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STATE BOARD OF POLYSOMNOGRAPHY HUDSON CONFERENCE ROOM, 6TH FLOOR

PUBLIC SESSION MINUTES

SEPTEMBER 15, 2015

FINAL

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The September meeting of the State Board of Polysomnography was convened in accordance with its notice to the Secretary of State, the Bergen Record, the Trenton Times, the Star Ledger and the Courier Post and was conducted in accordance with the provisions of the Open Public Meetings Act.

Chair, Sara Gallagher called the meeting to order at 10:00 A.M. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT: Sara Gallagher, RPSGT, RST
Mitchell Rubinstein, RPSGT, RST
Kathleen Feeney, RPSGT, RST

ABSENT: Dr. Gerald Ferencz

Also in attendance: Dorcas K. O’Neal, Executive Director, Virginia Class-Matthews, Deputy Attorney General and Kathleen Griffith, Staff.

I. APPROVAL OF MINUTES

a. The Board reviewed the August 11, 2015 Public Session Minutes. **On a motion by Mitchell Rubinstein, seconded by Kathleen Feeney the minutes were approved as submitted.**

II. OLD BUSINESS

There were no items of old business.

III. NEW BUSINESS

There were no items of new business.

IV. LEGISLATION/REGULATIONS

a. **Adoption of Proposed Amendment: N.J.A.C. 13:44L-5.4 Unlicensed Practice of Polysomnography Exemptions.** The Board voted to adopt the amendment to N.J.A.C 13:44L-5.4, as proposed.

b. Application for a Temporary License as a Polysomnographic Technician; Application for License as a Polysomnographic Technologist; Application for Licensure by Out-of-State Licensed Polysomnographic Technologist; Renewal of Polysomnographic Technician License; Scope of Practice: Licensed Polysomnographic Technician; Scope of Practice; Licensed Polysomnographic Trainee; Record keeping; Qualified Medical Director.

The Board reviewed as informational, the Proposed Amendments: N.J.A.C. 13:44I-1.2, 2.2, 2.3, 2.4, 3.3, 5.1, 5.2, and 5.3. Proposed Repeal: N.J.A.C. 13:44L-5.10. Comments must be submitted by November 7, 2015.

c. DISCUSSION OF EMPLOYMENT VERIFICATION AND EMPLOYMENT HISTORY

1. AFFIDAVIT

On the Affidavit Page for Polysomnography Trainee-Provisional License Application, Polysomnography Technician -Temporary License Application and the Polysomnography Technologist Application the last page states:

... “I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for licensure or certification. I further authorize all institutions, employers, agencies and all government agencies and instrumentalities (local, state, federal or foreign) to release any information, files or records requested by the Board”.

2. APPLICATION

On the initial application for **Trainee, Technician and Technologist** no Employment History is required and there is no page for the applicant to record the employment history.

3. REGULATIONS

The regulations are silent on employment history under licensure requirements for **Trainee, Technician and Technologist.** *Regulatory Analyst, Greenblatt indicated that there is no statutory or regulatory authority for requesting Verification of Non-Medical Employment.*

4. In the regulations for reinstatement/reactivation at N.J.A.C. 13:44L-3.2(e) 6 (Reinstatement) and (i) 3 (Reactivation, a listing of employment is required.

5. **APPLICATION FOR REINSTATEMENT/REACTIVATION** In the regulations and on the application, *reference to employment is indicated and consent by applicant is given for an investigation of past and present employment.*

On the application for Reinstatement/Reactivation there is an employment page and an affidavit requesting a listing of employment. This matter was reagendaized pending comment by Regulatory Analyst, Greenblatt.

There being no other business to come before the Board in Public Session, on a motion by Mitchell Rubinstein, seconded by Kathleen Feeney the Public Session was adjourned at 11:20 a.m., and the Board convened in Executive Session for the purpose of receiving counsel, to conduct one (1) investigative inquiry, to review two (2) items of old business and two (2) applications.

The Board reconvened in Public Session. The next scheduled meeting is October 13, 2015. There being no other business to come before the Board, on a motion by Mitchell Rubinstein, seconded by Kathleen Feeney, the meeting was adjourned at 1:00 P.M.

Respectfully submitted,
State Board of Polysomnography

Dorcas K. O'Neal
Executive Director

