S T A T E O F N E W Y O R K

354

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. HOYT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to licensing the practice of polysomnographic technology

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 167 to read as follows:

ARTICLE 167

POLYSOMNOGRAPHIC TECHNOLOGY PRACTICE

SECTION 8800. INTRODUCTION.
8801. DEFINITIONS.
8802. PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY.
8803. USE OF THE TITLE "POLYSOMNOGRAPHIC TECHNOLOGIST".
8804. STATE COMMITTEE FOR POLYSOMNOGRAPHIC TECHNOLOGY.
8805. REQUIREMENTS AND PROCEDURES FOR PROFESSIONAL LICENSURE AND REGISTRATION.
8806. LIMITED PERMITS.
8807. EXEMPTIONS.
8808. SPECIAL PROVISIONS.
8809. MANDATORY CONTINUING EDUCATION.

S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF LICENSED POLYSOMNOGRAPHIC TECHNOLOGY. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

S 8801. DEFINITIONS. AS USED IN THIS ARTICLE:

1. THE TERM "PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY" SHALL MEAN THE PROCESS OF ANALYZING, SCORING, MONITORING AND RECORDING OF PHYSIOLOGIC DATA DURING SLEEP AND WAKEFULNESS TO ASSIST IN THE CLINICAL ASSESSMENT AND DIAGNOSIS OF SLEEP/WAKE DISORDERS AND OTHER DISORDERS, SYNDROMES AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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

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

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

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

(C) INITIATION OF CARDIOPULMONARY RESUSCITATION, MAINTENANCE OF PATIENT'S AIRWAY (WHICH DOES NOT INCLUDE ENDOTRACHEAL INTUBATION), TRANSCRIPTION AND IMPLEMENTATION OF PHYSICIAN ORDERS PERTAINING TO THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY;

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

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

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

S 8803. USE OF THE TITLE "POLYSOMNOGRAPHIC TECHNOLOGIST". ONLY A PERSON LICENSED UNDER THIS ARTICLE SHALL USE THE TITLE "LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST," "POLYSOMNOGRAPHIC TECHNOLOGIST," OR "LICENSED SLEEP TECH".

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

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

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

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

(B) TWO LICENSED RESPIRATORY THERAPISTS WHO HAVE TRAINING AND/OR EXPERIENCE IN THE DIAGNOSIS OR TREATMENT OF SLEEP DISORDERS;

(C) ONE LICENSED PHYSICIAN WHO PRACTICES IN THE FIELD OF SLEEP MEDICINE; AND

(D) A REPRESENTATIVE OF THE PUBLIC AT LARGE.

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

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

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

(II) COMPLETED A COURSE OF STUDY SUBSTANTIALLY EQUIVALENT TO AN ASSOCIATE DEGREE PROGRAM DETERMINED TO BE ACCEPTABLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, AND WHICH IS SATISFACTORY TO THE COMMISSIONER AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS FOR THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGY;

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

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

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

(F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

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

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

S 8806. LIMITED PERMITS. LIMITED PERMITS MAY BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS, AS FOLLOWS:

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

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

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

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

S 8807. EXEMPTIONS. THIS ARTICLE SHALL NOT PROHIBIT:

1. THE PRACTICE OF LICENSED POLYSOMNOGRAPHIC TECHNOLOGY AS AN INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN REGISTERED POLYSOMNOGRAPHIC TECHNOLOGY EDUCATION PROGRAMS OR REGISTERED RESPIRATORY CARE 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

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

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

5. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE MANDATORY CONTINUING EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF MANDATORY CONTINUING EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

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

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

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

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