

Louisiana
Title 37
Professions and Occupations
RS 37:2861
"Polysomnographic Practice Act"

§2861. Short title

This Chapter shall be known and may be cited as the "Polysomnographic Practice Act".

§2862. Definitions.

The following terms shall have the following meanings, unless otherwise specified:

(1) "Advisory Committee on Polysomnography" means the committee established in R.S. 37:2864.

(2) "American Academy of Sleep Medicine", hereinafter "AASM", means the national organization that establishes accreditation standards for sleep centers and sleep labs.

(3) "American Board of Sleep Medicine", hereinafter "ABSM", means the national organization developed for the purpose of establishing and maintaining standards of board certification for physicians practicing sleep disorders medicine.

(4) "Association of Polysomnographic Technologists", hereinafter "APT", means the national trade association for the promotion and advancement of the interests of polysomnographic technologists and technicians.

(5) "Board of Registered Polysomnographic Technologists", hereinafter "BRPT", means the national credentialing agency for polysomnographic technologists, or its successor organization.

(6) "Commission on Accreditation of Allied Health Education Programs", hereinafter "CAAHEP", means the national agency that reviews and accredits educational programs of allied health sciences for the purpose of establishing and maintaining national standards.

(7) "Direct supervision" means supervision by someone who is physically present in the area where procedures or services are being provided and who is available to furnish assistance and direction throughout the procedure or service.

(8) "Louisiana State Board of Medical Examiners" means that agency established in R.S. 37:1263.

(9) "Physician" means an individual licensed by the Louisiana State Board of Medical Examiners.

(10) "Polysomnography" means the performance of sleep diagnostics under the direction and supervision of a physician to provide comprehensive clinical evaluation.

(11) "Polysomnographic technician" or "permit technician" means an allied health professional who holds a permit issued by the Louisiana State Board of Medical Examiners to practice polysomnography under the direct supervision of the physician or a qualified allied health professional licensed by the Louisiana State Board of Medical Examiners whose scope of practice includes polysomnography.

(12) "Polysomnographic technologist" or "technologist" means an allied health professional who holds a license to practice polysomnographic technology issued by the

Louisiana State Board of Medical Examiners to perform both diagnostic and therapeutic polysomnograms under the direction of a physician.

(13) "Polysomnographic technology" means 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 disorders as classified in the International Classification of Sleep Disorders. Such procedures include but are not limited to the following, conducted only upon written prescription or verbal order of a physician and under his direction and supervision:

(a) Application of electrodes and apparatus necessary to monitor and evaluate sleep disturbances, including 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.

§ **2863. Powers and duties of the Louisiana State Board of Medical Examiners**

In addition to the powers and duties established in R.S. 37:1270, the Louisiana State Board of Medical Examiners shall:

(1) Publish minimum standards for polysomnography.

(2) Approve the licensure examination, and approve, deny, revoke, probate, suspend, and renew licenses of a duly qualified applicant.

(3) Conduct administrative hearings on the denial, suspension, revocation, or refusal to renew a license.

(4) Adopt rules and regulations in accordance with the Administrative Procedure Act for the purpose of administering the provisions of this Chapter.

§**2864. Advisory Committee on Polysomnography; creation**

A.(1) The Advisory Committee on Polysomnography is hereby created and shall be composed of nine members to assist the Louisiana State Board of Medical Examiners in the administration of the provisions of this Chapter.

(2)(a) Four members of the committee shall be licensed polysomnographic technologists registered by the Board of Registered Polysomnographic Technologists and shall be selected by the governor from a list of eight names submitted by the Louisiana Academy of Sleep Medicine.

(b) One member of the committee shall be an individual who is not a licensed polysomnographic technologist but who is active in the field of sleep medicine to be selected by the governor from a list of three names submitted by the Louisiana Academy of Sleep Medicine.

(c) Three members of the committee shall be physicians licensed by the Louisiana State Board of Medical Examiners, two of whom shall also be diplomats of the American Board of Sleep Medicine, one of whom shall be active in the field of sleep medicine, and all of whom shall be selected by the governor from a list of eight names submitted by the Louisiana State Medical Society.

(d) One member of the committee shall be a hospital administrator who shall be selected by the governor from a list of three names submitted by the Louisiana State Hospital Association.

B.(1) The nominating organizations shall submit their lists to the governor sixty days after June 29, 2005.

(2) Members shall serve at the pleasure of the governor. Each appointment by the governor shall be submitted for Senate confirmation.

C. A majority of the members of the committee shall elect a chairman.

D. The committee shall meet no less than annually at a time and place to be determined by the chairman of the committee. A majority of the members of the committee shall constitute a quorum for the transaction of all business.

E. Each member shall serve without compensation but shall be reimbursed for travel expenses incurred during attendance at meetings of the committee and other expenses incurred on business of the committee. Such compensation shall be paid from funds derived from fees as provided in R.S. 37:2868.

§2865. Technologist; qualifications for license; renewal; reciprocity; title

A. In order to obtain a polysomnographic technologist license, an applicant shall demonstrate all of the following to the Louisiana State Board of Medical Examiners:

(1) The applicant is of good moral character.

(2) The applicant has current credentials as a registered polysomnographic technologist granted by the BRPT or equivalent organization approved by the Louisiana State Board of Medical Examiners.

(3) After July 1, 2017, the following requirements shall also be met:

(a) The applicant has graduated from a CAAHEP accredited program.

(b) The applicant has passed an examination that is administered as a component of a certification program that is accredited by the National Commission for Certifying Agencies, the American National Standards Institute, or other national accrediting organizations approved by the Louisiana State Board of Medical Examiners.

(4) The applicant satisfies such other procedures and requirements as the Louisiana State Board of Medical Examiners may require.

B. A license issued under the provisions of this Section shall be subject to annual renewal and will expire unless renewed in the manner prescribed by the Louisiana State Board of Medical Examiners.

C. A polysomnographic technologist who submits a license renewal application shall have completed, in the prior twelve months, at least ten hours or units of continuing education courses sanctioned by the Advisory Committee on Polysomnography and approved by the Louisiana State Board of Medical Examiners.

D. The Louisiana State Board of Medical Examiners may issue a license to a BRPT registered polysomnographic technologist who relocates into this state and who has filed an application for licensure with the Louisiana State Board of Medical Examiners.

E. A license shall entitle the individual to use the title "polysomnographic technologist", "technologist", or the initials "PSGT".

2866. Technicians; qualifications for permit; renewal

A. In order to obtain a permit as a polysomnographic technician, the applicant must demonstrate the following:

(1) The applicant is of good moral character.

(2) The applicant has passed the certification examination offered by BRPT or has completed an educational program accredited by CAAHEP.

B. The permit shall be valid for the lesser of twelve months or the date on which the requirements of R.S. 37:2865 are met.

C. The permit shall be renewable only once if the applicant fails the examination or if the applicant fails to take the qualifying examination; however, the Louisiana State Board of Medical Examiners may adopt rules and regulations for certain exceptions to the provisions of this Subsection due to extenuating circumstances.

D. The permit shall entitle the individual to use the initials "PSGT-E".

§2867. Causes for nonissuance, suspension, revocation, or refusal to renew

A. The Louisiana State Board of Medical Examiners may refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions in the event the licensee or applicant for license has been found guilty of unprofessional conduct which endangers or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

(1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.

(2) Unprofessional conduct, as defined by the policies established by the Louisiana State Board of Medical Examiners, or violating the code of ethics adopted and published by the Board of Registered Polysomnographic Technologists and approved by the Louisiana State Board of Medical Examiners.

(3) Being convicted of or pleading nolo contendere to a crime other than a misdemeanor in any court in the event the acts for which he was convicted or pled nolo contendere are found by the Louisiana State Board of Medical Examiners to have a direct bearing on whether he should be entrusted to serve the public in the capacity of a polysomnographic technologist.

B. Denial, refusal to renew, suspension, or revocation of a license, or the imposition of probationary conditions upon a licensee may be ordered by the Louisiana State Board of Medical Examiners in a decision made after a hearing in the manner provided by the policies which shall be adopted by the Louisiana State Board of Medical Examiners. One year after the date of the revocation of a license, an application may be made to the Louisiana State Board of Medical Examiners for reinstatement. The Louisiana State Board of Medical Examiners shall be required to hold a hearing to consider such reinstatement of said license.

C. A suspended license shall be subject to expiration during suspension.

§2868. Fees

A. The Louisiana State Board of Medical Examiners, under its authority established in R.S. 37:1281(A)(2), shall establish fees for the purpose of implementing the provisions of this Chapter.

B. The fees shall be in an amount, to the extent feasible, to cover the administrative expenses of the Louisiana State Board of Medical Examiners for the licensure process, pursuant to the provisions of this Chapter.

§2869. Individuals and practices not affected

A. Nothing in this Chapter shall be construed as prohibiting, preventing, or restricting the practice, services, or activities of:

(1) Any individual licensed in this state by any other provision of law from engaging in the profession or occupation for which he is licensed.

(2) Any individual employed as a polysomnographic technologist by the United States government in the event such individual provides polysomnography solely under the direction or control of a United States governmental agency by which he is employed.

(3) Any individual pursuing a course of study in a CAAHEP accredited polysomnographic technology education program from performing a polysomnography procedure or service, provided both of the following conditions are met:

(a) The polysomnographic procedure or service is within the individual's course of study.

(b) The polysomnography procedure or service is performed under the direct supervision of a physician or a polysomnographic technologist licensed by the Louisiana State Board of Medical Examiners.

B. The provisions of this Chapter shall not apply to licensed respiratory therapists.

§2870. Prohibitions

A.(1) No individual shall engage or attempt to engage in the practice of polysomnography or perform or attempt to perform polysomnograms, unless he holds a license issued by the Louisiana State Board of Medical Examiners in accordance with the provisions of this Chapter.

(2) An individual who does not hold a license issued by the Louisiana State Board of Medical Examiners in accordance with the provisions of this Chapter or whose license has been suspended or revoked shall not use in conjunction with his name the words "licensed registered polysomnographic technologist", "LRPSGT", or any other similar words, letters, abbreviations, or insignia indicating, directly or by implication, that he is a polysomnographic technologist.

B. The Louisiana State Board of Medical Examiners may impose civil penalties for the unlawful practice of polysomnography.