

**STATE BOARD OF POLYSOMNOGRAPHY
124 HALSEY STREET, NEWARK, NJ
MONMOUTH CONFERENCE ROOM, 7TH FLOOR
<http://www.njconsumeraffairs.gov/poly/>
MAY 14, 2013**

PUBLIC SESSION MINUTES (AMENDED 9/13/2013)

I. CALL TO ORDER

This scheduled meeting was called to order at 10:28 a.m. in the Essex Conference Room, 7th Floor, 124 Halsey Street, Newark, NJ by the Chair, Penni L. Smith.

II. ROLL CALL

Present:

Penni L. Smith, Chair
Mitchell L. Rubinstein, RPSGT
Sara Rose Gallagher, RPSGT
Kathleen A. Feeney, RPSGT
Gerald J. Ferencz, M.D.
Don J. Fahy, RPSGT

Absent:

John Penek, M.D.

Also in Attendance:

Susan Carboni, Deputy Attorney General
Francine Widrich, Acting Executive Director
Elizabeth Greenblatt, Regulatory Analyst
Tiesha Frederick, Administrative Staff
Elaine Alonso-Cabral, Public
Nela Alonso, Public

III. REVIEW OF MINUTES

A motion for the approval of April 09, 2013 public session minutes was made by Mitchell Rubinstein and seconded by Penni Smith. Motion carried.

IV. ACTING EXECUTIVE DIRECTOR REPORT

1. Newly Licensed Polysomnographers

A list of all newly licensed polysomnographers submitted for the Board to review.

Negron-Gonzalez, Carmen	49FE00003700	Lombardi, Lorie A.	49FW00033900
Felton, Tiffany N.	49FW00034000	Khan, Firdous A	49FW00034100
Coles, Odelia D	49FW00034200	Delcid, Lesvia B	49FW00034300
Dias, Paulo J.	49FW00034400	Boyd, Ernestine	49FW00034500
Ferreira, Rafaella F.	49FW00034600		

A motion was made by Don Fahy and seconded by Penni Smith to affirm the above listed applicants for licensure. Motion carried.

2. Monthly Executive Report

The monthly executive report was submitted for informational purposes to the Board.

3. Nomination for Board Offices

A motion was made by Mitchell Rubinstein and seconded by Kathleen Feeney to nominate Penni Smith as Chairperson for the Board. Motion was carried unanimously.

A motion was made by Mitchell Rubinstein and seconded by Penni Smith to nominate Sara Rose Gallagher as Vice Chairperson for the Board. Motion was carried unanimously.

A motion was made by Don Fahy and seconded by Mitchell Rubinstein to grant the Chair, Penni Smith, executive authority to make decisions on behalf of the Board when there is an urgent need or when there is no quorum of the Board, and in the Chair's absence, the executive authority is provided to Vice-Chair, Sara Rose Gallagher. Motion was carried unanimously.

V. NEW BUSINESS

1. Elaine Alonso-Cabral

Elaine Alonso-Cabral petitioned the Board to waive the requirement that the examination for licensure as a technologist be passed within two years of the issuance of a technician license issued under the grandfather clause. Ms. Alonso-Cabral passed the licensing examination after her technician license has expired. Ms. Alonso-Cabral asserted that if she was not granted the waiver, the only other way she could qualify to become licensed as a technologist was to take a CAAHEP-approved polysomnographic course, and this would cause an economic hardship to her because she would have to pay a large sum of money for the course

and she would be unable to work until completion of the course. Ms. Alonso-Cabral asked to be heard by the Board at its May 14, 2013 public meeting.

A motion was made by Mitchell Rubinstein and seconded by Don Fahy to close the public session and go into executive session to discuss this matter. Motion was carried unanimously.

A motion was made by Don Fahy and seconded by Sara Rose Gallagher to close executive session and go into public session. Motion was carried unanimously.

A motion was made by Don Fahy and seconded by Sara Rose Gallagher to approve Elaine Alonso-Cabral for licensure as a polysomnographic technologist as substantial compliance of the requirements for licensure has been met by Alonso-Cabral. Motion was carried unanimously.

2. Mercedes Luna requested a waiver of the requirement that an official high school transcript be submitted as a condition of licensure as a polysomnographic trainee. She attended high school in Argentina and is unable to have the school submit the official transcripts because the school no longer exists. Ms. Luna submitted her own copies of her high school transcripts for consideration.

A motion was made by Don Fahy and seconded by Mitchell Rubinstein to grant the waiver to Ms. Luna and, if all other requirements have been met, to grant her licensure as a polysomnographic trainee. Motion was carried unanimously.

3. Donna Woodley

Donna Woodley applied to reinstate her technician license, of which one day and one month remained of the one-year license. One month and one day after reinstatement, Ms Woodley would need to renew her technician license, and a requirement of the license renewal is proof that the licensee completed 100 sleep studies. Ms. Woodley was unemployed for most of the term of her technician license and, and while she completed 70 sleep studies, she would not be able to perform the additional 30 sleep studies in the one-month period prior to renewing the license. Ms. Woodley requested that the Board waive the requirement that she complete 100 sleep studies in order to renew her license. Ms. Woodley had worked as a polysomnographic technician for seven years at Sleep Care and while employed there had performed more than 300 sleep studies.

A motion was made by Penni Smith and seconded by Mitchell Rubinstein that the Board is advising the Acting Executive Director to send a letter to Ms. Woodley informing her that she would need to submit additional information for the Board to make a final review. The Board would need a waiver request of the regulatory requirements for reinstatement of the 100 sleep studies, the board would need a letter with more detailed

information of her hardship, the board would need current continuing education credits, and the Board would need a letter from her former employer on experience and good working standards for further review. Motion was carried unanimously.

4. Assembly Bill 2882 - Signed by the Governor on May 6, 2013

This bill requires professional boards to provide credits toward requirements for licensure for veterans with substantially equivalent training.

This information was submitted for review. The regulatory analyst, Elizabeth Greenblatt, will inform the Board about the Division working on regulations in support of this new law.

VI. OLD BUSINESS

1. Discussion with Elizabeth Greenblatt, Regulatory Analyst, regarding the proposed amendment to N.J.A.C. 13:44L-2.2, 2.2, 2.3, 2.4, 2.5, 3.2, 3.3, 3.4 and 4.1 to permit applicants for licensure, license renewal, or license reactivation to provide proof of certification in Basic Life Support or Cardiopulmonary Resuscitation / Automated External Defibrillator (CPR/AED) to the level of the Professional Rescuer or Health Care Provider from either the American Heart Association (AHA), the American Red Cross (ARC), or another entity determined by the State Department of Health to comply with AHA CPR Guidelines. Under its current rules, the Board will only accept a certification issued by the AHA or the ARC.

A motion was made by Mitchell Rubinstein and seconded by Kathleen Feeney to approve the amended regulations. Motion carried unanimously.

VII. ADJOURNMENT

A motion was made by Don Fahy and seconded by Mitchell Rubinstein to close Public Session and go into Executive Session for the purpose of reviewing confidential matters. The Public Session ended at 12:30 p.m.