

CHAPTER 44L**STATE BOARD OF POLYSOMNOGRAPHY****Authority**

N.J.S.A. 45:14G-1 et seq., specifically 45:14G-7.

Source and Effective Date

R.2010 d.48, effective May 17, 2010.
See: 41 N.J.R. 1663(a), 42 N.J.R. 942(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 44L, State Board of Polysomnography, expires on May 17, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 44L, State Board of Polysomnography, was adopted as new rules by R.2010 d.48, effective May 17, 2010. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**13:44L-1.1 Purpose and scope**

(a) The purpose of this chapter is to implement the provisions of P.L. 2005, c. 244 (N.J.S.A. 45:14G-1 et seq.), the Polysomnography Practice Act.

(b) This chapter shall apply to all applicants who seek to be licensed by the Board to practice polysomnography and all persons who are licensed by the Board and practice as polysomnographic technologists, polysomnographic technicians or polysomnographic trainees in this State.

(c) This chapter does not apply to any other healthcare professional licensed or certified by the State who is performing duties that are consistent with his or her scope of practice and does not represent that he or she is a licensed polysomnographic technologist, licensed polysomnographic technician or a licensed polysomnographic trainee.

13:44L-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“AASM” means the American Academy of Sleep Medicine.

“AAST” means the American Association of Sleep Technologists.

“Act” means the Polysomnography Practice Act, N.J.S.A. 45:14G-1 et seq.

“A-STEP” means the Accredited Sleep Technologist Education Program offered by the AASM.

“Board” means the State Board of Polysomnography.

“BRPT” means the Board of Registered Polysomnographic Technologists.

“CAAHEP” means the Commission on the Accreditation of Allied Health Education Programs.

“Direct supervision” means continuous on-site presence of a supervising licensed polysomnographic technologist, or supervising licensed physician, available to render immediate physical assistance as required.

“Direction” means a licensed polysomnographic technologist only provides polysomnographic services when he or she is working in 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.

“Licensed physician” means a physician licensed by the State Board of Medical Examiners.

“On-site presence” means that the supervising licensed polysomnographic technologist or licensed physician is in the same room as the polysomnographic trainee whenever the polysomnographic trainee performs polysomnography.

“Polysomnography” means the allied health specialty involving the treatment, management, diagnostic testing, research, education and care of patients with sleep and wake disorders.

“Polysomnographic technician” means a person who holds a temporary license issued by the Board and who practices polysomnography under the supervision of either a licensed polysomnographic technologist or a licensed physician in a sleep center or laboratory, which is provisionally accredited or fully accredited by AASM.

“Polysomnographic technologist” means a person licensed by the Board to practice polysomnography under the direction of a licensed physician.

“Polysomnographic trainee” means a person who holds a provisional license issued by the Board and performs polysomnography under the direct supervision of either a licensed polysomnographic technologist or a licensed physician in a sleep center or laboratory, which is provisionally accredited or fully accredited by AASM.

“Qualified medical director” means a licensed physician who is either eligible for board certification or is board certified in sleep medicine by the American Board of Sleep Medicine, or a certification board recognized by the American Board of Medical Specialties, which bases its certification in sleep medicine upon the sleep medicine examination created by the American Board of Internal Medicine, and who acts as the medical director of any:

1. In-patient or out-patient sleep center or laboratory provisionally accredited or fully accredited by AASM or accredited by Joint Commission;
2. Ambulatory care facility or general acute care hospital licensed by the Department of Health and Senior Services;
3. Home health agencies, assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care sponsor agencies licensed by the Department of Health and Senior Services; or

4. Health care service firms registered with the Division of Consumer Affairs.

“Supervision” means a licensed polysomnographic technologist or licensed physician is constantly accessible, either on-site or through voice or electronic communication.

“Unattended diagnostic test” means a polysomnographic test that is not set up by, or performed in the presence of, any health care provider, including a licensed polysomnographic technologist, technician or trainee or his or her designee.

SUBCHAPTER 2. LICENSURE

13:44L-2.1 Application for a provisional license as a polysomnographic trainee

(a) An applicant for a provisional license as a polysomnographic trainee shall submit, or arrange to have submitted, to the Board:

1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;
3. A high school diploma, sent by the high school, or a General Educational Development (GED) certificate;
4. Proof that the applicant has successfully completed the A-STEP Introductory Course;
5. Proof that the applicant holds current certification in Basic Life Support or Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) to the level of the Health Care Provider or Professional Rescuer as issued by the American Heart Association, the American Red Cross, or another entity determined by the Department of Health to comply with AHA CPR Guidelines;
6. Proof that the applicant will be directly supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic trainee pursuant to N.J.A.C. 13:44L-5.3; and
7. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)4.

(b) A provisional license as a polysomnographic trainee shall be issued for a one-year period and shall not be renewed.

Petition for Rulemaking.

See: 45 N.J.R. 73(b), 767(a), 1265(a).

Amended by R.2014 d.105, effective June 16, 2014.

See: 45 N.J.R. 2326(a), 46 N.J.R. 1477(b).

Rewrote (a)5.

13:44L-2.2 Application for a temporary license as a polysomnographic technician

(a) A provisionally licensed polysomnographic trainee applying for a temporary license as a polysomnographic technician shall submit to the Board:

1. A completed application on a form provided by the Board;
2. Proof that the applicant has successfully completed the A-STEP Self-Study Modules within the last year;
3. Proof that the applicant holds current certification in Basic Life Support or Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) to the level of the Health Care Provider or Professional Rescuer as issued by the American Heart Association, the American Red Cross, or another entity determined by the Department of Health to comply with AHA CPR Guidelines;
4. Documentary proof signed by a supervising polysomnographic technologist or qualified medical director, indicating that the applicant has completed at least 50 sleep studies in one or more facilities that are provisionally or fully accredited by AASM during a period that was at least two months long within the last year;
5. Proof that the applicant will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic technician pursuant to N.J.A.C. 13:44L-5.2; and

6. The licensing fee set forth in N.J.A.C. 13:44L-6.1(a)3.

(b) An applicant for a temporary license as a polysomnographic technician who does not hold a provisional license as a polysomnographic trainee shall submit, or arrange to have submitted, to the Board:

1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;
3. A high school diploma, sent by the high school, or a General Educational Development (GED) certificate;
4. Proof that the applicant holds current certification in Basic Life Support or Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) to the level of the Health Care Provider or Professional Rescuer as issued by the American Heart Association, the American Red Cross, or another entity determined by the Department of Health to comply with AHA CPR Guidelines;
5. Proof that the applicant has successfully completed a CAAHEP accredited polysomnographic course;
6. Proof that the applicant will be supervised by a licensed polysomnographic technologist or a licensed phy-

sician while acting as a polysomnographic technician pursuant to N.J.A.C. 13:44L-5.2; and

7. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)3.

(c) A temporary license as a polysomnographic technician shall be issued for a one-year period. The temporary license may be renewed for an additional one-year period pursuant to N.J.A.C. 13:44L-3.3 to afford the holder of a temporary license the opportunity to take the certification examination.

Petition for Rulemaking.

See: 45 N.J.R. 73(b), 767(a), 1265(a).

Amended by R.2014 d.105, effective June 16, 2014.

See: 45 N.J.R. 2326(a), 46 N.J.R. 1477(b).

Rewrote (a)3 and (b)4.

13:44L-2.3 Application for license as a polysomnographic technologist

(a) A licensed polysomnographic technician applying for licensure as a polysomnographic technologist shall submit to the Board:

1. A completed application on a form provided by the Board;
2. Proof that applicant has completed 10 continuing education credits over the past year that qualify for credit pursuant to N.J.A.C. 13:44L-4.1;
3. Proof that the applicant holds current certification in Basic Life Support or Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) to the level of the Health Care Provider or Professional Rescuer as issued by the American Heart Association, the American Red Cross, or another entity determined by the Department of Health to comply with AHA CPR Guidelines;
4. Documentary proof signed by a supervising polysomnographic technologist or qualified medical director indicating that the applicant has completed at least 50 sleep studies in one or more facilities that are provisionally or fully accredited by AASM;

5. Proof that the applicant has successfully completed the certification examination administered by the BRPT; and

6. The licensing fee set forth in N.J.A.C. 13:44L-6.1(a)2.

(b) An applicant for licensure as a polysomnographic technologist who does not hold a temporary license as a polysomnographic technician shall submit to the Board:

1. A completed application on a form provided by the Board;
2. A completed Criminal History Certification of Authorization form;

3. Proof that the applicant:

i. Has successfully completed a CAAHEP accredited polysomnographic course; or

ii. Possesses a doctorate degree in a health-related field. For purposes of this subparagraph, a health-related field means any field in which services are rendered or research is conducted for the purpose of maintaining or restoring an individual's physical or mental health. Examples would include, but are not limited to, fields such as medicine, dentistry, optometry, nursing, physical therapy, respiratory therapy, and psychology.

4. Proof that the applicant holds current certification in Basic Life Support or Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) to the level of the Health Care Provider or Professional Rescuer as issued by the American Heart Association, the American Red Cross, or another entity determined by the Department of Health to comply with AHA CPR Guidelines;

5. Proof that the applicant has successfully completed the certification examination administered by the BRPT or, in the case of an individual possessing a doctorate degree in a health-related field, proof that the applicant has successfully completed:

i. The certification examination administered by the BRPT, having completed a minimum of six months of paid clinical experience where at least 21 hours per week per calendar year of on-the-job polysomnography duties performed as direct patient recording and/or scoring within the three years immediately prior to taking the examination; or

ii. The examination administered by the American Board of Sleep Medicine between 1978 and 2006, having attained the status of Diplomate of the American Board of Sleep Medicine; and

6. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)2.

Petition for Rulemaking.

See: 45 N.J.R. 73(b), 767(a), 1265(a).

Amended by R.2013 d.133, effective November 18, 2013.

See: 44 N.J.R. 2356(a), 45 N.J.R. 2434(a).

Rewrote (b)3 and (b)5.

Amended by R.2014 d.105, effective June 16, 2014.

See: 45 N.J.R. 2326(a), 46 N.J.R. 1477(b).

Rewrote (a)3 and (b)4.

13:44L-2.4 Application for licensure by out-of-State licensed polysomnographic technologist

(a) An applicant for licensure as a licensed polysomnographic technologist who is licensed as a polysomnographic technologist in another state shall submit to the Board:

1. A completed application on a form provided by the Board;

2. A completed Criminal History Certification of Authorization form;

3. Proof that the applicant is licensed in a state that requires successful completion of either:

i. A CAAHEP accredited polysomnographic course; or

ii. The A-STEP Introductory Course, A-STEP Self-Study Modules and at least 50 case studies;

4. Proof that the applicant holds current certification in Basic Life Support or Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) to the level of the Health Care Provider or Professional Rescuer as issued by the American Heart Association, the American Red Cross, or another entity determined by the Department of Health to comply with AHA CPR Guidelines;

5. Proof that the applicant has successfully completed the certification examination administered by the BRPT; and

6. The application fee set forth in N.J.A.C. 13:44L-6.1(a)1 and the licensing fee set forth in N.J.A.C. 13:44L-6.1(a)2.

Petition for Rulemaking.

See: 45 N.J.R. 73(b), 767(a), 1265(a).

Amended by R.2014 d.105, effective June 16, 2014.

See: 45 N.J.R. 2326(a), 46 N.J.R. 1477(b).

Rewrote (a)4.

13:44L-2.5 Licensure for those who passed BRPT examination or practiced prior to May 17, 2010

(a) Prior to November 17, 2010, a person who has passed the certification examination administered by the BRPT prior to May 17, 2010, may apply to the Board for a license as a polysomnographic technologist.

(b) A person applying for a polysomnographic technologist license pursuant to (a) above shall submit:

1. A completed application on a form provided by the Board;

2. A completed Criminal History Certification of Authorization form;

3. Proof that the applicant holds current certification in Basic Life Support or Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) to the level of the Health Care Provider or Professional Rescuer as issued by the American Heart Association, the American Red Cross, or another entity determined by the Department of Health to comply with AHA CPR Guidelines;

4. Proof that the applicant has successfully completed the certification examination administered by the BRPT; and