

**NEW JERSEY BOARD OF MEDICAL EXAMINERS
STATE BOARD OF POLYSOMNOGRAPHY
MONMOUTH CONFERENCE ROOM, 7TH FLOOR**

PUBLIC SESSION MINUTES

APRIL 8, 2014

FINAL

The April 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.

Vice 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 Rose Gallagher, RPSGT, Vice Chair
Don J. Fahy, RPSGT
Mitchell L. Rubinstein, RPSGT

EXCUSED: Penni Smith, RPSGT, Chair
John Penek, MD
Kathleen A. Feeney, RPSGT
Gerald J. Ferencz, MD

Also in attendance: Dorcas K. O'Neal, Executive Director, Francine Widrich, Acting Executive Director, Susan Carboni, Deputy Attorney General, Virginia Class-Matthews, Deputy Attorney General, Tiesha Frederick and Kathleen Griffith, Staff and Elizabeth Greenblatt, Regulatory Analyst.

Due to a lack of a quorum, the members met in Committee with all action subject to ratification by the full Board.

I. APPROVAL OF MINUTES

a. The Committee reviewed the Public Session Minutes for February 11, 2014. **On a motion by Don Fahy, seconded by Mitchell Rubinstein, the Minutes were approved as submitted, subject to ratification. REAGENDIZED**

b. The Committee reviewed the Public Session Minutes for January 14, 2014. **Based on the attendance of the January 14, 2014 meeting, there was not a quorum therefore the Minutes need to be ratified by the full Board at the next meeting.**
REAGENEDIZED

II. ACTING DIRECTOR REPORT

a. The Committee reviewed the newly licensed polysomnographers report, **as informational.**

b. The Committee reviewed the Monthly Executive report, **as informational.**

III. NEW BUSINESS

a. Dorcas K. O'Neal, the new Executive Director of the State Board of Polysomnography was introduced to the Board members.

b. Virginia Class-Matthew, the new Deputy Attorney General, of the State Board of Polysomnography was introduced to the Board members.

WAIVER REQUEST

c. **I/M/O ESTELLE MURPHY** - Ms. Murphy, a polysomnographic technician, is requesting a waiver of the regulatory requirement that an applicant for licensure as polysomnographic technologist complete CAAHEP accredited polysomnographic program. Ms. Murphy contends that her education and her experience are substantially equivalent to the qualifying regulatory requirements.

On a motion by Don Fahy, seconded by Mitchell Rubinstein the Committee unanimously voted to grant the waiver contingent upon Ms. Murphy providing 50 sleep studies and proof of current BLS certification.

d. **I/M/O JOSE VALENCIA** - Mr. Valencia has an expired polysomnographic technician license and is an active polysomnographic trainee who requested that the Board waive the regulatory requirement that an applicant for licensure as polysomnographic technologist complete a CAAHEP accredited polysomnographic program. Mr. Valencia contends that his education and experience are substantially equivalent to the regulatory requirements. He also passed the RPSGT approximately two weeks after the expiration of his technician license.

The Committee reviewed the proposed qualification of the proposed qualifications of four years experience as a polysomnographer, that he held a technician license from October 17, 2011 to October 17, 2013 and was BRPT certified on November 12, 2013. **On a Motion by Don Fahy, seconded by Mitchell Rubinstein the Committee unanimously voted to grant the waiver to Mr. Valencia.**

e. The Committee reviewed **as informational, the Division of Law Billing, from Darlene Kane, Budget Officer, for the 2nd quarter of Fiscal Year 2014.**

IV. OLD BUSINESS/FYI

a. **I/M/O CLIFFORD PARDO** - Mr. Pardo responded negatively to the crime question on the application for licensure and the Certification and Authorization For A Criminal Background Check in response to questions as to whether he had ever been arrested for or convicted of a crime or offense. The Criminal Background Check revealed a positive result.

The Committee reviewed the Final Order of Denial filed March 25, 2014 which becomes a Public Order.

b. **I/M/O MICHAEL LAHEY** - The Board reviewed the 3 CEU Course Certificates in compliance with the Order of Suspension filed on July 25, 2013 for a total of 9 CEU contact hours.

c. **The Committee discussed reduction of the licensure fees and would like to discuss this with Darlene Kane, Budget Officer.**

V. LEGISLATION/REGULATIONS

a. **ASSEMBLY BILL NO: 606** - This bill provides civil immunity to licensed health care professionals who provide care at health care facilities for no compensation.

The Committee reviewed the bill which does not include polysomnography. The Committee supports the bill and would like polysomnography to be included in the bill. On a motion by Don Fahy, seconded by Mitchell Rubinstein the Committee unanimously support A606 and request that polysomnography be included in the bill.

There being no other business to come before the Committee in Public Session. On a motion Don Fahy, seconded by Mitchel Rubinstein , the Public Session was adjourned and the Committee convened in Executive Session for the purpose of receiving counsel, to review one (1) item of old business, one (1) item of new business and three (3) applications.

The Committee reconvened in Public session. The next scheduled meeting is May 13, 2014. There being no other business to come before the Committee, on a motion by Don Fahy, seconded by Mitchell Rubinstein, the meeting was adjourned at 12:30 P.M.

Respectfully submitted,
State Board of Polysomnography

Dorcas K. O'Neal
Executive Director

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