

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1682 - HB 1760

June 10, 2020

**SUMMARY OF ORIGINAL BILL:** Extends the termination date of the Polysomnography Professional Standards Committee to June 30, 2026. Under the *Tennessee Governmental Entity Review Law*, the Committee is scheduled to terminate on June 30, 2020.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENTS (016205, 017192):** Amendment 016205 deletes all language after the enacting clause. Beginning January 1, 2021, terminates the Polysomnography Professional Standards Committee (Committee) with no wind down period and transfers all responsibility of the Committee to the Board of Medical Examiners (BME). Change the current licensing program to an occupational certification program. Establishes the Polysomnography Professional Standards Advisory Committee (Advisory Committee) to advise the BME on the governance of the polysomnography professional standards certification program. Establishes a termination date for the Advisory Committee of June 30, 2022.

Amendment 017192 amends Section 4 of amendment 016205 to stipulate that private advisory letter rulings issued by the BME to a specific certified person have no precedential value for any other contested case.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- The Committee and the BME operate under the Health Related Boards (HRB) within the Department of Health (DOH).
- Pursuant to Tenn. Code Ann. § 63-6-104(a)(2), all money received by the BME is paid to the Treasurer and becomes part of the General Fund.
- Pursuant to Tenn. Code Ann. 63-31-103(l), all money received by the Committee is paid to the Treasurer and becomes part of the General Fund.
- The proposed language:

- Transfers the administrative duties of certifying polysomnography professionals from the Committee to the BME;
- Terminates the Committee with no wind down period; and
- Authorizes current members of the Committee to serve on the Advisory Committee.
- This analysis assumes:
  - Fees will remain constant and there will not be a change in the number of certification that are issued; and
  - The HRB will not experience a significant impact in revenue or expenditures; therefore, any fiscal impact to the HRBs is estimated to be not significant; and
  - The BME can accommodate any necessary rulemaking within existing resources.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over a two-year period. The Committee had a surplus of \$12,039 in FY17-18, a surplus of \$11,732 in FY18-19, and had a cumulative reserve balance of \$15,400 on June 30, 2019.
- The BME had an annual deficit of \$231,445 in FY17-18, an annual deficit of \$346,206 in FY18-19, and a cumulative reserve balance of \$1,962,320 on June 30, 2019.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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