

Sunset Public Hearing Questions for  
**Polysomnography Professional Standards Committee**  
Created by Section 63-31-103, *Tennessee Code Annotated*  
(Sunset Termination June 2020)

***Enabling Statute, Purpose, and Rules and Regulations***

**1. Provide a brief introduction to the committee, including information about its purpose, statutory duties, staff, and administrative attachment.**

To assist the Tennessee Board of Medical Examiners (the “Board”), the Polysomnography Professional Standards Committee (the “Committee”) was established by the General Assembly in 2007 to license those individuals actively engaged in the practice of polysomnography as that term is defined in Tenn. Code Ann. §63-31-101(9)(A). The Committee is responsible for safeguarding the health, safety and welfare of Tennesseans by ensuring those who practice polysomnography are qualified. The Committee, working with the Board of Medical Examiners, interprets the laws, rules and regulations to determine the appropriate standards of practice to ensure the highest degree of professional conduct. The Committee is authorized to issue licenses to qualified candidates who have completed appropriate education and successfully completed required examinations. The Committee, along with the Board, determines the appropriate standard of care, investigates alleged violations of laws and rules, and disciplines licensees who are found guilty of such violations.

The Committee meets three (3) times per year. The meetings are open to the public and are held at the Department of Health, Health-Related Boards Office located at: 665 Mainstream Drive in Nashville.

The Committee consists of seven (7) members, all appointed by the Governor. The membership is composed of the following:

- Three (3) registered polysomnographic technologists;
- One (1) physician who is certified in sleep medicine by a national certifying body recognized by the American Academy of Sleep Medicine;
- One (1) person who is the director of an accredited, hospital-based sleep center;
- One (1) respiratory therapist who is also a registered polysomnographic technologist; and
- One (1) consumer member who is not commercially or professionally associated with the health care field.

**2. Has the committee promulgated rules and regulations? If yes, please cite the reference.**

Yes, the General Rules and Regulations Governing the Practice of Polysomnography are located in Chapter 0880-14.

***Committee Organization***

- 3. Provide a list of current members of the committee. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member’s term, and whether the member is serving a consecutive term.**

Please see the chart below. All Committee members are appointed by the governor.

<b>Member</b>	<b>Representation</b>	<b>Term Beginning</b>	<b>Term Ending</b>	<b>Consecutive</b>
Jim Donaldson	Polysomnography Technologist	11-2016	12-2019	Yes (previously filled a vacant term)
Scott Vogt	Director of Accredited Sleep-Based Sleep Center	01-2018	12-2021	Yes
Charity Worrick	Respiratory Therapist/Registered Polysomnography Technologist	10-2016	12-2019	No
Theresa Hill	Consumer member	01-2017	12-2020	Yes
Mark Spiceland	Polysomnography Technologist	07-2018	12-2021	No
Penny Sprigs-Smith	Polysomnography Technologist	01-2019	12-2022	No
Stephen Heyman	Physician certified in Sleep Medicine	01-2019	12-2022	No

- 4. Are there any vacancies on the committee? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.**

No.

- 5. How many times did the committee meet in Fiscal Years 2018 and 2019? How many members were present at each meeting? Please note meetings where the committee did not have a quorum.**

The Committee met three times: August 21, 2018, with 5 members present; February 26, 2019, with 4 members present; and May 7, 2019 with 4 members present.

***Financial Information***

- 6. What were the committee’s revenues and expenditure for Fiscal Years 2018 and 2019? Does the committee carry a fund balance? If yes, please provide additional relevant information regarding the fund balance.**

For fiscal year 2018, the Committee had revenues of \$43,325.00 and total expenditures of \$31,285.92. Fiscal year 2019 has not been closed at this time but revenues collected year-to-date are \$50,630.00. The Committee had a fund balance of \$6,119.28 as of June 30, 2018. At this time the June 30, 2019 fund balance is unavailable.

**7. What per diem or travel reimbursements do committee members receive? How much was paid to committee members in Fiscal Years 2018 and 2019?**

As previously mentioned, FY2019 books are not closed at this time so the amounts for FY2019 are as of July 12, 2019. The per diem and travel amounts for each committee member represents the amounts paid during July – June of each year.

Member	FY2018-Per Diem	FY2018-Travel	FY2019-Per Diem	FY2019-Travel
Theresa Hill	\$200.00	\$199.28	\$0.00	\$199.28
Adam Clark	\$100.00	\$432.35	\$0.00	\$0.00
Charity Worrick	\$400.00	\$180.48	\$300.00	\$541.44
Roxanne Valentino	\$300.00	\$63.92	\$0.00	\$15.98
Scott Vogt	\$200.00	\$167.32	\$200.00	\$501.96
Jim Donaldson	\$400.00	\$1,861.16	\$200.00	\$966.45
Daniel Brown	\$200.00	\$809.19	\$100.00	\$403.05
Penny Springs-Smith	\$0.00	\$0.00	\$200.00	\$909.83
Mark Spiceland	\$0.00	\$0.00	\$200.00	\$31.96

**8. Please provide a list of fees collected and indicate whether these fees were established through rule or through state law.**

The fee structure, pursuant to the committee’s rules:

Fee Category	Fee Amount	Rule or Statute
Application	\$200.00	Rule
Biennial Renewal	\$120.00	Rule
State Regulatory	\$10.00 (Biennially)	Rule
Late Renewal fee	\$50.00	Rule
Replacement License Fee	\$25.00	Rule

***Sunshine Law, Public Meetings, and Conflict of Interest Policies***

**9. Is the committee subject to Sunshine law requirements (Section 8-44-101 et seq., Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of meetings and making minutes available to the public?**

The Board is subject to the sunshine law requirements of Tenn. Code Ann. 8-44-101 et seq. A public meeting notice is posted to the board’s web site by the 14<sup>th</sup> day of the

month preceding the month of the meeting date as well as posting the information on the Public Participation Calendar. The Board's administrative staff attends all meetings and takes minutes. Those minutes are then prepared for review and ratification by the Board at its next regularly scheduled meeting. After the minutes are ratified, they are then placed on the Board's web site.

**10. Does the committee allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the committee obtain feedback from the public and those they regulate?**

The Committee does not function as a public forum. The business meetings of a health related board/committee are conducted in full view of the public pursuant to a sunshine notice which provides information for physical location, a link to remotely view live-streaming of the meeting and notice of agenda items. The meeting is guided by this published agenda. However, the chair of a board/committee will often recognize members of the public who signify a desire to be heard on a matter properly before the board.

Additionally, all health related boards have instituted a sign-in sheet procedure that would permit members of the public to make time limited comments on matters properly noticed and before the board for consideration. Discussion of matters not receiving proper notice would violate the sunshine laws of Tennessee. Therefore, should a member of the public have a topic or comment that requires discussion, the most effective practice is to make the request known to the board administrator or director in advance to have the matter placed on the monthly sunshine notice. The Committee also accepts and reviews letters to the Committee as another means of addressing questions/concerns raised by the public and stakeholders.

A video recording of the meeting is available on the Department's web site for one month following the meeting. An audio recording of the meeting is also available upon request.

**11. Does the committee have policies to address potential conflict of interest by committee members, employees, or other state employees who work with the committee?**

Yes. All board members are educated on the Department of Health's Conflict of Interest Policy and reminded during the course of each meeting of the obligation to strictly adhere to the policy. Board members are required to sign a Conflict of Interest Statement upon appointment or as soon as practical and annually thereafter. It is the responsibility of the Board Administrator to ensure that the Conflict of Interest Statement is properly and timely signed. Board staff is required to sign a new Conflict of Interest statement annually. The Board's administrative office keeps signed copies on file in the Central Office of Health Related Boards.

**12. Does the committee have a website? If so, please provide the web address. What kind of public information is available on the website?**

Yes the website for the Board is: <https://www.tn.gov/health/health-program-areas/health-professional-boards/polys-board.html>

Information available to the public includes a listing of board members; the schedule of meetings; meeting minutes; information regarding national organizations relating to polysomnography; polysomnography educational programs; information regarding continuing education; information regarding licensure including a link to look up an individual's licensure information and a link to the online renewal portal; information regarding complaints; applications; legislative updates; statutes and rules which provides a link to the Tennessee Code Annotated as well as the Rules and Regulations of the Board; and a section containing the policies adopted by the Board.

*Application and Licensure Process*

**13. Describe the criteria for issuing a license. How were these criteria determined? How long does the licensing process take? What are the established time goals for obtaining a license? Are those goals being met?**

Licensure qualifications are determined through statutes and through the rules promulgated by the Polysomnography Professional Standards Committee. Application processing time averages a completion timeframe of 6-8 weeks; however, there is a 90-day benchmark to complete an application. Thus, applications are being processed within established timeliness benchmarks. Generally speaking, once an application has been received, the administrator and a polysomnographic consultant review the application. The applicant is either licensed by the consultant or asked to appear before the Committee for an interview and determination by the Committee.

**14. How many individuals and/or businesses are currently licensed by the committee? Please provide a list by category/type of license.**

As of July 19, 2019, there are 537 active licensed Polysomnography clinicians.

**15. How many applications did the committee receive in Fiscal Years 2018 and 2019? By category, how many applications were approved and a license granted? How many applications were rejected? Of those rejected, what was the primary reason for rejection?**

28 new applicants were approved and licensed. No applications were rejected.

**16. How many licenses were revoked during the same time period? What were the primary reasons for revocation? Please provide information by type of license.**

None were revoked.

### ***Complaint Handling Process***

**17. Describe the complaint handling process. Please explain how consumers are made aware of the process for filing a complaint, how complaints are taken and investigated, how complaints are resolved and what actions may be taken as a result.**

All complaints are handled through the Office of Investigation. Below is what is provided on the website:

#### **Filing a Complaint**

While the Department of Health hopes that you will never have to file a complaint against a health care practitioner, doing so is a simple matter. You may contact the Complaint Divisions of the Department of Health at 1-800-852-2187 to request a complaint form. (PH-3466)

The form must be completed in its entirety. All materials received in connection with the complaint will become property of the Department of Health and cannot be returned.

Please return the complaint to:

Office of Investigations  
665 Mainstream Drive, 2nd Floor, Suite 201  
Nashville, TN 37243

**18. What are the time goals for resolving complaints and are those goals being met?**

All complaints are handled through the Office of Investigations. The process is as follows:

Step 1. Report or complaint is received in the Office of Investigations.

Step 2. If the complaint constitutes a violation within the scope of authority of the board/committee, a file is opened and assigned a priority code base on harm or risk of harm.

Step 3. The complaint is reviewed by an attorney and clinical consultant to determine early disposition (Closed no action, Letter of Warning or Letter of Concern) or prepare for a field investigation – First Phase Review

Step 4. Complaint goes out for investigation, if necessary The Office of Investigations assigns timeliness goals from the date the complaint is assigned to the field to the date the complete investigation is returned from the field. The goals are assigned based upon harm or potential harm and rank as follows:

Immediate Jeopardy – 7 days  
Actual Harm Severe – 30 days  
Actual Harm Not Severe – 60 days  
Potential Harm – 120 days  
No Potential Harm – 150 days

Step 5. Complete investigation is reviewed by an attorney and a clinical consultant to determine disposition or further prosecution for disciplinary action – Second Phase Review

Step 6. If the complaint is deemed to require disciplinary action, the complete file is transferred to the Office of General Counsel for further prosecution.

- Next possible steps include: Propose a Consent Order (prior to notice of charges); Propose an Agreed Order (after notice of charges) or Proceed to administrative trial.

For the Polysomnography Professional Standards Committee, all investigation goals have been met.

**19. How many complaints were received in Fiscal Years 2018 and 2019? What types of complaints were received? What, if any, enforcement actions did the committee take as a result of complaints filed?**

There are currently three monitored practitioners under Board order. In 2018, two complaints were received: one complaint was for unprofessional conduct and one was for a lapsed license. No complaints have been filed thus far in 2019.

***Reports, Major Accomplishments, and Proposed Legislative Changes***

**20. What reports does the committee prepare concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Years 2018 and 2019.**

No reports are prepared.

**21. What were the committee's major accomplishments during Fiscal Years 2018 and 2019?**

The Committee handles its business in a very efficient manner, reviewing matters and issues as they arise and handling them quickly. The Committee adopts and amends policy statements when appropriate. For example, in May 2018, the Committee adopted a Position Statement Regarding Board Certification Requirements for Licensure as a Tennessee Polysomnographic Technologist. In this position statement, the Committee clarified that an applicant must be certified by the Board of Registered Polysomnographic

Technologists as a Registered Polysomnographic Technologist, or RPSGT, to be eligible for licensure as a Tennessee polysomnographic technologist.

**22. Please describe any items related to the committee that require legislative attention and your proposed legislative changes.**

None.

**23. Should the committee be continued? To what extent and in what ways would the absence of the committee affect the public health, safety, or welfare of the citizens of Tennessee?**

Yes, to promulgate rules and polices related to the practice of polysomnography.