

**STATE BOARD OF POLYSOMNOGRAPHY  
124 HALSEY STREET, NEWARK, NJ  
MONMOUTH CONFERENCE ROOM, 7<sup>th</sup> FLOOR  
10:00 A.M., AUGUST 10, 2010**

**PUBLIC SESSION MINUTES**

**I CALL TO ORDER**

This scheduled meeting was called to order at 10:15 a.m. in the Monmouth Conference Room, 7<sup>th</sup> Floor, 124 Halsey Street, Newark, NJ by the Chair, Michael Lahey.

**II ROLL CALL**

**Present**

Michael J. Lahey, RPSGT, Chair  
Mitchel I. Rubinstein, RPSGT, Vice Chair  
Penni L. Smith, RPSGT  
Kathleen A. Feeney, RPSGT  
Sara Rose Gallagher, RPSGT  
Gerald Ferencz, MD  
Frances J. Almanzar, Esq.

**Absent**

Don J. Fahy, RPSGT  
John Penek, MD

**Also in Attendance**

Francine Widrich, Acting Executive Director  
Joanne Leonne, Deputy Attorney General  
Charles Manning, Regulatory Analyst  
Lolly Merced, Administrative Staff  
Elena Parlati, Administration Staff  
Teisha Frederick, Administrative Staff

**Announcement of Quorum**

The Chair announced that a quorum was present.

The Chair also announced that in accordance with Chapter 231, of P.L. 1975, more commonly referred to as the Sunshine Law, adequate notice of this meeting was provided by mailing to the

Office of Secretary of State, the Newark Star Ledger, the Trenton Times, the Bergen Record and the Courier Post.

### **III REVIEW OF MINUTES**

After review of the Minutes from the November 10, 2009 meeting, a motion was made by Sara Rose Gallagher and seconded by Kathleen A. Feeney to approved the November 10, 2009 Public Minutes as submitted. Motion carried.

### **IV EXECUTIVE DIRECTOR'S REPORT**

1. Budget report for the first half of budget year 2010 from Darlene Kane, Budget Officer was submitted for informational purposes.
2. Division of Law billing for the second quarter of the Fiscal Year 2010 was submitted for informational purposes.
3. Board member compensation – Acting Executive Director Widrich advised the board members that effective July 1, 2010, all professional boards and committees within the Division of Consumer Affairs will be limited to \$100.00 per month in compensation, including per diem and expense reimbursement, pursuant to the Fiscal Year 2011 Appropriations Act that was recently signed into law.
4. 120 Day Law – Acting Executive Director Widrich advised the members that effective November 2010, all complaints filed by a consumer against a licensee must be handled within 120 days. Since the Board has not licensed any one to date, no complaints have been received.

### **V REGULATIONS**

The Board reviewed newly adopted regulations. Regulatory Analyst Charles Manning discussed the published adopted new rules N.J.A.C. 13:44L, specifically the definition of “Direction”. There was some concern that the current definition of “Direction” may be too restrictive. After review and discussion by the Board, a motion was made by Kathleen A. Feeney and seconded by Sara Rose Gallagher to change the word, “in” to “for” in N.J.A.C. 13:44L-1.2 Definitions – “Direction”. Motion carried.

“Direction” means a licensed polysomnographic technologist only provides polysomnographic services when he or she is working **[in] for** a facility that has a qualified medical director and when a physician who has medical responsibility for a patient has referred the patient to the polysomnographic technologist or the sleep center or laboratory at which the polysomnographic technologist works.”

The Board also discussed that the deadline for receipt of applications submitted under the grandfathering clause should be extended due to the fact that the printing of the application took longer than expected. A motion was made by Sara Rose Gallagher and seconded by Mitchell I. Rubinstein to publish a notice in the NJ Register extending the grandfathering date in rule N.J.A.C. 13:44L-2.5 from November 17, 2010 to February 10, 2011. Applications for licensure as a polysomnographic technologist and as a polysomnographic technician under the grandfathering clause must be postmarked no later than February 10, 2011. Motion carried.

## **VI APPLICATIONS**

### **1. Review of Licensure Application Forms**

The Board reviewed licensure application forms for Polysomnographers to apply for licensure under the grandfathering clause. After review and discussion by the board, a motion was made by Frances J. Almanzar and seconded by Penni L. Smith to approve the licensure application form for Polysomnography Technician – Licensure through Grandfathering and the licensure application form for Polysomnography Technologist – Licensure through Grandfathering with changes. Motion carried.

It was also decided by the Board that the application be made available on the website.

The Board tabled the review of the remaining six application forms for licensure to the next scheduled meeting.

There was some discussion with regard to examination results of all applicants. A motion was made by Kathleen A. Feeney and seconded by Sara Rose Gallagher to accept emails received directly from the BRPT as proof of passing the examination. Motion carried.

### **2. Application Guidelines**

**FAQ** – Acting Executive Director Francine Widrich asked for volunteers to assist in creating or developing FAQs to post on the website. It was decided that all members

could assist Francine Widrich with this task. All questions and answers will be emailed to Francine Widrich.

## **PUBLIC COMMENT**

No one was present from the public. There was no public comment.

## **ADJOURNMENT**

A motion was made by Kathleen A. Feeney and seconded by Frances J. Almanzar to adjourn the meeting. Motion carried. The Board meeting adjourned at 3:30 p.m.

The next scheduled meeting will be held on September 14, 2010 at 10:00 a.m.