

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 819 (Third Edition)

SHORT TITLE: Polysomnography Practice Act.

SPONSOR(S): Representatives M. Alexander, Wainwright, and Moore

FISCAL IMPACT (\$)					
	Yes (X)	No ( )	No Estimate Available ( )		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
<b>REVENUES</b>					
NC Secretary of State	\$25,750+	\$27,750+	\$29,750+	\$31,750+	\$33,750+
<b>EFFECTIVE DATE:</b> October 1, 2009					

BILL SUMMARY:

Section 1 of House Bill 819 adds a new Article 39A to Chapter 90 of the General Statutes, the Polysomnography Practice Act.

G.S. 90-677.1 sets forth definitions of terms used in the act, including the definition of "polysomnography", the "Board of Registered Polysomnographic Technologists" (BRPT), and "registered polysomnographic technologist". Polysomnography is defined as an allied health specialty involving the process of attended and unattended monitoring, analysis, and recording of physiological data during sleep and wakefulness to assist in the assessment of sleep and wake disorders and dysfunctions that are sleep related. The BRPT is the credentialing organization for registered polysomnographic technologists. A "registered polysomnographic technologist" is a person credentialed by the Board.

G.S. 90-677.2 defines the practice of polysomnography to include:

- Monitoring and recording physiological data during the evaluation of sleep-related disorders through listed procedures, techniques, and equipment.
- Observing and monitoring physical signs and symptoms, general behavior and physical response to polysomnographic evaluation and determining treatment regimens based on protocols and physician order.
- Analyzing and scoring data collected during monitoring.
- Implementing physician orders that require the practice of polysomnography.

- Patient education regarding sleep disorders and polysomnography.

Except for the scoring of data and patient education, the practice of polysomnography shall take place in a hospital, sleep laboratory or clinic or in the patient's home.

**G.S. 90-677.3** makes it unlawful, on or after January 1, 2012, to practice polysomnography, or to represent that one is credentialed to practice unless the person is listed with the Secretary of State. Complaints and investigations of violations of the Article shall be directed to and conducted by the Board. The practice of polysomnography without listing with the Secretary is a Class 1 misdemeanor, and a court may issue an injunction or restraining order to prevent further violations.

**G.S. 90-677.4** lists the exemptions to the Article. Exemptions include:

- Persons registered, credentialed or licensed to engage in another profession or occupation, or person working under the supervision of such a person, if the person is performing work incidental to or within the scope of practice of that profession or occupation and the person does not represent themselves to be a registered polysomnographic technologist.
- A person employed by the federal government when performing their government duties.
- Research investigations that monitor physiological parameters during sleep/wakefulness provided the research investigations have been approved by an institutional review board, follow conventional safety measures, and are not obtained/used for the practice of clinical medicine.
- A licensed physician, physician's assistant, or nurse practitioner.
- A student in a polysomnographic education program if the activities are part of the student's course of study, are performed under direct supervision, and the student adheres to post training examination guidelines established by the Board.

**G.S. 90-677.5** requires a person to file a copy of their Board credentialing document with the Secretary of State and pay a \$50 fee. This is an annual fee. The Secretary is to develop a form for applicants seeking to file and may require electronic filing and electronic fee payment.

The Secretary is to maintain a listing of all current registered polysomnographic technologists. Fees are to be used to pay the costs incurred in administering the Article. The Board shall notify the Secretary when a person's credentials have been revoked or are no longer in effect and the Secretary shall promptly amend the listing.

Listings automatically expire on September 30 each year. Listings must be renewed annually by filing a new listing form, credential verification and payment of the filing fee.

**Section 2** of House Bill 819 directs the North Carolina Medical Board, within 6 months of the effective date of the act, to identify the standards of physician supervision of persons registered to practice as registered polysomnographic technologists. The Medical Board shall communicate those standards to all licensed physicians in the State.

*Source: Adopted from the bill analysis done by the Committee Counsel to House Finance on June 3, 2009.*

#### **ASSUMPTIONS AND METHODOLOGY:**

House Bill 819 makes it unlawful for a person to practice polysomnography, or to imply that they are credentialed to practice polysomnography, unless the person has filed a copy of their

credentials as a registered polysomnologist from the Board of Registered Polysomnographic Technologists (BRPT) with the Secretary of State and paid an annual \$50 filing fee by January 1, 2012. However, the Secretary of State's office will not list an individual as a certified polysomnologist until they have filed their credentials. According to the Board of Registered Polysomnographic Technologists, the Board currently certifies 515 polysomnologists in North Carolina. Individuals practicing polysomnography are not currently required to be certified by the Board. Therefore, this number likely underestimates the number of polysomnologists practicing in the state. According to the NC Respiratory Care Board, approximately 40 new polysomnologists begin practicing each year. House Bill 895 will result in an increase in revenues equal to the number of polysomnologists multiplied by the \$50 filing fee. Assuming most individuals will want their names listed with the Secretary of State as soon as possible, this will result in at least a \$25,750 revenue increase in FY 2009-10. The expected increase in the number of practicing polysomnologists each year will cause this revenue increase to grow by an additional \$2,000 in FY 2010-11 and each of the years following. While the bill makes other changes, they are not expected to generate a significant fiscal impact.

**SOURCES OF DATA:** Board of Registered Polysomnographic Technologists, NC Respiratory Care Board

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** June 4, 2009



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