

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 for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
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.

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 for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;
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 for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

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 physician 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.

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 for the Healthcare Provider from the

American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

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 has successfully completed a CAAHEP accredited polysomnographic course;

4. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

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.

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 for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

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.

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 for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

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

5. 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.

(c) Prior to November 17, 2010, a person who is performing polysomnography but who has not completed the certification examination administered by the BRPT by May 17, 2010, may apply to the Board for a temporary license as a polysomnographic technician.

(d) A person applying for a temporary license as polysomnographic technician pursuant to (c) 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 he or she has successfully completed either:

- i. A CAAHEP accredited polysomnographic course;
- or

ii. At least 720 hours performing polysomnography indicated by documentary proof signed by a qualified medical director;

4. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

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;

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)3.

(e) A temporary license granted pursuant to (c) above shall be effective until May 17, 2012.

(f) An applicant who receives a temporary license pursuant to (c) above shall pass the certification examination required by the BRPT prior to applying for a license as a polysomnographic technologist pursuant to N.J.A.C. 13:44L-2.3.

Public Notice: Extension of Deadline for Application for Licensure.
See: 42 N.J.R. 2281(a).

Public Notice: Extension of Deadline for Application for Licensure.
See: 43 N.J.R. 686(a).

SUBCHAPTER 3. RENEWAL

13:44L-3.1 Change in address of record or name

(a) A licensed polysomnographic technologist, technician or trainee shall notify the Board in writing, within 30 days, of changes to:

1. The licensee's address of record. Service to the address of record registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2; or

2. The licensee's legal name. Notification of a name change shall include a copy of the marriage license or a court order, which authorized the legal name change.

13:44L-3.2 Renewal of polysomnographic technologist license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each licensed polysomnographic technologist shall attest that the continuing education requirements of N.J.A.C. 13:44L-4.1 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each licensed polysomnographic technologist, at least 60 days prior to the expiration of the license. If the notice to renew is

not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

(c) The licensed polysomnographic technologist shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:44L-6.1(a)5 prior to the date of expiration of the license. If the licensed polysomnographic technologist does not renew the license prior to its expiration date, the licensed polysomnographic technologist may renew it no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:44L-6.1(a)7. A licensed polysomnographic technologist who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(d) Individuals who continue to practice or hold themselves out as licensed polysomnographic technologists after being suspended shall be deemed to have violated N.J.S.A. 45:14G-9, even if no notice of suspension had been provided to the person.

(e) A person seeking reinstatement as a polysomnographic technologist within five years following the suspension of a license shall submit the following to the Board:

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

2. Proof that the person holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

3. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:44L-6.1(a)5;

4. Payment of a reinstatement fee as set forth in N.J.A.C. 13:44L-6.1(a)8;

5. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:44L-4.1 for the renewal of a license for each biennial renewal period during which the person was suspended; and

6. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a licensure shall satisfy the requirements of (e)1, 2, 3, 4 and 6 above and shall successfully pass the examination required for initial licensure as set forth in N.J.A.C. 13:44L-2.3.

(g) Renewal applications for all licenses shall provide the licensed polysomnographic technologist with the option of either active or inactive renewal. Licensed polysomnographic

technologists electing to renew as inactive shall not practice or hold themselves out to the public in New Jersey as licensed polysomnographic technologists.

(h) The Board may permit a licensed polysomnographic technologist who has been on inactive status to return to active status upon application to the Board.

(i) A licensed polysomnographic technologist who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon submission of the following to the Board:

1. Proof that the licensed polysomnographic technologist holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

2. A certification verifying completion of the continuing education hours required pursuant to N.J.A.C. 13:44L-4.1 for the renewal of a license for each biennial renewal period during which the person was on inactive status;

3. An affidavit of employment listing each job held during the period the licensed polysomnographic technologist was on inactive status which includes the name, address, and telephone number of each employer; and

4. Payment of the renewal fee as set forth in N.J.A.C. 13:44L-6.1(a)5.

(j) A licensed polysomnographic technologist who has been on inactive status for more than five years who wishes to return to the practice of polysomnography shall reapply for licensure. The applicant shall fulfill all of the initial licensure requirements found at N.J.A.C. 13:44L-2.3.

13:44L-3.3 Renewal of polysomnographic technician license

(a) A licensed polysomnographic technician may renew his or her temporary license once.

(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 temporary license.

(c) A licensed polysomnographic technician applying for renewal of a temporary license pursuant to (b) above shall submit to the Board:

1. A completed renewal of temporary license application on a form provided by the Board;

2. Proof that the licensed polysomnographic technician holds current certification in Basic Life support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross;

3. Proof that the licensed polysomnographic technician 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;

4. Documentary proof signed by a supervising polysomnographic technologist or qualified medical director indicating that, within the last year, the applicant has completed at least 100 sleep studies in a facility that is provisionally or fully accredited by AASM;

5. Proof that the licensed polysomnographic technician has completed 10 continuing education credits pursuant to N.J.A.C. 13:44L-4.1 within the last year; and

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

13:44L-3.4 Inactive status for provisional and temporary license

(a) A polysomnographic trainee or technician may request the Board to place a provisional or temporary license on inactive status for reasons of hardship, which prevent the individual from acting as a polysomnographic trainee or technician, such as severe illness, disability or military service.

(b) A request for inactive status shall be submitted to the Board in writing and shall set forth in specific detail the reasons for requesting inactive status. The polysomnographic trainee or technician shall provide the Board with supplemental materials that support the request for inactive status.

(c) If the Board determines that the individual will not be able to act as a trainee or technician due to the hardship identified in the written request, the Board shall put the individual's provisional or temporary license on inactive status.

(d) A polysomnographic trainee or technician on inactive status shall not practice or hold him- or herself out as a polysomnographic trainee or technician.

(e) If a provisional or temporary license is placed on inactive status, the period during which the license is inactive shall not count towards the one-year effective period of the license set forth in N.J.A.C. 13:44L-2.1(b) or 2.2(c).

(f) A polysomnographic trainee or technician on inactive status may request a return to active status by submitting a written request to the Board, indicating why he or she is able to recommence acting as a polysomnographic trainee or technician. A written request for return from inactive status shall also include:

1. Proof that the applicant holds current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross; and

2. Proof that the applicant will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic trainee or technician pursuant to N.J.A.C. 13:44L-5.2 or 5.3.

(g) If the Board determines that an individual applying for reactivation pursuant to (f) above is able to continue acting as a polysomnographic trainee or technician, the Board shall reactivate the individual's provisional or temporary license.

(h) When a license has been reactivated pursuant to (g) above, the one-year effective period of the license set forth in N.J.A.C. 13:44L-2.1(b) or 2.2(c) shall recommence starting from the point at which it was effective prior to the granting of inactive status. For example, a license that was effective for four months prior to becoming inactive will be effective for an additional eight months after reactivation.

(i) If a provisional or temporary license placed on inactive status is not reactivated pursuant to (g) above, it shall be on inactive status for one year. An inactive polysomnographic trainee or technician who wishes to extend the period of inactive status shall submit a written request for inactive status pursuant to (b) above at least 60 days prior to the end of the period of inactive status.

(j) If an inactive polysomnographic trainee or technician does not renew inactive license status pursuant to (i) above, the license shall lapse after the one-year period of inactive status and the individual will no longer be licensed by the Board.

SUBCHAPTER 4. CONTINUING EDUCATION

13:44L-4.1 Continuing education

(a) Upon biennial licensure renewal, each licensed polysomnographic technologist shall attest that he or she has completed courses of continuing education of the types and number of credits specified in (b), (c) and (d) below and N.J.A.C. 13:44L-4.2. Falsification of any information submitted on the renewal application may require an appearance before the Board and may subject a licensee to penalties and/or suspension or revocation of the licensure pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for biennial license renewal as a licensed polysomnographic technologist shall be required to obtain current certification in Basic Life Support for the Healthcare Provider from the American Heart Association or Cardio Pulmonary Resuscitation/Automated External Defibrillator (CPR/AED) for the Professional Rescuer from the American Red Cross.

(c) Each applicant for biennial license renewal as a licensed polysomnographic technologist shall be required to complete, during the preceding biennial period, except as provided in (d) below, a minimum of 20 credits of continuing education related to the practice of polysomnography, with at least five of those credits being completed in each year.

(d) A licensed polysomnographic technologist who is initially licensed in the second year of a biennial renewal period shall be required to complete 10 credits of continuing education.

13:44L-4.2 Continuing education programs

(a) A licensed polysomnographic technologist may obtain continuing education credits from the following:

1. Successful completion of continuing education courses or programs related to the practice of polysomnography recognized by the BRPT Education Advisory Board (BRPT-EAC), the AASM, the AAST, the American Society of Electroneurodiagnostic Technologists, Inc. (ASET), the American Association for Respiratory Care (AARC), the American Nurses Association (ANA), the American Medical Association (AMA), the American College of Chest Physicians (ACCP) and the American Physical Therapy Association (APTA); one credit for each hour of attendance;
2. Reading articles, and completing self tests on those articles, that have been approved by BRPT-EAC, AAST or AASM; one and one-half credit hours for every four articles completed, up to 12 credits.

13:44L-4.3 Continuing education audits; records of continuing education

(a) The Board shall perform audits on randomly selected licensees to determine compliance with continuing education requirements.

(b) A licensed polysomnographic technologist shall maintain the following documentation for a period of four years after completion of the credit hours and shall submit such documentation to the Board upon request for:

1. Attendance at programs or courses: a certificate of completion from the sponsor; and
2. Reading articles: a certificate of completion from either BRPT, AAST or AASM.

13:44L-4.4 Additional continuing education credits

(a) The Board may direct or order a licensed polysomnographic technologist to complete continuing education credit hours:

1. As part of a disciplinary or remedial measure in addition to the required 20 hours of continuing education; or
2. To correct a deficiency in the licensee's continuing education requirements.

(b) Any continuing education credit hours completed by the licensed polysomnographic technologist in compliance with an order or directive from the Board as set forth in (a) above shall not be used to satisfy the minimum continuing education requirements as set forth in N.J.A.C. 13:44L-4.1.

SUBCHAPTER 5. PRACTICE REQUIREMENTS

13:44L-5.1 Scope of practice: licensed polysomnographic technologist

(a) The following functions are within the scope of practice of a licensed polysomnographic technologist:

1. Analyzing, monitoring and recording physiologic data during sleep and wakefulness;
2. Assessing, diagnosing and assisting in the treatment and research of disorders, syndromes and dysfunctions that are sleep related, manifest during sleep or disrupt normal sleep and wake cycles and activities;
3. The therapeutic and diagnostic use of oxygen;
4. The use of positive airway pressure, which includes continuous positive airway pressure (CPAP), bi-level modalities and multiple function modalities;
5. Cardiopulmonary resuscitation;
6. Maintaining nasal and oral airways that do not extend in the trachea;
7. Transcribing and implementing written or verbal orders of a physician pertaining to the practice of polysomnography;
8. Reading and analyzing test results obtained from home-based, self-administered diagnostic tests; and
9. Recognizing wake and sleep stages.

(b) A licensed polysomnographic technologist shall provide the services from (a) above only when a physician who has medical responsibility for the patient has referred the patient to the licensed polysomnographic technologist or to the sleep center or laboratory at which the licensed polysomnographic technologist works.

(c) A licensed polysomnographic technologist may provide the services from (a) above only if he or she is working at a State-licensed facility that has a qualified medical director.

13:44L-5.2 Scope of practice: licensed polysomnographic technician

(a) The following functions are within the scope of practice of a licensed polysomnographic technician:

1. Analyzing, monitoring and recording physiologic data during sleep and wakefulness;
2. Assessing, diagnosing and assisting in the treatment and research of disorders, syndromes and dysfunctions that are sleep related, manifest during sleep or disrupt normal sleep and wake cycles and activities;
3. The therapeutic and diagnostic use of oxygen;

4. The use of positive airway pressure, which includes continuous positive airway pressure (CPAP), bi-level modalities and multiple level modalities;

5. Cardiopulmonary resuscitation;

6. Maintaining nasal and oral airways that do not extend in the trachea;

7. Transcribing and implementing written or verbal orders of a physician pertaining to the practice of polysomnography;

8. Assisting licensed polysomnographic technologists and licensed physicians with reading and analyzing test results obtained from home-based, self-administered diagnostic tests; and

9. Recognizing wake and sleep stages.

(b) A licensed polysomnographic technician shall provide the services from (a) above only when a physician who has medical responsibility for the patient has referred the patient to the licensed polysomnographic technician or to the sleep center or laboratory at which the licensed polysomnographic technician works.

(c) A licensed polysomnographic technician may provide the services from (a) above only if he or she is working at a State-licensed facility that has a qualified medical director and is under the supervision of a licensed polysomnographic technologist or licensed physician.

(d) A licensed polysomnographic technician who is not under the supervision of a licensed polysomnographic technologist or licensed physician shall not provide any of the services listed in (a) above.

13:44L-5.3 Scope of practice: licensed polysomnographic trainee

(a) A licensed polysomnographic trainee may assist a licensed polysomnographic technologist or licensed physician in the performance of the following functions:

1. Analyzing, monitoring and recording physiologic data during sleep and wakefulness;

2. Assessing, diagnosing and assisting in the treatment and research of disorders, syndromes and dysfunctions that are sleep related, manifest during sleep or disrupt normal sleep and wake cycles and activities;

3. The therapeutic and diagnostic use of oxygen;

4. The use of positive airway pressure, which includes continuous positive airway pressure (CPAP), bi-level modalities and multiple level modalities;

5. Cardiopulmonary resuscitation;

6. Maintaining nasal and oral airways that do not extend in the trachea;

7. Implementing written orders of a physician pertaining to the practice of polysomnography;

8. Reading and analyzing test results obtained from home-based, self-administered diagnostic tests; and

9. Recognizing wake and sleep stages.

(b) A licensed polysomnographic trainee may provide the services from (a) above only if he or she is working at a State-licensed facility that has a qualified medical director and is under the direct supervision of a licensed polysomnographic technologist or licensed physician.

(c) A licensed polysomnographic trainee who is not under the direct supervision of a licensed polysomnographic technologist or licensed physician shall not provide any of the services from (a) above.

13:44L-5.4 Unlicensed practice of polysomnography; exemptions

(a) An individual is engaging in unlicensed practice of polysomnography if the individual engages in any of the practices set forth in N.J.A.C. 13:44L-5.1, 5.2 or 5.3 and is not either:

1. Licensed by the Board as a polysomnographic technologist, technician or trainee; or

2. Exempt from the requirements of this chapter pursuant to (b) or (c) below.

(b) Pursuant to N.J.S.A. 45:14G-9, an individual who is licensed by another State agency is exempt from the requirements of this chapter if his or her licensed scope of practice includes the performance of the practices set forth in N.J.A.C. 13:44L-5.1, 5.2 or 5.3.

(c) Pursuant to N.J.S.A. 45:14G-9, an individual who is enrolled in a CAAHEP-accredited polysomnographic course is exempt from the provisions of this chapter while he or she is performing any of the practices set forth in N.J.A.C. 13:44L-5.1, 5.2 or 5.3 that are part of the course in which he or she is enrolled.

(d) A person exempt from this chapter pursuant to (b) or (c) above shall not identify him or herself as a Board licensed polysomnographic technologist, technician or trainee.

(e) This chapter shall not apply to an unattended diagnostic test when:

1. The test is performed in a patient's home;

2. The patient places any sensors on him or herself; and

3. The test is performed using a testing device that records three or fewer channels of data.

(f) A diagnostic test that is exempt from this chapter pursuant to (e) above shall be explained to a patient by a licensed polysomnographic technologist or a licensed physician.