

**Title 46**  
**PROFESSIONAL AND**  
**OCCUPATIONAL STANDARDS**  
**Part XLV. Medical Professions**  
**Subpart 1. General**  
**Subchapter N.**  
**Polysomnographic Technologists**  
**and Technicians Fees**

**§241. Scope of Subchapter**

A. The rules of this Subchapter prescribe the fees and costs applicable to the board's issuance of a license or permit to practice polysomnographic technology in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870, 37:1270(B)(6) and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3277 (December 2013).

**§243. License and Permit**

A. For processing an application for a license as a polysomnographic technologist a fee of \$150 shall be payable to the board.

B. For processing an application for a permit as a polysomnographic technician a fee of \$100 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870, 37:1270(B)(6) and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3277 (December 2013).

**§245. Renewal**

A. For processing an application for annual renewal of the license of a polysomnographic technologist a fee of \$75 shall be payable to the board.

B. For processing an application for renewal of the permit of a polysomnographic technician a fee of \$50 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870, 37:1270(B)(6) and 37:1281.

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**Title 46**  
**PROFESSIONAL AND**  
**OCCUPATIONAL STANDARDS**  
**Part XLV. Medical Professions**  
**Subpart 2. Licensure and**  
**Certification**  
**Chapter 33. Polysomnographic**  
**Technologists and Technicians**

**Subchapter A. General**  
**Provisions**

**§3301. Scope of Chapter**

A. The rules of this Chapter provide for and govern the issuance of licenses and permits to practice polysomnographic technology in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3278 (December 2013).

**§3303. Definitions**

A. As used in this Chapter, the following terms shall have the meanings specified.

*Advisory Committee on Polysomnography or the committee—the committee* established in R.S. 37:2864.

*Applicant*—an individual who has applied to the board for a license or permit to practice polysomnographic technology in the state of Louisiana.

*Application*—a request directed to and received by the board, in a format approved by the board, for a license or permit to practice polysomnographic technology in the state of Louisiana, together with all information, certificates, documents, and other materials required by the board to be submitted therewith.

*American Academy of Sleep Medicine or AASM*—the national organization that establishes accreditation standards for sleep centers and sleep labs.

*American Board of Sleep Medicine or ABSM*—the national organization developed for the purpose of establishing and maintaining standards for sleep disorders medicine, which also offers the sleep

technologist registry examination and issues the registered sleep technologist credential.

*Board*—the Louisiana State Board of Medical Examiners, as established in R.S. 37:1263.

*Board of Registered Polysomnographic Technologists* or *BRPT*—the national credentialing agency for polysomnographic technologists, or its successor organization.

*Commission on Accreditation of Allied Health Education Programs* or *CAAHEP*—the national agency that reviews and accredits educational programs of allied health sciences for the purpose of establishing and maintaining national standards.

*Direction and Supervision of a Physician*—responsible direction and control by a physician for the proper performance of polysomnographic technology. Such direction and supervision shall not be construed to require the physical presence of the supervising physician provided that the physician is immediately available to furnish assistance and direction, either in person or by telephone or by electronic means, throughout the performance of the polysomnographic procedure or service.

*Direct Supervision*—supervision by a physician or a qualified health care provider currently licensed by the board, whose scope of practice includes polysomnography, who is present in the area where the procedure or service is being performed and is available to furnish assistance and direction throughout the procedure or service.

*Good Moral Character*—as applied to an applicant, means that:

a. the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:2867 or Chapter 63 of these rules for the denial, suspension, or revocation of a license or permit to practice polysomnographic technology;

b. the applicant has not, prior to or in connection with his or her application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; or

c. the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the qualifications for a license or permit required by this Chapter.

*License* or *Licensure*—the lawful authority to engage in the practice of polysomnographic technology in this state, as evidenced by a certificate duly issued by and under the official seal of the board.

*Louisiana Polysomnographic Practice Act* or *the Act*—R.S. 37:2861-2870 as may be amended.

*Permit*—the lawful authority to engage in the practice of polysomnographic technology in the state of Louisiana for a designated period of time, as evidenced by a certificate duly issued by and under the official seal of the board. A *permit* is of determinate, limited duration and implies no right or entitlement to the issuance of a license or to permit renewal except as provided in these rules.

*Physician*—an individual licensed by the board to practice medicine in this state as evidenced by a current license duly issued by the board.

*Polysomnography*—the performance of sleep diagnostics in any setting or location under the direction and supervision of a physician who has performed a comprehensive clinical evaluation and on the basis of this evaluation has ordered the sleep diagnostic study.

*Polysomnographic Technician* or *Technician* or *Permit Technician*—an allied health professional who possesses a current permit duly issued by the board under this Chapter to practice *polysomnographic* technology under the direct supervision of a physician or a qualified allied health professional currently licensed by the board whose scope of practice includes *polysomnography*.

*Polysomnographic Technologist* or *Technologist*—an allied health professional who possesses a current license to practice polysomnographic technology issued by the board to perform both diagnostic and therapeutic polysomnograms under the direction and supervision of a physician.

*Polysomnographic Technology*—the allied health specialty practiced under the direction and supervision of a physician involving the attended monitoring and testing of individuals suffering from any sleep disorder as classified in the international classification of sleep disorders. Such procedures include but are not limited to the following, conducted only upon the written prescription or verbal order of a physician and under his or her direction and supervision:

a. application of electrodes and apparatus necessary to monitor and evaluate sleep disturbances, including positive airway pressure on spontaneously

breathing patients and the application of devices which allow a physician to diagnose sleep disorders, which disorders include sleep breathing disorders, movement disorders, disorders of excessive somnolence, and physiologic impotence;

b. institution of any type of physiologic monitoring applicable to polysomnography;

c. initiation of treatment changes and testing techniques required for the implementation of polysomnographic protocols under the supervision and direction of a physician;

d. set-up of the positive air pressure equipment in the patient's home, instructions including use of the equipment and adjustment of the settings, exclusive of delivery and directions on turning the equipment on and off;

e. education of patients and their families about their sleep disorders and monitoring their progress in treatment of such disorders; and

f. provided, however, that:

i. other than an esophageal pressure monitoring probe, *polysomnographic technology* does not include the application or insertion of any device or appliance that extends into the trachea or esophagus or that attaches to an artificial airway; and

ii. if invasive ventilation is used during a titration study, a respiratory therapist or a physician shall be physically present.

*Supervising Physician*—a qualified physician who provides direction and supervision to an individual who is licensed, or direct supervision to one who holds a permit, to practice polysomnographic technology in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3278 (December 2013).

## **Subchapter B. Requirements and Qualifications for Licensure**

### **§3305. Scope of Chapter**

A. The rules of this Subchapter govern the qualifications and requirements prerequisite to issuance of a license or permit to practice polysomnographic technology in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3279 (December 2013).

### **§3307. Qualifications for Polysomnographic Technologist License**

A. To be eligible for a polysomnographic technologist license on or before July 17, 2017, an applicant shall:

1. be at least 18 years of age;

2. be of good moral character as defined by this Chapter;

3. be a high school graduate or have the equivalent of a high school diploma;

4. have a current credential as a polysomnographic technologist which is granted on the basis of written examination by one of the entities identified in §3319 of this Chapter;

5. hold current certification in basic cardiac life support or cardiopulmonary resuscitation from a nationally recognized and accredited training organization;

6. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States, duly issued by the Citizenship and Immigration Services of the United States, Office of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the regulations thereunder (8 C.F.R.);

7. satisfy the procedures and requirements for application and examination specified in Subchapters C and D of this Chapter; and

8. not otherwise be disqualified due to any ground for licensure denial provided by the Act or these rules.

B. To be eligible for a polysomnographic technologist license after July 17, 2017, an applicant shall in addition to meeting the qualifications set forth in §3307.A:

1. be a graduate of a CAAHEP accredited education program in polysomnography; and

2. have passed a polysomnographic technology examination that is administered as a component of a certificate program approved by the board, which is accredited by the National Commission for Certifying Agencies, the American National Standards Institute or another national accrediting organization approved by the board.

C. The requirements of §3307.B apply only to new applicants after July 17, 2017. An applicant who

was licensed before that date is eligible for license renewal or reinstatement based upon meeting the eligibility requirements in effect at the time the applicant's initial license was issued.

D. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3279 (December 2013).

### **§3309. Qualifications for Licensure by Reciprocity**

A. The board may issue a polysomnographic technologist license to an applicant who has relocated to this state and filed an application for licensure with the board provided the applicant holds a current, unrestricted license to practice as a polysomnographic technologist duly issued by the licensing authority of another state, the District of Columbia, or a territory of the United States, and meets and satisfies all of the qualifications, procedures and requirements for licensure specified by §3307 of this Subchapter.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure on the basis of reciprocity shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3279 (December 2013).

## **Subchapter C. Application**

### **§3311. Purpose and Scope**

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the board for a license or permit to practice polysomnographic technology in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3280 (December 2013).

### **§3313. Application for License or Permit; Procedure**

A. Application for license or a permit must be made in a format approved by the board.

B. Applications and instructions may be obtained from the board's web page or by personal or written request to the board.

C. An application for a license or a permit shall include:

1. proof documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in this Chapter;

2. one recent photograph of the applicant;

3. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

4. criminal background record information;

5. the name and contact information of each current employer, intended employer and supervising physician, if known;

6. payment of the applicable fee provided in Chapter 1 of these rules; and

7. such other information and documentation as the board may require.

D. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

E. The board may reject or refuse to consider any application which is not complete in every detail. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870, 37:1270(B)(6) and 37:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3280 (December 2013).

### **§3315. Effect of Application**

A. The submission of an application for a license or a permit to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which

the applicant has applied for any license, permit, certificate, or registration, each person, firm, corporation, clinic, office, or institution by whom or with whom the applicant has been employed in the practice of polysomnographic technology, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for a license or a permit to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board and to waive all objections as to the admissibility or disclosure of findings, reports, or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for a license or a permit to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to this Section to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefor, including, without limitation, the polysomnography licensing authority of any state, a national credentialing agency(s) accepted by the board for polysomnographic technologists; the Federal Drug Enforcement Agency; the Department of Health and Hospitals; federal, state, county, parish and municipal health and law enforcement agencies; and the Armed Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3280 (December 2013).

## **Subchapter D. Examination**

### **§3317. Purpose and Scope**

A. The rules of this Subchapter govern the procedures and requirements applicable to the examination for licensure as a polysomnographic technologist in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3280 (December 2013).

### **§3319. Designation of Examination**

A. The examinations accepted by the board for licensing a polysomnographic technologist are the credentialing examination for certification as a registered polysomnographic technologist administered by the BRPT, the registered sleep technologist examination administered by the ABSM, or such other certifying entity as the board may subsequently approve.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3280 (December 2013).

### **§3321. Restriction, Limitation on Examinations**

A. An applicant who fails the examination four times shall not thereafter be considered for licensure until successfully completing such continuing education or additional training as may be recommended by the advisory committee and approved by the board or as the board may otherwise determine appropriate. For multiple failures beyond four attempts such education or training may include, without limitation, repeating all or a portion of any didactic and/or clinical training required for licensure

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3281 (December 2013).

### **§3323. Passing Score; Reporting of Examination Score**

A. An applicant will be deemed to have successfully passed an examination accepted by the board if he or she attains a score equivalent to that required by the testing organization as a passing score.

B. Applicants for licensure shall request the testing organization to notify the board of the number of examination attempts and results according to the

procedures for such notification established by the organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3281 (December 2013).

## **Subchapter E. Licensure Issuance, Termination, Renewal, Reinstatement and Permits**

### **§3325. Scope of Chapter**

A. The rules of this Subchapter govern the issuance, expiration, renewal and reinstatement of a license or permit to practice polysomnographic technology in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3281 (December 2013).

### **§3327. Issuance of Licensure**

A. If the qualifications, requirements, and procedures prescribed or incorporated by this Chapter are met to the satisfaction of the board, the board shall license the applicant to engage in the practice of polysomnographic technology in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3281 (December 2013).

### **§3329. Expiration of License**

A. A license, but not a permit, issued by the board under this Chapter shall expire and thereby become null, void and to no effect each year on the last day of the month in which the licensee was born.

B. A permit is not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3281 (December 2013).

### **§3331. Renewal of License**

A. Every license issued by the board under this Chapter shall be renewed annually on or before the last day of the month in which the licensee was born by submitting to the board:

1. a renewal application in a format specified by the board;

2. evidence of current certification as a registered polysomnographic technologist by the BRPT or registered sleep technologist by the ABSM, or certification or registration by such other organization as the board may subsequently approve;

3. evidence of current certification in basic cardiac life support or cardiopulmonary resuscitation from a nationally recognized and accredited training organization;

4. documentation of not less than ten hours of approved continuing professional education within the past twelve months as prescribed by Subchapter G of these rules;

5. the renewal fee prescribed in Chapter 1 of these rules;

6. the name and contact information of each current employer and supervising physician; and

7. such other information or documentation as the board may require.

B. Renewal applications and instructions may be obtained from the board's web page or upon personal or written request to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3281 (December 2013).

### **§3333. Reinstatement of License**

A. A license which is expired may be reinstated by the board subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made in a format specified by the board and be accompanied by:

1. a biographical affidavit in a format provided by the board;

2. a recent photograph of the applicant;

3. evidence of current certification as a polysomnographic technologist by the BRPT or as a sleep technologist by the ABSM or such other certifying entity as the board may subsequently approve;

4. evidence of current certification in basic cardiac life support or cardiopulmonary resuscitation from a nationally recognized and accredited training organization;

5. proof of ten hours of approved continuing professional education for each year that the license

has lapsed or expired, as set forth in Subchapter G of this Chapter;

6. such other information and documentation as the board may require to evidence qualification for licensure; and

7. the renewal fee set forth in Chapter 1 of these rules, plus a penalty computed as follows:

a. if the application for reinstatement is made less than two years from the date of license expiration, the penalty shall be equal to the renewal fee;

b. if the application for reinstatement is made more than two years from the date of license expiration, the penalty shall be equal to twice the renewal fee.

C. An applicant who has not been licensed to practice as a polysomnographic technologist or engaged in such practice in any state for more than five years immediately prior to the date of the application shall, within such five year period, have been re-credentialed by the successful passage of the examination required for initial licensure, or the examination for re-certification, in accordance with requirements for examination specified in Subchapter D of this Chapter, including but not limited to the restriction and limitation on examinations set forth in §3321 of these rules. Such an applicant shall not be required to furnish evidence of continuing professional education as otherwise required by §3333.B.

D. An application for reinstatement of licensure meeting the requirements and conditions of this Section may nonetheless be denied for any of the causes for which an application for an original license may be refused by the board as specified in R.S. 37:2867 or in Chapter 63 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870, 37:1270(B)(6) and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3281 (December 2013).

### **§3335. Polysomnographic Technician Permit**

A. The board may issue a polysomnographic technician permit to an individual who has made application to the board for such permit. To be eligible for a polysomnographic technician permit an applicant shall:

1. meet and satisfy all of the qualifications, procedures and requirements for licensure specified by §3307.A.1-6 of this Chapter, save for current certification as a registered polysomnographic

technologist by the BRPT or registered sleep technologist by the ABSM on the basis of written examination;

2. have:

a. passed the (entry-level) certification examination offered by the BRPT; or

b. completed an accredited CAAHEP education program in polysomnography;

3. satisfy the procedures and requirements for application specified in Subchapter C of this Chapter; and

4. not otherwise be disqualified due to any ground for licensure denial provided by the Act or these rules.

B. Permit Term. A permit issued under this Section shall be effective for twelve months and shall expire and become null and void on the earlier:

1. twelve months from the date of issuance; or

2. the date on which the applicant meets and satisfies the qualifications, procedures and requirements of §3307 of this Chapter.

C. Renewal. A permit issued under this Section shall not be renewed beyond its original term unless the applicant failed to take or failed to pass the BRPT or ABSM examination with the original permit term. A permit that is renewed under this Section shall be effective for twelve months and shall expire and become null and void on the earlier of:

1. twelve months from the date of issuance; or

2. the date on which the applicant meets and satisfies the qualifications, procedures and requirements of §3307 of this Chapter.

D. A permit that is renewed under §3335.C of this Section is not renewable. Exceptions may be made at the sole discretion of the board upon a request submitted in writing at least thirty days prior to the expiration of the permit, identifying a life-threatening or another significant medical condition or other extenuating circumstance deemed acceptable to the board. The maximum term of any such exception shall not exceed 12 months and its issuance may be conditioned upon any terms that the board may deem appropriate.

E. The burden of satisfying the board as to the qualifications and eligibility of the applicant for a permit shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such

qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3282 (December 2013).

**§3337. Reserved.**

## **Subchapter F. Advisory Committee on Polysomnography**

### **§3339. Organization and Authority**

A. The Advisory Committee on Polysomnography (the "committee"), as established, appointed and organized pursuant to R.S. 37:2864 of the Act is hereby recognized by the board.

B. The committee shall:

1. have such authority as is accorded to it by the Act;

2. function and meet as prescribed by the Act;

3. upon request, assist the board in examining the qualifications and credentials of applicants for polysomnographic technology licensure and make recommendations thereon to the board;

4. monitor and report to the board on the status and development of CAAHEP accredited polysomnography training programs in this state;

5. advise the board on issues affecting the licensing and regulation of polysomnographic technology in this state;

6. provide advice and recommendations to the board respecting the modification, amendment, and supplementation of rules, regulations and policies respecting polysomnography licensure and practice;

7. serve as a liaison between and among the board, individuals engaged in the practice of polysomnographic technology in this state and professional organizations;

8. perform such other functions and provide such additional advice and recommendations as may be requested by the board;

9. advise and assist the board in the review and approval of continuing professional education programs and licensee satisfaction of continuing professional education requirements for renewal of licensure, as prescribed by this Subchapter G of this Chapter, including the authority and responsibility to:

a. provide recommendations to the board on approval of any additional organizations or entities as sponsors of qualifying continuing professional education programs pursuant to §3347.B of these rules;

b. request and obtain from continuing professional education sponsoring organizations any information necessary to properly evaluate and make informed recommendations to the board relative to the appropriateness of the educational program;

c. request and obtain from applicants for renewal of licensure referred by the board, such additional information as the committee may deem necessary or appropriate to enable it to make the evaluations and provide recommendations for which the committee is responsible; and

10. receive reimbursement for travel expenses incurred during attendance at committee meetings and for other expenses when specifically authorized by the board.

C. In discharging the functions authorized under this Section the committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the committee members relative to individual applicants, licensees or permit holders pursuant to this Section shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone, other than the board, any information or documents obtained when acting as agents of the board without first obtaining the written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3282 (December 2013).

## **Subchapter G. Continuing Professional Education**

### **§3341. Scope of Subchapter**

A. The rules of this Subchapter provide standards for the continuing professional education required for the annual renewal or reinstatement of licensure as a polysomnographic technologist and prescribe the procedures applicable to satisfaction and documentation thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3283 (December 2013).

**§3343. Continuing Professional Education Requirement**

A. Subject to the exceptions and waiver specified in this Subchapter, to be eligible for the renewal of a polysomnographic technologist license an applicant shall, within each year that he or she holds a license, evidence and document, in a manner specified by the board, the successful completion of not less than ten hours of continuing education credits ("CEC") sanctioned by the organizations identified in this Subchapter, or their successors.

B. To be eligible for the reinstatement of a polysomnographic technologist license an applicant shall evidence and document, in a manner specified by the board, the successful completion of not less than ten hours of approved CEC for each year that the license has lapsed or expired.

C. For purposes of this Section, one CEC is the equivalent to one hour of participation in an organized continuing professional education program approved by the board and meeting the standards prescribed in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3283 (December 2013).

**§3345. Qualifying Continuing Professional Education**

A. To be acceptable as qualified continuing professional education under these rules a program shall:

1. have significant and substantial intellectual or practical content dealing principally with matters germane and relevant to the practice of polysomnographic technology;

2. have pre-established written goals and objectives, with its primary objective being to maintain or increase the participant's competence in the practice of polysomnographic technology;

3. be presented by individuals whose knowledge and/or professional experience is appropriate and sufficient to the subject matter of the presentation. Copies of credentials shall be available to the committee or the board upon request;

4. provide a system or method for verification of attendance or course completion;

5. be a minimum of one continuous hour in length;

6. allow participants an opportunity to ask questions on the content presented; and

7. include assessment and evaluation mechanisms to insure that participants have achieved a specified level of performance and to provide for evaluation of instructional methods, facilities and resources used.

B. None of the following programs, seminars, or activities shall be deemed to qualify as acceptable continuing education credits under these rules:

1. any program not meeting the standards prescribed by this Section;

2. any independent/home study, correspondence, on-line, lecture, workshop, program or seminar that is not approved or sponsored by the AASM, the American Association of Sleep Technologists (AASST) or the American Association of Respiratory Care (AARC);

3. holding office in professional or governmental organizations, agencies, or committees;

4. participation in case conferences, informal presentations, or in-service activities;

5. giving or authorizing verbal or written presentations, seminars, articles, or grant applications;

6. certification in basic cardiac life support or cardiopulmonary resuscitation; and

7. any program, presentation, seminar, or course not providing the participant an opportunity to ask questions or seek clarification of matters pertaining to the content presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3283 (December 2013).

**§3347. Approval of Program Sponsors**

A. Any program, course, seminar, workshop, or other activity meeting the standards prescribed by §3345.A of this Subchapter shall be deemed approved for purposes of satisfying the continuing education requirement under this Subchapter, if sponsored or offered by the AASM, AASST, BRPT or the AARC.

B. Upon the recommendation of the committee or on its own motion, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of

qualifying as approved continuing education under §3345 or §3347 of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3284 (December 2013).

#### **§3349. Documentation Procedure**

A. Annual documentation and certification of satisfaction of the continuing education requirement prescribed by these rules shall accompany a polysomnographic technologist's renewal application in a format specified by the board.

B. A polysomnographic technologist shall maintain a record of certification and satisfaction of attendance for at least five years from the date of completion of the continuing professional education program.

C. The board shall randomly select for audit no fewer than three percent of licensees each year for an audit of continuing education activities. In addition, the board may audit any questionable documentation of activities. Verification shall be submitted within 30 days of the notification of audit. A licensee's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

D. Any certification of continuing professional education not presumptively approved by the board pursuant to these rules, or pre-approved by the board in writing, may be referred to the committee for its evaluation and recommendations.

E. If the committee or the board determines that a continuing professional education program or activity certified by an applicant for renewal does not qualify for recognition by the board or does not qualify for the number of continuing education credits claimed by the applicant, the board shall give notice of such determination to the applicant. An applicant may appeal the recommendation by written request delivered to the board within ten days of such notice. The board's decision with respect to approval and recognition of any such program or activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3284 (December 2013).

#### **§3351. Failure to Satisfy Continuing Professional Education Requirement**

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing professional education requirement prescribed by this Subchapter shall be given written notice of such failure by the board, mailed to the applicant's mailing address on file with the board. The license of the applicant shall remain in full force and effect for a period of 60 days following the mailing of such notice, following which it shall be deemed expired, unrenewed, and subject to revocation without further notice unless the applicant shall have, within such 60 days, furnished the board satisfactory evidence by affidavit that:

1. the applicant has satisfied the applicable continuing professional education requirement;

2. the applicant is exempt from such requirement pursuant to these rules; or

3. the applicant's failure to satisfy the continuing professional education requirement was occasioned by disability, illness, or other good cause as may be determined by the board.

B. Any licensee or applicant who falsely certifies attendance and/or completion of the required continuing professional education requirement will be subject to disciplinary action by the board.

C. The license of a polysomnographic technologist which has expired by nonrenewal or has been revoked for failure to satisfy the continuing professional education requirement of these rules may be reinstated by the board upon the applicant's satisfaction of the requirements and procedures for reinstatement of licensure, set forth in §3333 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3284 (December 2013).

#### **§3353. Exceptions to Continuing Professional Education Requirement**

A. The continuing professional education requirement prescribed by this Subchapter for renewal of licensure shall not be applicable to a polysomnographic technologist:

1. employed exclusively by, or at an institution operated by the United States Government; or

2. who has within the twelve months prior to the date of renewal, been credentialed or re-credentialed as a polysomnographic technologist on

the basis of examination as specified in §3319 of this Chapter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3284 (December 2013).

### **§3355. Waiver of Requirement**

A. The board may, in its discretion, waive all or part of the continuing professional education required by these rules in favor of a polysomnographic technologist who makes a written request for such waiver to the board and evidences to its satisfaction a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the individual's satisfaction of the continuing professional education requirement. Any licensed polysomnographic technologist submitting a continuing professional education waiver request is required to do so on or before the date specified by this Chapter for the renewal of the licensee's license. Any request received by the board past the date for licensure renewal will not be considered for waiver but, rather, in accordance with the provisions of §3351 of these rules.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3284 (December 2013).

## **Title 46**

# **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

## **Part XLV. Medical Professions**

### **Subpart 3. Practice**

## **Chapter 63. Polysomnographic Technologists and Technicians**

### **Subchapter A. General Provisions**

#### **§6301. Scope of Chapter**

A. The rules of this Chapter govern the practice of polysomnographic technology in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3285 (December 2013).

#### **§6303. General Definitions**

A. The definitions set forth in Chapter 33 of these rules shall equally apply to this Chapter, unless the context clearly states otherwise.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3285 (December 2013).

## **Subchapter B. Unauthorized Practice, Exemptions, and Designation of License or Permit**

#### **§6305. Unauthorized Practice**

A. No individual shall engage or attempt to engage in the practice of polysomnographic technology in this state, unless he or she holds a current license or a permit to practice polysomnographic technology issued by the board under Chapter 33 of these rules.

B. An individual who does not hold a current polysomnographic technologist license issued by the board, and or whose license has been suspended or revoked, shall not use in conjunction with his or her name the words "licensed polysomnographic technologist," "LPSGT," or any other similar words, letters, abbreviations, or insignia indicating directly or by implication, that he or she is a polysomnographic technologist or that the services provided by such individual constitute polysomnographic technology.

C. An individual who does not hold a current polysomnographic technician permit issued by the board, or whose permit has been suspended or revoked, shall not use in conjunction with his or her name the words "polysomnographic technician," "permit technician," or "PSGT-E," or any other similar words, letters, abbreviations, or insignia indicating directly or by implication, that he or she is a polysomnographic technician or that the services provided by such individual constitute polysomnographic technology.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3285 (December 2013).

### §6307. Exemptions

A. The prohibitions of §6305.A of this Chapter shall not apply to an individual:

1. acting under and within a license issued by any licensing agency of the state of Louisiana, whose scope of practice includes polysomnography;

2. employed as a polysomnographic technologist by the United States Government when acting exclusively within the course and scope of such employment;

3. currently licensed by the board to practice respiratory therapy; or

4. pursuing a course of study in a CAAHEP accredited polysomnographic technology education program from performing a polysomnography procedure or service, provided:

a. the polysomnographic procedure or service is within the individual's course of study; and

b. the polysomnographic procedure or service is performed under the direct supervision of a physician or a qualified allied health professional currently licensed by the board whose scope of practice includes polysomnography.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3285 (December 2013).

### §6309. Designation of License or Permit

A. Every polysomnographic technologist and polysomnographic technician shall wear an identification badge when engaged in the practice of polysomnographic technology. The identification badge shall be clearly visible at all times and shall bear the first name or initial, the full surname and the term reflecting the individual's level of licensure.

B. A polysomnographic technologist may use the words "polysomnographic technologist" or "licensed polysomnographic technologist" or the letters "PSGT" or "LPSGT" in connection with his or her name to denote his or her license.

C. A polysomnographic technician may use the words "polysomnographic technician" "permit technician" or the letters "PSGT-E" in connection with his or her name to denote his or her permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3285 (December 2013).

## Subchapter C. Mutual Obligations

### §6311. Mutual Obligations and Responsibilities

A. A supervising physician, polysomnographic technologist and polysomnographic technician shall bear equal and reciprocal obligations to:

1. comply with reasonable requests by the board for personal appearances, information and documentation relative to the functions, activities, and performance of polysomnographic technology by a polysomnographic technologist, polysomnographic technician and/or supervising physician;

2. insure that each individual to whom a polysomnographic technologist or polysomnographic technician provides polysomnography procedures or services is expressly advised and understands that a polysomnographic technologist or polysomnographic technician is not a physician;

3. insure that all procedures or services performed by a polysomnographic technologist or a polysomnographic technician are properly documented in the patient's record and accurately reflect the services rendered. These entries shall contain, at a minimum:

a. an intake record;

b. the reasons for the visit;

c. the name of the polysomnographic technologist or polysomnographic technician who provides the services;

d. the name of the supervising physician for the services;

e. a summary of any verbal orders taken by polysomnographic technologist or polysomnographic technician; and

f. polysomnography observation notes on each service provided.

B. The polysomnographic technologist, polysomnographic technician, and their supervising physician shall bear equal and reciprocal obligations to insure strict compliance with the obligations, responsibilities and provisions set forth in the rules of this Chapter, and to immediately report any violation or noncompliance thereof to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3285 (December 2013).

## **Subchapter D. Grounds for Administrative Action**

### **§6313. Causes for Disciplinary Action**

A. The board may refuse to issue, renew or reinstate, or may suspend, revoke, or impose probationary conditions and restrictions on the holder of any license or permit to practice polysomnographic technology in this state or on an applicant, if the applicant, licensee or permit holder has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

B. As used herein and in R.S. 37:2867(A), "unprofessional conduct" by an applicant, licensee or holder of a permit to practice polysomnographic technology in this state shall mean and include, but not be limited to:

1. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered;

2. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a misdemeanor under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered, arising out of the practice of polysomnographic technology;

3. fraud, deceit, misrepresentation, or concealment of material facts in procuring or attempting to procure a license or permit to engage in the practice of polysomnographic technology;

4. providing false testimony before the board or providing false sworn information to the board;

5. the habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;

6. cognitive or clinical incompetency;

7. continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of the practice of polysomnographic technology in this state;

8. interdiction by due process of law;

9. failing to successfully complete the continuing professional education requirement for polysomnographic technology as provided in Chapter 33, Subchapter G of these rules;

10. solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading;

11. making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company, or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;

12. knowingly performing any act which in any way assists an individual who does not hold a license or permit to practice polysomnographic technology in this state to engage in the practice of polysomnographic technology, or having a professional connection with or lending one's name to an illegal practitioner;

13. paying or giving anything of economic value to another person, firm, or corporation to induce the referral of patients to a sleep center, laboratory or other entity for polysomnographic technology services or procedures;

14. inability to practice polysomnographic technology with reasonable competence, skill or safety to patients because of mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol;

15. refusal to submit to examination and inquiry by an examining committee of physicians appointed by the board to inquire into the physical and/or mental fitness and ability of an applicant, licensee or permit holder to practice polysomnographic technology with reasonable skill or safety;

16. failure to respond or to provide information or items within the time requested by the board's staff, or to respond to a subpoena issued by the board, or to complete an evaluation within the time designated by the board;

17. practicing polysomnographic technology other than on the written prescription or verbal order of a physician and under his or her direction or supervision, or performing, attempting to perform, or permitting anyone else to perform any procedure not authorized by licensure or permit;

18. intentional violation of any federal or state law, parish or municipal ordinance, the state sanitary code, or rule or regulation relative to any contagious or infectious disease;

19. violation of the code of ethics adopted and published by the BRPT;

20. the refusal of the licensing authority of another state to issue or renew a license or permit to practice polysomnographic technology in that state, or the revocation, suspension, or other restriction imposed on a license or permit issued by such licensing authority which prevents, restricts, or conditions practice in that state, or the surrender of a license or permit issued by another state when criminal or administrative charges are pending or threatened against the holder of such license or permit;

21. violating or helping someone else violate any rule and regulation of the board, or any provision of the Act, as may be amended, R.S. 37:2861-2870.

C. A license or permit that has been suspended by the board shall be subject to expiration during suspension.

D. The denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon the holder of a licensee or permit, or an applicant, may be entered into by consent of the individual and the board, or may be ordered by the board in a decision made after a hearing in accordance with the Administrative Procedure Act, R.S. 49:951 et seq., and the applicable rules and regulations of the board.

E. The board may reinstate any license or permit suspended or revoked hereunder, or restore to unrestricted status any license or permit subject to probationary conditions or restrictions by the board upon payment, if applicable, of the reinstatement fee and satisfaction of such terms and conditions as may be prescribed by the board; provided, however, an application for reinstatement of a license that has been revoked by the board shall not be made or considered by the board prior to the expiration of one year following the date on which the board's order of revocation became final. The board shall have discretion to accept or reject such an application but shall hold a hearing to consider such reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2861-2870 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 39:3286 (December 2013).