

# HOUSE BILL 879

J2

3lr2793

---

By: **Delegate Hubbard**

Introduced and read first time: February 7, 2013

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Polysomnographic Technologists – Licensure and**  
3 **Discipline**

4 FOR the purpose of authorizing, rather than requiring, the State Board of Physicians  
5 to reinstate, under certain circumstances, the license of a polysomnographic  
6 technologist; repealing the requirement that the Board place a licensed  
7 polysomnographic technologist on inactive status under certain circumstances;  
8 repealing obsolete language regarding the reinstatement of licenses of certain  
9 polysomnographic technologists; authorizing the Board, subject to a certain  
10 provision of law, to deny a license or take certain action against a licensee for  
11 failing to cooperate with a lawful investigation conducted by the Board;  
12 prohibiting, except as otherwise provided by certain provisions of law, a licensed  
13 physician from employing or supervising an individual practicing  
14 polysomnography without a license; prohibiting certain entities, except as  
15 otherwise provided by certain provisions of law, from employing an individual  
16 practicing polysomnography without a license; authorizing the Board to impose  
17 a certain civil penalty for the violation of certain provisions of this Act;  
18 requiring the Board to pay the penalty into the General Fund of the State;  
19 providing that a person who violates a provision of the Maryland  
20 Polysomnography Act is subject to a certain civil fine to be levied by the Board;  
21 and generally relating to the regulation of the practice of polysomnography in  
22 the State.

23 BY repealing and reenacting, with amendments,  
24 Article – Health Occupations  
25 Section 14–5C–14(f), 14–5C–17(a)(26) and (27), and 14–5C–23(b)  
26 Annotated Code of Maryland  
27 (2009 Replacement Volume and 2012 Supplement)

28 BY repealing  
29 Article – Health Occupations

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 14-5C-15  
 2 Annotated Code of Maryland  
 3 (2009 Replacement Volume and 2012 Supplement)

4 BY adding to  
 5 Article – Health Occupations  
 6 Section 14-5C-17(a)(28) and 14-5C-22.1  
 7 Annotated Code of Maryland  
 8 (2009 Replacement Volume and 2012 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Health Occupations**

12 14-5C-14.

13 (f) The Board [shall] **MAY** reinstate the license of a polysomnographic  
 14 technologist who has [not placed the license on an inactive status and who has] failed  
 15 to renew the license for any reason, **AND WHO APPLIES FOR REINSTATEMENT**  
 16 **AFTER THE LICENSE HAS EXPIRED**, if the polysomnographic technologist:

17 (1) [Applies for reinstatement within 30 days after the date the license  
 18 expires;

19 (2)] Meets the renewal requirements of this section; [and]

20 [(3)] (2) Pays to the Board the reinstatement fee set by the Board;  
 21 **AND**

22 (3) **MEETS ANY OTHER REQUIREMENTS ESTABLISHED BY**  
 23 **REGULATION.**

24 [14-5C-15.

25 (a) (1) The Board shall place a licensed polysomnographic technologist on  
 26 inactive status, if the licensee submits to the Board:

27 (i) An application for inactive status on the form required by  
 28 the Board; and

29 (ii) The inactive status fee set by the Board.

30 (2) The Board shall issue a license to an individual who is on inactive  
 31 status if the individual complies with the renewal requirements that exist at the time  
 32 the individual changes from inactive to active status.

1 (b) The Board may reinstate the license of a polysomnographic technologist  
2 who has not been put on inactive status, who has failed to renew the license for any  
3 reason, and who applies for reinstatement more than 30 days after the license has  
4 expired, if the polysomnographic technologist:

5 (1) Meets the renewal requirements of § 14-5C-14 of this subtitle;

6 (2) Pays to the Board the reinstatement fee set by the Board; and

7 (3) Meets any other requirements established by regulation.]

8 14-5C-17.

9 (a) Subject to the hearing provisions of § 14-405 of this title, the Board may  
10 deny a license to any applicant, reprimand any licensee, place any licensee on  
11 probation, or suspend or revoke a license if the applicant or licensee:

12 (26) Refuses, withholds from, denies, or discriminates against an  
13 individual with regard to the provision of professional services for which the licensee is  
14 licensed and qualified to render because the individual is HIV positive; [or]

15 (27) Practices or attempts to practice a polysomnography procedure or  
16 uses or attempts to use polysomnography equipment if the applicant or licensee has  
17 not received education and training in the performance of the procedure or the use of  
18 the equipment; OR

19 (28) **FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**  
20 **CONDUCTED BY THE BOARD.**

21 14-5C-22.1.

22 (A) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED**  
23 **PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING**  
24 **POLYSOMNOGRAPHY WITHOUT A LICENSE.**

25 (B) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL,**  
26 **A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN EMPLOYER**  
27 **MAY NOT EMPLOY AN INDIVIDUAL PRACTICING POLYSOMNOGRAPHY WITHOUT A**  
28 **LICENSE.**

29 (C) **THE BOARD MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN**  
30 **\$5,000 FOR A VIOLATION OF THIS SECTION.**

1           **(D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**  
2 **SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

3 14-5C-23.

4           (b) Any person who violates [§ 14-5C-21] A PROVISION of this subtitle is  
5 subject to a civil fine of not more than \$5,000 to be levied by the Board.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2013.