



POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE

Regular Board Meeting

August 24, 2021

MINUTES

An electronic meeting of the **Tennessee Polysomnography Professional Standards Committee** was called to order at 9:20 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: Mark Spiceland, RPSGT
Penny Sprigs-Smith, RPSGT
Jim O. Donaldson, RPSGT
Charity Worrick, RPSGT
Scott Vogt, RPSGT (by phone)

Absent Members: Stephen Heyman, MD
Theresa Hill, Consumer Member

Staff Present: Angela Lawrence, Executive Director
Rene Saunders, MD, Medical Consultant
Samuel Moore, Advisory Attorney
Daja Green, Administrator
Stacy Tarr, Administrative Director

Before the meeting officially started, the Administrative Law Judge, Steve Darnell, states that the contested case of Tennessee Department of Health vs Kevin Plemons (docket number 17.61-21120619) had to be postponed. The Committee did not have a quorum and Kevin Plemons was absent.

Ms. Lawrence made opening remarks to the Committee and outlined the requirements for an electronic meeting. Ms. Lawrence conducted a roll call of the Committee members to confirm attendance. Ms. Sprigs-Smith made a motion to proceed with the meeting. Mr. Spiceland seconded the motion. A roll call vote was taken, and the motion passed. Mr. Donaldson motioned that all requirements for an electronic meeting were satisfied. Ms. Sprigs-Smith 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.

Ms. Lawrence explained not all matters on the meeting agenda can be discussed because the physical presence of a quorum was not established. By one other Committee member being able to join the meeting by phone, we could proceed handling only time sensitive matters on the agenda. The Committee could also hear information that did not require action to be taken.

Approval of Minutes

Meeting minutes from the May 25, 2021 Polysomnography Professional Standards Committee were not approved. Approving meeting minutes was not deemed immediate business.

Applicant Interview

Sarah Allread – Ms. Allread is an applicant applying 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. Dr. Saunders stated that Ms. Allread has no active state licenses, no board actions, and no criminal record. Dr. Saunders recommended denying the applicant's application based on statute. Dr. Saunders directed the committee members to the rules that refer to what an eligible applicant needs to successfully apply to be licensed as a Polysomnographic Technologist in Tennessee. Dr. Saunders explained the purpose and reason for an applicant interview. Ms. Sprigs-Smith states they cannot accept the application due to statute. Mr. Moore speaks about statute 63-3-106 (1)(b) which governs the licensing requirements for an applicant. Mr. Moore states this pathway is closed as of July 12, 2012. Mr. Moore stated the pathway cannot be reopened without legislative action. Mr. Moore stated there is not a current waiver for certain education requirements. Dr. Saunders recommended the applicant be allowed to withdraw her application with the understanding the application fee is non-refundable. Ms. Allread asked to withdraw her application and reapply later once she has the required education. The Committee discussed the rules and concluded that there are currently no avenues by which Ms. Allread could be licensed. Ms. Sprigs-Smith made a motion to allow Ms. Allread to withdraw her current application. Ms. Worrick seconded the motion. Mr. Moore reiterated this decision is deemed necessary and constituted as immediate business. The motion passed by roll call vote.

Ratify New/Reinstated Licenses and Renewals

Mr. Moore reiterated it is deemed necessary and immediate business to ratify new and/or reinstated licenses and renewals. Ms. Sprigs-Smith made a motion to approve

the new/reinstated licenses and renewals. Ms. Worrick seconded the motion. The motion passed by roll call vote.

Review/Ratify Temporary Extension- Kallie Getz

Kallie Goetz - Dr. Saunders explained that Ms. Goetz applied for a temporary permit extension after the expiration date of her temporary permit. Dr. Saunders explained that an administrative error was made. Ms. Goetz received her temporary permit approval letter, which was dated a year after the program graduation date. The date on the licensure website had the expiration in two years which was incorrect. Ms. Goetz was granted an extension for her temporary license which was set to expire August 24, 2021. Mr. Moore stated that Ms. Goetz has taken the BRPT exam but has failed. Mr. Moore stated that Ms. Goetz's temporary permit expired in November 2020 and the extension would have expired February 2021. She had been given an additional extension, which was an additional six months. Mr. Vogt asked could another extension be granted to Ms. Goetz. Mr. Moore answered there could not be an additional extension of the temporary permit. Ms. Sprigs- Smith suggested Ms. Goetz look into an A-Step Program or a program located in Atlanta for further education to pass the BRPT exam. The Committee did not grant Ms. Goetz an additional extension. Ms. Sprigs- Smith motions that Ms. Goetz request for another temporary extension be denied. Ms. Worrick seconded the motion. Ms. Lawrence conducts a roll call for committee members. The motion passed by roll call vote.

Reports from the Office of Investigations and Disciplinary Coordinator

Ms. Jamie Byerly, Director of the Office of Investigations, reported that there were three Board Statistical complaints for the Polysomnography profession in 2021. Two were lapsed license practice violations and the other one was for a Continuing Education violation. Ms. Byerly stated that there are zero polysomnography providers being monitored at this time.

Financial Report

Ms. Alicia Grice presented the preliminary year-end report for fiscal year 2021. The report ran from July 1, 2020 until June 30, 2021. The report covered expenditures, revenue, and allocated expenditures. The payroll expenditure totaled 23,132 dollars and all other direct expenditures totaled 4,645 dollars. The total direct expenditures were 27,771 dollars. The allocated expenditures included administrative, investigative, cash office and legal cost, which totaled 9,062 dollars. The allocated expenditures totaled 36,833 dollars. The revenue for fiscal year 2021 is lower than fiscal year 2020 which was 41, 245 dollars. The net total for fiscal year 2021 was 4,400 dollars.

Technological improvements will be removed from the net balance or reserve balance if there are not sufficient funds in the net balance. The technological improvements

were made in LARS system to help the licensee and administrative staff. The technological improvements were just over 1, 400 dollars.

Ms. Grice provided a breakdown of where the Committee's money came from and about seventy-five percent from application and renewal fees, fifteen percent came from temporary permit fees, and ten percent came from reciprocity. Based on the reserve balance being required to be no more than double the three-year average of total expenditures, the fees will not need to be increased or decreased. For fiscal year 2021, Ms. Grice stated that the Committee's reserve balance ceiling would be 73, 000 dollars. Ms. Grice reported that the Committee's reserve balance is 24, 500 dollars.

Manager's Report

Ms. Tarr reported that between May 1, 2021 and July 31, 2021, 16 technologists/technicians, 4 trainee/student and 0 reinstatement applications were received in the administrative office.

Total New Licenses Issued

Technologist (Full)	3
Technicians (Temporary)	5
Trainee	1
Number of Renewals	72
Online Renewals	60
Percentage of renewals on-line	83%

The total number of active licensees as of July 31, 2021 were 512. The total number of temporary permits were 49, and the total student/trainee permits were 165.

Discussion Regarding Application Withdrawal

Ms. Tarr spoke about the application withdrawal process. Seven applicants have withdrawn applications since 2016. One formal withdrawal was completed on May 25, 2021. The second formal withdrawal was Ms. Allread's. Ms. Tarr explained that the 5 other application withdrawals were done by the applicants. Ms. Tarr explained that administrative staff have a designated amount of time to process an application before it is closed. When an applicant has withdrawn their application, it is based on one's own will. Ms. Tarr states there can be many reasons why an applicant might have withdrawn their application.

Discussion Regarding Out of State Supervising Physicians

Ms. Tarr directed Committee members to resources located in an electronic cloud. The electronic cloud contained information about supervision of polysomnographers in

states that license polysomnographers.

Office of General Counsel

Mr. Moore stated that there is currently one open complaint. Mr. Moore stated that was the case that would have to be rescheduled due to lack of a quorum. Mr. Moore stated an Agreed Citation was supposed to be reviewed but it was not considered emergency business.

Mr. Moore stated that he had submitted the rule change for Rule 0880-14-.06(4). The rule change is pending internal review in the Office of General Counsel. Mr. Moore states the rule hearing could possibly occur at the next meeting. Mr. Moore stated that depending on how quickly it could be sun shined would determine if it could be discussed at the next meeting.

Ms. Sprigs- Smith inquired about details of the open complaint. Mr. Moore stated that he could not answer any question because the complaint is still open.

Scheduling Additional Meeting

Ms. Tarr suggested scheduling another Committee Meeting before the February 8, 2022 meeting.

Additional Questions

Mr. Donaldson asked Mr. Moore about the process of creating a waiver for applicants that cannot be licensed by reciprocity due to not having a state license. Mr. Moore told Mr. Donaldson that it would require a change in statute and to reach out Congressmen.

Public Comment

No public attendees were present.

Mr. Sprigs- Smith motioned to adjourn the meeting. Mr. Donaldson seconded the motion.

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