

CHAPTER 70

POLYSOMNOGRAPHY — REGULATION AND LICENSURE

H.F. 203

AN ACT providing for the licensing of respiratory care and polysomnography practitioners and polysomnographic technologists and exceptions thereto, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135.24, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Procedures for registration of health care providers deemed qualified by the board of medicine, the board of physician assistants, the dental board, the board of nursing, the board of chiropractic, the board of psychology, the board of social work, the board of behavioral science, the board of pharmacy, the board of optometry, the board of podiatry, the board of physical and occupational therapy, the board of respiratory care and polysomnography, and the Iowa department of public health, as applicable.

Sec. 2. Section 147.1, subsections 3 and 6, Code 2015, are amended to read as follows:

3. “*Licensed*” or “*certified*”, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid dispenser, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. “*Profession*” means medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, hearing aid dispensing, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 3. Section 147.2, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, polysomnography, athletic training, acupuncture, nursing home administration, hearing aid dispensing, or sign language interpreting or transliterating, or shall not practice as a physician assistant, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 4. Section 147.13, subsection 18, Code 2015, is amended to read as follows:

18. For respiratory care and polysomnography, the board of respiratory care and polysomnography.

Sec. 5. Section 147.14, subsection 1, paragraph o, Code 2015, is amended to read as follows:

o. For respiratory care and polysomnography, one licensed physician with training in respiratory care, ~~three~~ two respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, one polysomnographic technologist who has practiced polysomnography for a minimum of six years immediately preceding appointment to the board and who is recommended by the Iowa sleep society, and one member not licensed to practice medicine, osteopathic medicine, polysomnography, or respiratory care who shall represent the general public.

Sec. 6. Section 147.74, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. A person who is licensed to engage in the practice of polysomnography shall have the right to use the title “polysomnographic technologist” or the letters “P.S.G.T.” after the person’s name. No other person may use that title or letters or any other words or letters indicating that the person is a polysomnographic technologist.

Sec. 7. **NEW SECTION. 148G.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. “*Board*” means the board of respiratory care and polysomnography established in chapter 147.

2. “*Direct supervision*” means that the respiratory care and polysomnography practitioner or the polysomnographic technologist providing supervision must be present where the polysomnographic procedure is being performed and immediately available to furnish assistance and direction throughout the performance of the procedure.

3. “*General supervision*” means that the polysomnographic procedure is provided under a physician’s or qualified health care professional prescriber’s overall direction and control, but the physician’s or qualified health care professional prescriber’s presence is not required during the performance of the procedure.

4. “*Physician*” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery and who is board certified and who is actively involved in the sleep medicine center or laboratory.

5. “*Polysomnographic student*” means a person who is enrolled in a program approved by the board and who may provide sleep-related services under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist as a part of the person’s educational program.

6. “*Polysomnographic technician*” means a person who has graduated from a program approved by the board, but has not yet received an accepted national credential awarded from an examination program approved by the board and who may provide sleep-related services under the direct supervision of a licensed respiratory care and polysomnography practitioner or a licensed polysomnographic technologist for a period of up to thirty days following graduation while awaiting credentialing examination scheduling and results.

7. “*Polysomnographic technologist*” means a person licensed by the board to engage in the practice of polysomnography under the general supervision of a physician or a qualified health care professional prescriber.

8. “*Practice of polysomnography*” means as described in section 148G.2.

9. “*Qualified health care practitioner*” means an individual who is licensed under section 147.2, and who holds a credential listed on the board of registered polysomnographic technologists list of accepted allied health credentials.

10. “*Qualified health care professional prescriber*” means a physician assistant operating under the prescribing authority granted in section 147.107 or an advanced registered nurse practitioner operating under the prescribing authority granted in section 147.107.

11. “*Sleep-related services*” means acts performed by polysomnographic technicians, polysomnographic students, and other persons permitted to perform those services under this chapter, in a setting described in this chapter that would be considered the practice of polysomnography if performed by a respiratory care and polysomnography practitioner or a polysomnographic technologist.

Sec. 8. **NEW SECTION. 148G.2 Practice of polysomnography.**

The practice of polysomnography consists of but is not limited to the following tasks as performed for the purpose of polysomnography, under the general supervision of a licensed physician or qualified health care professional prescriber:

1. Monitoring, recording, and evaluating physiologic data during polysomnographic testing and review during the evaluation of sleep-related disorders, including sleep-related respiratory disturbances, by applying any of the following techniques, equipment, or procedures:

a. Noninvasive continuous, bilevel positive airway pressure, or adaptive servo-ventilation titration on spontaneously breathing patients using a mask or oral appliance; provided, that the mask or oral appliance does not extend into the trachea or attach to an artificial airway.

b. Supplemental low-flow oxygen therapy of less than six liters per minute, utilizing a nasal cannula or incorporated into a positive airway pressure device during a polysomnogram.

c. Capnography during a polysomnogram.

d. Cardiopulmonary resuscitation.

e. Pulse oximetry.

f. Gastroesophageal pH monitoring.

g. Esophageal pressure monitoring.

h. Sleep stage recording using surface electroencephalography, surface electrooculography, and surface submental electromyography.

i. Surface electromyography.

j. Electrocardiography.

k. Respiratory effort monitoring, including thoracic and abdominal movement.

l. Plethysmography blood flow monitoring.

m. Snore monitoring.

n. Audio and video monitoring.

o. Body movement monitoring.

p. Nocturnal penile tumescence monitoring.

q. Nasal and oral airflow monitoring.

r. Body temperature monitoring.

2. Monitoring the effects that a mask or oral appliance used to treat sleep disorders has on sleep patterns; provided, however, that the mask or oral appliance shall not extend into the trachea or attach to an artificial airway.

3. Observing and monitoring physical signs and symptoms, general behavior, and general physical response to polysomnographic evaluation and determining whether initiation, modification, or discontinuation of a treatment regimen is warranted.

4. Analyzing and scoring data collected during the monitoring described in this section for the purpose of assisting a physician in the diagnosis and treatment of sleep and wake disorders that result from developmental defects, the aging process, physical injury, disease, or actual or anticipated somatic dysfunction.

5. Implementation of a written or verbal order from a physician or qualified health care professional prescriber to perform polysomnography.

6. Education of a patient regarding the treatment regimen that assists the patient in improving the patient's sleep.

7. Use of any oral appliance used to treat sleep-disordered breathing while under the care of a licensed polysomnographic technologist during the performance of a sleep study, as directed by a licensed dentist.

Sec. 9. **NEW SECTION. 148G.3 Location of services.**

The practice of polysomnography shall take place only in a facility that is accredited by a nationally recognized sleep medicine laboratory or center accrediting agency, in a facility operated by a hospital or a hospital licensed under chapter 135B, or in a patient's home pursuant to rules adopted by the board; provided, however, that the scoring of data and the education of patients may take place in another setting.

Sec. 10. **NEW SECTION. 148G.4 Scope of chapter.**

Nothing in this chapter shall be construed to limit or restrict a health care practitioner licensed in this state from engaging in the full scope of practice of the individual's profession.

Sec. 11. NEW SECTION. 148G.5 Rulemaking.

The board shall adopt rules necessary for the implementation and administration of this chapter and the applicable provisions of chapters 147 and 272C.

Sec. 12. NEW SECTION. 148G.6 Licensing requirements.

1. Beginning January 1, 2017, a person seeking licensure as a respiratory care and polysomnography practitioner or as a polysomnographic technologist shall apply to the board and pay the fees established by the board for the type of license for which the applicant is applying. Beginning with the March 31, 2016, license renewal period, a person licensed as a respiratory care practitioner who seeks a respiratory care and polysomnography practitioner license shall make such application with the application for license renewal and pay the fees established by the board. The fees established by the board for a respiratory care and polysomnography practitioner license shall not exceed one hundred twenty percent of the cost of a respiratory care practitioner license issued pursuant to chapter 152B or a polysomnographic technologist license issued pursuant to this section. The application for a respiratory care and polysomnography practitioner license must meet the requirements of this section. Upon receipt of an application, the board shall conduct a background check of the applicant. An application for either type of licensure shall show that the applicant is of good moral character and is at least eighteen years of age, and shall include proof that the person has satisfied one of the following educational requirements:

a. Graduation from a polysomnographic educational program that is accredited by the committee on accreditation for polysomnographic technologist education or an equivalent program as determined by the board.

b. Graduation from a respiratory care educational program that is accredited by the commission on accreditation for respiratory care or by a committee on accreditation for the commission on accreditation of allied health education programs, and any of the following:

(1) Completion of the curriculum for a polysomnographic certificate established and accredited by the commission on accreditation of allied health education programs as an extension of the respiratory care program.

(2) Obtaining the sleep disorder specialist credential from the national board for respiratory care.

(3) Obtaining the registered polysomnographic technologist credential from the board of registered polysomnographic technologists.

(4) Completing or obtaining any other certificate or credential program as recognized by the board.

c. Graduation from an electroneurodiagnostic technologist educational program that is accredited by the committee on accreditation for education in electroneurodiagnostic technology or by a committee on accreditation for the commission on accreditation of allied health education programs, and completion of the curriculum for a polysomnographic certificate established and accredited by the commission on accreditation of allied health education programs as an extension of the electroneurodiagnostic educational program or an equivalent program as determined by the board.

2. Notwithstanding subsection 1, beginning January 1, 2017, the board shall issue a license to perform polysomnography to an individual who holds an active license under section 147.2 in a profession other than polysomnography and who is in good standing with the board for that profession upon application to the board demonstrating any of the following:

a. Successful completion of an educational program in polysomnography approved by the board.

b. Successful completion of an examination in polysomnography approved by the board.

c. Verification from the medical director of the individual's current employer or the medical director's designee that the individual has completed on-the-job training in the field of polysomnography, along with written verification from the medical director of the individual's current employer or the medical director's designee that the individual is competent to perform polysomnography.

3. Notwithstanding subsection 1, beginning January 1, 2017, a person who is working in the field of sleep medicine on January 1, 2017, may apply to the board for a license to perform polysomnography. The board shall issue a license to the person, without examination, provided the application contains verification that the person has completed five hundred hours of paid clinical or nonclinical polysomnographic work experience within the three years prior to submission of the application. The application shall also contain verification from the medical director of the person's current employer or the medical director's designee that the person is competent to perform polysomnography.

4. A person who is working in the field of sleep medicine on January 1, 2017, who is not otherwise eligible to obtain a license pursuant to this section shall have until January 1, 2018, to achieve a passing score on an examination as designated by the board. The board shall allow the person to attempt the examination and be awarded a license as a polysomnographic technologist by meeting or exceeding the passing point established by the board. After January 1, 2018, only persons licensed as respiratory care and polysomnography practitioners or as polysomnographic technologists pursuant to this chapter, or excepted from the requirements of this chapter may perform sleep-related services.

5. The fees assessed by the board shall be sufficient to cover all costs associated with the administration of this chapter.

Sec. 13. NEW SECTION. 148G.7 Persons exempt from licensing requirement.

1. The following persons may provide sleep-related services without being licensed as a respiratory care and polysomnography practitioner or as a polysomnographic technologist under this chapter:

a. A qualified health care practitioner may provide sleep-related services under the direct supervision of a licensed respiratory care and polysomnography practitioner or a licensed polysomnographic technologist for a period of up to six months while gaining the clinical experience necessary to meet the admission requirements for a polysomnographic credentialing examination. The board may grant a one-time extension of up to six months.

b. A polysomnographic student may provide sleep-related services under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist as a part of the student's educational program while actively enrolled in a polysomnographic educational program that is accredited by the commission on accreditation of allied health education programs or an equivalent program as determined by the board.

2. Before providing any sleep-related services, a polysomnographic technician or polysomnographic student who is obtaining clinical experience shall give notice to the board that the person is working under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist in order to gain the experience to be eligible to sit for a national certification examination. The person shall wear a badge that appropriately identifies the person while providing such services.

Sec. 14. NEW SECTION. 148G.8 Licensing sanctions.

The board may impose sanctions for violations of this chapter as provided in chapters 147 and 272C.

Sec. 15. Section 152B.1, subsection 1, Code 2015, is amended to read as follows:

1. "Board" means the board of respiratory care and polysomnography created under chapter 147.

Sec. 16. Section 272C.1, subsection 6, paragraph z, Code 2015, is amended to read as follows:

z. The board of respiratory care and polysomnography in licensing respiratory care practitioners pursuant to chapter 152B, respiratory care and polysomnography practitioners pursuant to chapter 152B, and polysomnographic technologists pursuant to chapter 148G.

Sec. 17. INITIAL APPOINTMENT OF POLYSOMNOGRAPHIC TECHNOLOGIST TO BOARD. For the initial appointment of the polysomnographic member to the board of respiratory care and polysomnography pursuant to section 147.14, as amended in this Act,

such appointee must be eligible for licensure pursuant to this Act. The appointment shall be effective upon the first expiration of the term of an existing respiratory care board member which occurs after the effective date of this section of this Act.

Sec. 18. EFFECTIVE DATE. The following provision or provisions of this Act take effect January 1, 2017:

1. The section of this Act amending section 147.2, subsection 1.

Approved April 24, 2015