

1 DYSFUNCTIONS THAT EITHER ARE SLEEP RELATED, MANIFEST DURING SLEEP OR
2 DISRUPT NORMAL SLEEP/WAKE CYCLES AND ACTIVITIES.

3 2. THE TERM "PRACTICE OF THE PROFESSION OF POLYSOMNOGRAPHIC TECHNOLO-
4 GY" SHALL MEAN THE PROFESSIONAL SERVICES PRACTICED IN ANY SETTING UNDER
5 THE DIRECTION AND SUPERVISION OF A LICENSED PHYSICIAN INVOLVING THE
6 MONITORING, TESTING AND TREATMENT OF INDIVIDUALS SUFFERING FROM ANY
7 SLEEP DISORDER AS LISTED IN AN AUTHORITATIVE CLASSIFICATION OF SLEEP
8 DISORDERS ACCEPTABLE TO THE DEPARTMENT. SUCH PROCEDURES INCLUDE BUT ARE
9 NOT LIMITED TO:

10 (A) APPLICATION OF ELECTRODES AND APPARATUS NECESSARY TO MONITOR AND
11 EVALUATE SLEEP DISTURBANCES, INCLUDING APPLICATION OF DEVICES THAT ALLOW
12 A PHYSICIAN TO DIAGNOSE AND TREAT SLEEP DISORDERS, WHICH DISORDERS
13 INCLUDE BUT SHALL NOT BE LIMITED TO INSOMNIA, SLEEP BREATHING DISORDERS,
14 MOVEMENT DISORDERS, DISORDERS OF EXCESSIVE SOMNOLENCE, AND PARASOMNIAS;

15 (B) INSTITUTION OF ANY TYPE OF PHYSIOLOGIC MONITORING APPLICABLE TO
16 POLYSOMNOGRAPHY INCLUDING THE THERAPEUTIC AND DIAGNOSTIC USE OF OXYGEN,
17 CONTINUOUS POSITIVE AIRWAY PRESSURE (CPAP) AND BI-LEVEL POSITIVE AIRWAY
18 PRESSURE (BIPAP) OF NON-VENTILATED PATIENTS;

19 (C) INITIATION OF CARDIOPULMONARY RESUSCITATION, MAINTENANCE OF
20 PATIENT'S AIRWAY (WHICH DOES NOT INCLUDE ENDOTRACHEAL INTUBATION), TRAN-
21 SCRPTION AND IMPLEMENTATION OF PHYSICIAN ORDERS PERTAINING TO THE PRAC-
22 TICE OF POLYSOMNOGRAPHIC TECHNOLOGY;

23 (D) INITIATION OF TREATMENT CHANGES AND TESTING TECHNIQUES REQUIRED
24 FOR THE IMPLEMENTATION OF POLYSOMNOGRAPHIC PROTOCOLS UNDER THE DIRECTION
25 AND SUPERVISION OF A LICENSED PHYSICIAN WHO SPECIALIZES IN THE PRACTICE
26 OF SLEEP MEDICINE; AND

27 (E) EDUCATION OF PATIENTS, FAMILY AND PUBLIC ON THE PROCEDURES AND
28 TREATMENTS USED DURING POLYSOMNOGRAPHIC TECHNOLOGY OR ANY EQUIPMENT OR
29 PROCEDURE USED FOR THE TREATMENT OF ANY SLEEP DISORDER.

30 S 8802. PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY. ONLY A PERSON
31 LICENSED AND REGISTERED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE
32 POLYSOMNOGRAPHIC TECHNOLOGY.

33 S 8803. USE OF THE TITLE "POLYSOMNOGRAPHIC TECHNOLOGIST". ONLY A
34 PERSON LICENSED UNDER THIS ARTICLE SHALL USE THE TITLE "LICENSED POLY-
35 SOMNOGRAPHIC TECHNOLOGIST," "POLYSOMNOGRAPHIC TECHNOLOGIST," OR
36 "LICENSED SLEEP TECH".

37 S 8804. STATE COMMITTEE FOR POLYSOMNOGRAPHIC TECHNOLOGY. 1. A STATE
38 COMMITTEE FOR POLYSOMNOGRAPHIC TECHNOLOGY SHALL BE APPOINTED BY THE
39 BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER AND SHALL
40 ASSIST ON MATTERS OF PROFESSIONAL LICENSING, PRACTICE AND CONDUCT IN
41 ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE.

42 2. NOTWITHSTANDING THE PROVISIONS OF SECTION SIXTY-FIVE HUNDRED EIGHT
43 OF THIS TITLE, THE COMMITTEE SHALL ASSIST THE STATE BOARD FOR MEDICINE
44 SOLELY IN POLYSOMNOGRAPHIC TECHNOLOGY MATTERS, WHICH BOARD SHALL ALSO
45 FUNCTION AS THE STATE BOARD FOR POLYSOMNOGRAPHIC TECHNOLOGY. ANY MEMBER
46 OF THE FIRST BOARD APPOINTED WHO IS A POLYSOMNOGRAPHIC TECHNOLOGIST NEED
47 NOT BE LICENSED PRIOR TO APPOINTMENT ON THE BOARD; PROVIDED HOWEVER,
48 THAT ANY FIRST APPOINTED POLYSOMNOGRAPHIC TECHNOLOGIST SHALL BE REGIS-
49 TERED BY A NATIONAL CERTIFYING OR ACCREDITING BOARD ACCEPTABLE TO THE
50 DEPARTMENT.

51 3. THE COMMITTEE SHALL CONSIST OF NINE INDIVIDUALS, TO BE COMPOSED OF
52 THE FOLLOWING:

53 (A) FIVE LICENSED POLYSOMNOGRAPHIC TECHNOLOGISTS, WHO ARE NOT LICENSED
54 TO PRACTICE ANY OTHER PROFESSION REGULATED PURSUANT TO THIS TITLE;

55 (B) TWO LICENSED RESPIRATORY THERAPISTS WHO HAVE TRAINING AND/OR EXPE-
56 RIENCE IN THE DIAGNOSIS OR TREATMENT OF SLEEP DISORDERS;

1 (C) ONE LICENSED PHYSICIAN WHO PRACTICES IN THE FIELD OF SLEEP MEDI-
2 CINE; AND

3 (D) A REPRESENTATIVE OF THE PUBLIC AT LARGE.

4 S 8805. REQUIREMENTS AND PROCEDURES FOR PROFESSIONAL LICENSURE AND
5 REGISTRATION. 1. TO QUALIFY FOR A LICENSE AS A LICENSED POLYSOMNOGRAPHIC
6 TECHNOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

7 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

8 (B) EDUCATION: (I) RECEIVED AN ASSOCIATE DEGREE IN POLYSOMNOGRAPHIC
9 TECHNOLOGY FROM A PROGRAM REGISTERED BY THE DEPARTMENT, OR ANOTHER ASSO-
10 CIATE DEGREE PROGRAM DETERMINED BY THE DEPARTMENT TO BE SUBSTANTIALLY
11 EQUIVALENT, FROM AN ACCREDITED COLLEGE OR UNIVERSITY IN ACCORDANCE WITH
12 THE COMMISSIONER'S REGULATIONS; PROVIDED HOWEVER, THAT THIS EDUCATION
13 REQUIREMENT SHALL NOT BECOME EFFECTIVE UNTIL SUCH TIME AS THERE ARE AT
14 LEAST FOUR LICENSURE QUALIFYING ASSOCIATE DEGREE PROGRAMS ACCEPTABLE TO
15 THE DEPARTMENT IN POLYSOMNOGRAPHIC TECHNOLOGY OPERATED BY ACCREDITED
16 COLLEGES OR UNIVERSITIES IN THE STATE; OR

17 (II) COMPLETED A COURSE OF STUDY SUBSTANTIALLY EQUIVALENT TO AN ASSO-
18 CIATE DEGREE PROGRAM DETERMINED TO BE ACCEPTABLE PURSUANT TO SUBPARA-
19 GRAPH (I) OF THIS PARAGRAPH, AND WHICH IS SATISFACTORY TO THE COMMIS-
20 SIONER AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS FOR THE
21 PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY;

22 (C) EXPERIENCE: HAVE EXPERIENCE SATISFACTORY TO THE BOARD AND IN
23 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

24 (D) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
25 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

26 (E) AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;

27 (F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
28 MENT; AND

29 (G) FEE: PAY A ONE-TIME FEE OF THREE HUNDRED DOLLARS FOR LICENSURE.

30 2. EXCEPT AS PROVIDED IN SECTION EIGHTY-EIGHT HUNDRED SEVEN OF THIS
31 ARTICLE, EACH LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST SHALL BE REQUIRED
32 TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE,
33 AND SHALL PAY A FEE OF THREE HUNDRED DOLLARS FOR EACH TRIENNIAL REGIS-
34 TRATION PERIOD.

35 S 8806. LIMITED PERMITS. LIMITED PERMITS MAY BE ISSUED BY THE DEPART-
36 MENT TO ELIGIBLE APPLICANTS, AS FOLLOWS:

37 1. ELIGIBILITY: A PERSON WHO FULFILLS ALL REQUIREMENTS FOR A LICENSE
38 AS A POLYSOMNOGRAPHIC TECHNOLOGIST EXCEPT THOSE RELATING TO EXAMINATION
39 SHALL BE ELIGIBLE FOR A LIMITED PERMIT;

40 2. LIMIT OF PRACTICE: ALL PRACTICE UNDER A LIMITED PERMIT SHALL BE
41 UNDER THE DIRECTION AND SUPERVISION OF A LICENSED PHYSICIAN AND ONLY
42 WHILE UNDER THE DIRECT AND IMMEDIATE SUPERVISION OF A HEALTH CARE
43 PROVIDER REGULATED PURSUANT TO THIS TITLE INCLUDING, BUT NOT LIMITED TO,
44 A PHYSICIAN, POLYSOMNOGRAPHIC TECHNOLOGIST, REGISTERED NURSE, RESPIR-
45 ATORY THERAPIST, AND NURSE PRACTITIONER; PROVIDED HOWEVER, THAT THE
46 TASKS OR RESPONSIBILITIES SUPERVISED BY THE HEALTH CARE PROVIDER ARE
47 WITHIN THE SCOPE OF HIS OR HER PRACTICE;

48 3. DURATION: A LIMITED PERMIT SHALL BE VALID FOR ONE YEAR AND MAY BE
49 RENEWED FOR ONE ADDITIONAL YEAR; AND

50 4. FEE: THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE
51 FIFTY DOLLARS.

52 S 8807. EXEMPTIONS. THIS ARTICLE SHALL NOT PROHIBIT:

53 1. THE PRACTICE OF LICENSED POLYSOMNOGRAPHIC TECHNOLOGY AS AN INTEGRAL
54 PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN REGISTERED POLYSOMNO-
55 GRAPHIC TECHNOLOGY EDUCATION PROGRAMS OR REGISTERED RESPIRATORY CARE
56 PROGRAMS;

2. THE PERFORMANCE OF ANY OF THE FUNCTIONS INCLUDED IN THE DEFINITION OF POLYSOMNOGRAPHIC TECHNOLOGY BY ANY OTHER DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER, PROVIDED THAT SUCH FUNCTIONS ARE WITHIN THE SCOPE OF HER OR HIS PRACTICE;

3. THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY BY ANY LEGALLY AUTHORIZED POLYSOMNOGRAPHIC PRACTITIONER OF ANY OTHER STATE OR TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE PUBLIC HEALTH SERVICE OF THE UNITED STATES OR WHO IS EMPLOYED BY THE VETERAN'S ADMINISTRATION, WHILE ENGAGED IN THE PERFORMANCE OF SUCH DUTIES;

4. THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY BY A LICENSED RESPIRATORY THERAPIST OR A RESPIRATORY THERAPY TECHNICIAN; AND

5. THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY FOR THE PURPOSES OF CLINICAL RESEARCH, PROVIDED THAT THE RESEARCH HAS BEEN APPROVED BY A DULY AUTHORIZED INSTITUTIONAL REVIEW BOARD AND SUCH PRACTICE IS UNDER THE DIRECTION AND SUPERVISION OF A LICENSED PHYSICIAN.

S 8808. SPECIAL PROVISIONS. A PERSON SHALL BE LICENSED WITHOUT EXAMINATION OR SATISFYING THE EDUCATION REQUIREMENT, PROVIDED THAT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF REGULATIONS IMPLEMENTING THE PROVISIONS OF THIS ARTICLE, THE INDIVIDUAL MEETS THE FOLLOWING REQUIREMENTS:

1. FILES AN APPLICATION AND PAYS THE APPROPRIATE FEES TO THE DEPARTMENT;

2. IS CERTIFIED BY A NATIONAL CERTIFYING OR ACCREDITING BOARD FOR POLYSOMNOGRAPHY ACCEPTABLE TO THE DEPARTMENT, AND HAS PRACTICED POLYSOMNOGRAPHY UNDER THE DIRECTION AND SUPERVISION OF A LICENSED PHYSICIAN WHO SPECIALIZES IN THE PRACTICE OF SLEEP MEDICINE FOR EIGHTEEN MONTHS OR MORE IN THE PREVIOUS THREE YEARS; PROVIDED THAT SUCH EXPERIENCE SHALL NOT BE ACCEPTABLE FOR LICENSURE AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE; OR

3. HAS PRACTICED POLYSOMNOGRAPHY UNDER THE DIRECTION AND SUPERVISION OF A LICENSED PHYSICIAN WHO SPECIALIZES IN THE PRACTICE OF SLEEP MEDICINE FOR NOT LESS THAN THREE YEARS WITHIN THE LAST FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE.

S 8809. MANDATORY CONTINUING EDUCATION. 1. A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION FOUR OF THIS SECTION EXCEPT AS SET FORTH IN SUBDIVISIONS TWO AND THREE OF THIS SECTION. A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST WHO DOES NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL HE OR SHE HAS MET SUCH REQUIREMENTS, AND HE OR SHE HAS BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

2. A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH HE OR SHE IS FIRST LICENSED. IN ACCORD WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

3. A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST NOT ENGAGED IN THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON

1 THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. A
2 LICENSEE WHO RETURNS TO THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY
3 DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT
4 PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY EDUCA-
5 TION REQUIREMENTS IN ACCORDANCE WITH COMMISSIONER'S REGULATIONS.

6 4. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
7 TRATION AS A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST SHALL COMPLETE A
8 MINIMUM OF TWENTY-FOUR HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION,
9 AS SPECIFIED IN SUBDIVISION SIX OF THIS SECTION. A LICENSEE WHO HAS NOT
10 SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE
11 ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL
12 NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS
13 ISSUED, AS PROVIDED FOR IN SUBDIVISION FIVE OF THIS SECTION. CONTINUING
14 EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A
15 SUBSEQUENT TRIENNIUM.

16 5. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
17 TRATION TO A LICENSEE WHO FAILS TO MEET THE MANDATORY CONTINUING EDUCA-
18 TION REQUIREMENTS ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION BUT WHO
19 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION
20 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
21 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
22 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
23 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
24 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
25 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF MANDATORY CONTINUING
26 EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION, MAY BE SUBJECT TO
27 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
28 THIS TITLE.

29 6. AS USED IN SUBDIVISION FOUR OF THIS SECTION, "ACCEPTABLE FORMAL
30 CONTINUING EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH
31 CONTRIBUTE TO PROFESSIONAL PRACTICE IN POLYSOMNOGRAPHIC TECHNOLOGY AND
32 WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.
33 SUCH FORMAL COURSES OF LEARNING SHALL INCLUDE, BUT SHALL NOT BE LIMITED
34 TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, PROFESSIONAL DEVEL-
35 OPMENT PROGRAMS AND TECHNICAL SESSIONS OFFERED BY NATIONAL, STATE AND
36 LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS ACCEPTABLE TO
37 THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL
38 PROGRAMS ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS
39 DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE
40 PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN
41 SPECIFIC SUBJECTS TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIRE-
42 MENT. COURSES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT,
43 PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

44 7. A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST SHALL MAINTAIN ADEQUATE
45 DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION
46 AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT.
47 FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT
48 SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSU-
49 ANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

50 S 2. This act shall take effect one year after it shall have become a
51 law; provided further, that subdivision 2 of section 8805 of the educa-
52 tion law as added by section one of this act shall not take effect until
53 such time as there are at least four licensure qualifying associate
54 degree programs, acceptable to the department of education, in polysom-
55 nographic technology operated by accredited colleges or universities in
56 the state; provided further, however, that the department of education

1 shall notify the legislative bill drafting commission upon the creation
2 of four acceptable qualifying associate degree programs in order that
3 the commission may maintain an accurate and timely effective data base
4 of the official text of the laws of the state of New York in furtherance
5 of effectuating the provisions of section 44 of the legislative law and
6 section 70-b of the public officers law. Effective immediately the addi-
7 tion, amendment and/or repeal of any rule or regulation necessary for
8 the implementation of this act on its effective date is authorized to be
9 made on or before such effective date.