



# **POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE**

## **Regular Board Meeting**

**Wednesday, May 13, 2014**

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### **MINUTES**

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

Members Present:

- Roxanne M. Valentino, M.D.
- Jim O. Donaldson, PSGP
- Donald Samples, Ed. D
- Kristin Lester, PSGP
- Donna Lovitt, PSGP
- Madelyn K. Cunningham, Consumer Member

Staff Present:

- Mary Katherine Bratton, Advisory Attorney
- LaTonya Shelton, Administrator
- Stacy Tarr, Manager

The Committee convened at 9:04 a.m. A quorum was present and Dr. Valentino, Chair, called the meeting to order with a roll call.

### **Legislation**

Jeremy Davis, JD, and Ben Simpson, JD, of the Office of Legislative Affairs, gave the following report on legislation that directly and indirectly affects the Polysomnography Professional Standards Committee:

#### **Public Chapter 949**

This act allows for initial licensure applications to be accepted online. Currently, renewing licenses is already available online. This also makes available to the public annual inspections of health care facilities and pharmacies, similar to how nursing home inspections are already available.

### **Public Chapter 575**

This act extends civil immunity to health care providers providing services at clinics that charge patients based on a sliding scale to health care providers offering services at a clinic that does not charge a patient for services.

### **Approval of Minutes**

Mr. Samples made a motion to approve the minutes from the November 12, 2013 Committee Meeting. Ms. Lester seconded the motion. The motion carried.

### **Applicant Interview(s)**

**Shemeka O. Winters** - Ms. Winters was invited for an interview with the Committee but did not appear. After a brief discussion, Ms. Lovitt made a motion to close Ms. Winters' application because of deficiencies in her file. Ms. Lester seconded the motion. This motion passed unanimously.

### **Financial Report**

Ms. Lisa Tittle reviewed presented to the Committee its Revenue and Expenditures for Fiscal Year ending June 30, 2014. There is a projected negative balance. Ms. Tittle explained to the committee the unfortunate communication breakdown regarding the effective date for the fee changes and the actual date the fees were changed to project new revenue and decrease the Committees' deficit. The fee change became effective August 2013, increasing the application fee from \$ 110.00 to \$210.00 and also increasing the renewal fee from \$60.00 to \$120.00. Ms. Tittle stated that the oversight was not discovered until February 2014 during preparation for a Government Operations Committee meeting. Ms. Tittle informed the Committee that for the fiscal year ending June 2015 their projected carryover will be approximately, \$21,000.00, possibly more.

### **Office of Investigation & Disciplinary Report**

Ms. Tammy Cochonar reported that there were three (3) cases pending in the Office of Investigations as of May 13, 2014. There are three (3) Polysomnography Technologists currently being monitored by the disciplinary coordinator.

### **Office of General Counsel**

Ms. Mary Bratton stated the Committee does not have any drafted rules at this time. Ms. Bratton informed the Committee that as of May 8, 2014 there were three (3) disciplinary cases pending in the Office of General Counsel. Ms. Bratton informed the Committee that there are no Consent Orders/Agreed Orders to be presented to the Committee at this time. Ms. Bratton also informed the Committee that there were no drafted rules pending.

## **Ratification of New Licenses & Reinstatements**

Mr. Donaldson made a motion to approve the new licenses, temporary permits and expired licenses. Ms. Lester seconded the motion. The motion carried.

## **Managers' Report**

Ms. Stacy Tarr reported that between October 1, 2013 and April 30, 2014 that there were 36 new applications received in the administrative office and 58 new licenses issued.

### Total New Licenses Issued

Technologist (Full)	20
Technicians (Temporary)	5
Trainee	33
Number of Renewals	141
Online Renewals	90
Percentage of renewals on-line	63%

The total number of active licensees as of April 30, 2014 is 547.

## **Board Business**

The Committee discussed and voted on the following position statement regarding the scope of practice of polysomnography and out-of-center testing:

TENN. CODE ANN., § 63-31-101(9)(A) defines the “practice of polysomnography” in the State of Tennessee. In interpreting this provision of its practice act, it is the position of the Tennessee Polysomnography Professional Standards Committee that the following is the practice of polysomnography:

Under the general supervision and orders of a licensed physician or licensed physicians, the staging and/or scoring of sleep by continuously monitoring the stages of sleep and wake through use of an electroencephalogram (EEG), an electroculogram (EOG), or a submental electromyogram (EMG), and simultaneously recording and monitoring of other physiological variables, in conjunction with the assignment of values for duration, frequency, and type of event to each stage of sleep in which the event occurred.

Pursuant to the ordering physician’s direction, the appropriate test or tests should be administered on a case by case basis as medically indicated or necessary based upon the concerns related to each individual patient’s care and for the patient’s safety.

Additionally those tasks listed in TENN. CODE ANN. § 63-31-101(9)(A)(i)-(v) are also considered a part of the practice of polysomnography when they are performed as part of the staging and scoring of sleep under a physician's orders, even when that staging or scoring occurs outside a sleep center.

- Monitoring and recording physiologic data during the evaluation of sleep-related disorders, including sleep-related respiratory disturbances, including those techniques, equipment, and procedures delineated in TCA §63-31-101(9)(A)(i)(a)-(s);
- Observing and monitoring physical signs and symptoms, general behavior, and general physical response to polysomnographic evaluation and determining whether initiation, modification, or discontinuation of a treatment regimen is warranted;
- Analyzing and scoring data collected during the monitoring described in TCA §63-31-101(9)(A)(i) and (ii) for the purpose of assisting a licensed physician in the diagnosis and treatment of sleep and wake disorders that result from developmental defects, the aging process, physical injury, disease, or actual or anticipated somatic dysfunction;

The Committee takes this position pursuant to TENN. CODE ANN. § 63-31-101(9)(A).

**Adjourned 11:04**

**These minutes were ratified by the Committee October 28, 2014**