicensed practice at \$100 per month. Mr. Brown seconded the motion. The motion carried.

The meeting was adjourned at 10:05 a.m.