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STATE BOARD OF POLYSOMNOGRAPHY MONMOUTH CONFERENCE ROOM, 7TH FLOOR

PUBLIC SESSION MINUTES

JUNE 10, 2014

FINAL

The June 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 Penni Smith 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: Penni Smith, RPSGT, Chair
Sara R. Gallagher, RPSGT, Vice Chair
Dr. Gerald Ferencz
Dr. John Penek

EXCUSED: Don Fahy, RPSGT
Mitchell L. Rubinstein, RPSGT
Kathleen A. Feeney, RPSGT

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

I. APPROVAL OF MINUTES

a. The Board reviewed the January 14, 2014 Public Session Minutes. **On a motion by Sara Gallagher, seconded by Dr. Gerald Ferencz the Minutes were approved as submitted.**

b. The Board reviewed the February 11, 2014 Executive Session Minutes. **On a motion by Sara Gallagher, seconded by Dr. Gerald Ferencz, the minutes were approved as submitted.**

c. The Board reviewed the April 8, 2014 Executive Session Minutes.

On a motion by Sara Gallagher, seconded by Dr. Gerald Ferencz, the minutes were approved as submitted.

II. OLD BUSINESS

a. **I/M/O FRANCIS SIMKO** - *Sara Gallagher recused herself and left the room.* An e-mail from Mr. Simko stating that his polysomnographic license expired December 28, 2013, that he has since passed the BRPT exam April 17, 2014 and inquiring as to whether he can submit a polysomnographic technologist application with the fee. Mr. Simko stated that he attended an intro course before A Step was introduced in 2007.

i. A detailed response was mailed to Mr. Simko from Dorcas K. O'Neal, Executive Director, citing the statute and the regulations which govern the practice of a Polysomnographic technologist in the State of New Jersey.

After reviewing all the e-mails and the detailed response mailed to Mr. Simko from Executive Director O'Neal, it was the consensus of the Board that Mr. Simko must complete the A-Step Introductory Course and upon proof that he successfully completed and passed the A-Step Introductory Course, he may request a waiver to apply for a polysomnography technologist license. **Mr. Simko will be so advised.** *Sara Gallagher returned to the room.*

III. NEW BUSINESS

a. **I/M/O JAMES BARDOS** - *Sara Gallagher recused herself and left the room.* The Board reviewed the letter from Mr. Bardos requesting that his license be placed on inactive status, retroactively for five months, (May 4, 2013 to October 2013). He advised that he was ill and was on disability from May 4, 2013 thru October 2013. He stated that he was not aware that his license could have placed on inactive status.

It was the consensus of the Board that Mr. Bardos request for retroactive "inactive status" be denied. **On a motion by Dr. Ferencz, seconded by Dr. Penek, the request was denied. Mr. Bardos will be so advised.** *Sara Gallagher returned to the room.*

b. **I/M/O KATHRYN RYAN (APPLICANT)** - Ms. Ryan submitted an application to become a polysomnographic technologist. She is not licensed as a polysomnographic technician and is requesting a waiver of the CAAHEP course.

The Board reviewed Ms. Ryan's request for a waiver of the CAAHEP course. It was the consensus of the Board that in order to continue the licensure process Ms. Ryan must pay the \$100.00 non-refundable application fee and provide the following documents.

1. **The transcript from California College.** This transcript must be mailed directly from the college to the above address.
2. **Proof of Sleep Studies conducted within the past six months at a sleep facility accredited by the American Academy of Sleep Medicine (AASM).** Copies of the Sleep Studies for Technologist Form will be enclosed which must be completed in its entirety and signed by a licensed polysomnographic technologist or a qualified medical doctor.

3. **Employment History Verification for the past five years.** Include the Sleep Centers where she has worked or where she is currently working, **that are AASM accredited.**

Upon receipt of the requested documents and the requisite payment of the non-refundable application fee of \$100.00, the process will continue. **On a motion by Sara Gallagher, seconded by Dr. John Penek, the Board unanimously voted and accepted the terms and conditions in order to continue the licensure process. Ms. Ryan will be so advised.**

REAGENDIZED

c. **I/M/O CHRISTINE MAGRUDER** - Ms. Magruder submitted an application to reinstate her polysomnographic license. Ms. Magruder was grandfathered as a polysomnographic technician October 25, 2011; the license expired October 25, 2012. She failed to renew her technician license. Her license was terminated February 13, 2013. **Pursuant to N.J.A.C. 13:44L-3.3 (b)** A licensed polysomnographic technician who wishes to renew his or her temporary license shall apply to the Board for renewal 60 days prior to the expiration of his or her license.

This matter was moved to Executive Session.

d. **I/M/O DONNA WOODLEY** - The Board reviewed a fax from Donna Woodley, polysomnographic technician requesting an extension of her license which expires July 27, 2014.

On a motion by Dr. Gerald Ferencz, seconded by Dr. John Penek, the Board unanimously voted to deny the request for extension.

e. **I/M/O LIBERTY SIMMONS** - The Board reviewed a fax from Ms. Simmons stating that she runs an online EEG/PSG program and inquiring as to whether PSG students are required to be licensed to work with a preceptor registered tech.

The Board determined that if the program is CAAHEP accredited it is exempt from the provisions **pursuant to N.J.A.C. 13:44L-5.4 (c) Unlicensed Practice of Polysomnography Exemptions.**

IV. LEGISLATION/REGULATIONS

ADOPTED/AMENDMENTS - N.J.A.C. 13:44L-2.1; 13:44L-2.2; 13:44L-2.3; 13:44L-2.4; 13:44L-2.5; 18:44L-3.2; 13:44L-3.3; 13:44L-3.4; 13:44L-4.1

Amendments adopted as of January 14, 2014 by the New Jersey State Board of Polysomnography.

Elizabeth Greenblatt, Regulatory Analyst, apprised the Committee that the adopted/amendments to the regulations will be published in the June 16, 2014 New Jersey Register.

b. Proposal to implement P.L. 2013 c. 49 (C.45-15.3) - The Board of Registered Polysomnographic Technologists does not have a “substantial equivalent” standard for admission to the BRPT exams.

Executive Director, O’Neal reported that she contacted the BRPT to find out whether the BRPT will consider substantially equivalent education, training and experience acquired in the military when evaluating whether a candidate has met the requirements to sit for the RPSGT examination. She was told orally that they do not have such a policy, but she also received an e-mail stating that they would consider substantially equivalent experience acquired while in the military.

Regulatory Analyst, Greenblatt stated that she added some language to the prefatory language in the Board’s proposal implementing P.L. 2013 c 49 explaining that the examination requirement is in the statute and the BRPT has its own policies and is not subject to New Jersey law. Therefore, it could be possible that BRPT would not accept a candidate’s military education, training or experience in deciding whether a candidate meets the requirements to sit for the examination.

Also, Regulatory Analyst Greenblatt, briefly discussed P. L. 2013, c. 182, which revises current law concerning license renewals, reinstatements and licensure by endorsement procedures for all professional and occupational boards except for the Board of Examiners of Electrical Contractors, Board of Examiners of Master Plumbers and the Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors. She advised the Board that the Division of Law would be giving advice regarding the interpretation of the law and she would be discussing how the Board would implement the law at a future meeting.

V. OTHER BUSINESS

a. Sara Gallagher, Vice Chair, advised that she contacted the Dental Board to inquire as to whether dentist can perform sleep studies. She has not received a reply. Staff will follow up for a reply.

Ms. Gallagher will continue working on frequently asked questions (FAQ’s). When the document is completed and approved by the Board, it will be placed on the website.

There being no other business to come before the Board in Public Session. On a motion by Sara Gallagher, seconded by Dr. Gerald Ferencz, the Public Session was adjourned and the Committee convened in Executive Session for the purpose of receiving counsel, to review six (6) items of new business and three (3) applications.

Session. The next scheduled meeting is July 8, 2014. There being no other business to come before the Board, on a motion by Sara Gallagher, seconded by Dr. Gerald Ferencz, the meeting was adjourned at 1:30 P.M.

Respectfully submitted,
State Board of Polysomnography

Dorcas K. O’Neal
Executive Director

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The Board reconvened in Public