

# HOUSE BILL No. 1383

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1; IC 25-29.5; IC 35-51-25-1.

**Synopsis:** Licensing polysomnographic technologists. Establishes licensing requirements to practice polysomnography. Establishes the polysomnography standards committee under the medical licensing board. Provides that, beginning July 1, 2015, a person must have a license to practice polysomnography or use certain titles. Provides that a person who uses certain titles or practices polysomnography without being licensed commits a Class B misdemeanor.

**Effective:** July 1, 2013.

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**Kirchhofer**

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January 22, 2013, read first time and referred to Committee on Public Health.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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## HOUSE BILL No. 1383



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.197-2011,
- 2 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 6. (a) As used in this section, "license" includes
- 4 all occupational and professional licenses, registrations, permits, and
- 5 certificates issued under the Indiana Code, and "licensee" includes all
- 6 occupational and professional licensees, registrants, permittees, and
- 7 certificate holders regulated under the Indiana Code.
- 8 (b) This section applies to the following entities that regulate
- 9 occupations or professions under the Indiana Code:
- 10 (1) Indiana board of accountancy.
- 11 (2) Indiana grain buyers and warehouse licensing agency.
- 12 (3) Indiana auctioneer commission.
- 13 (4) Board of registration for architects and landscape architects.
- 14 (5) State board of cosmetology and barber examiners.
- 15 (6) Medical licensing board of Indiana.
- 16 (7) Secretary of state.
- 17 (8) State board of dentistry.



- 1 (9) State board of funeral and cemetery service.
- 2 (10) Worker's compensation board of Indiana.
- 3 (11) Indiana state board of health facility administrators.
- 4 (12) Committee of hearing aid dealer examiners.
- 5 (13) Indiana state board of nursing.
- 6 (14) Indiana optometry board.
- 7 (15) Indiana board of pharmacy.
- 8 (16) Indiana plumbing commission.
- 9 (17) Board of podiatric medicine.
- 10 (18) Private investigator and security guard licensing board.
- 11 (19) State board of registration for professional engineers.
- 12 (20) State psychology board.
- 13 (21) Indiana real estate commission.
- 14 (22) Speech-language pathology and audiology board.
- 15 (23) Department of natural resources.
- 16 (24) Board of chiropractic examiners.
- 17 (25) Mining board.
- 18 (26) Indiana board of veterinary medical examiners.
- 19 (27) State department of health.
- 20 (28) Indiana physical therapy committee.
- 21 (29) Respiratory care committee.
- 22 (30) Occupational therapy committee.
- 23 (31) Behavioral health and human services licensing board.
- 24 (32) Real estate appraiser licensure and certification board.
- 25 (33) State board of registration for land surveyors.
- 26 (34) Physician assistant committee.
- 27 (35) Indiana dietitians certification board.
- 28 (36) Attorney general (only for the regulation of athlete agents).
- 29 (37) Manufactured home installer licensing board.
- 30 (38) Home inspectors licensing board.
- 31 (39) State board of massage therapy.
- 32 **(40) Polysomnography standards committee.**
- 33 ~~(40)~~ **(41)** Any other occupational or professional agency created
- 34 after June 30, 1981.

35 (c) Notwithstanding any other law, the entities included in  
 36 subsection (b) shall send a notice of the upcoming expiration of a  
 37 license to each licensee at least sixty (60) days prior to the expiration  
 38 of the license. The notice must inform the licensee of the need to renew  
 39 and the requirement of payment of the renewal fee. If this notice of  
 40 expiration is not sent by the entity, the licensee is not subject to a  
 41 sanction for failure to renew if, once notice is received from the entity,  
 42 the license is renewed within forty-five (45) days of the receipt of the



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notice.

(d) Notwithstanding any other law, the entities included in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

- (1) Inform the individual of the following:
  - (A) That the individual's license has expired.
  - (B) Any requirements that must be met before reinstatement of a license may occur.
- (2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

SECTION 2. IC 25-1-4-0.3, AS AMENDED BY P.L.84-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).



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- 1 (21) Indiana physical therapy committee (IC 25-27-1).  
 2 (22) Physician assistant committee (IC 25-27.5).  
 3 (23) Indiana plumbing commission (IC 25-28.5-1-3).  
 4 (24) Board of podiatric medicine (IC 25-29-2-1).  
 5 (25) Private investigator and security guard licensing board  
 6 (IC 25-30-1-5.2).  
 7 (26) State psychology board (IC 25-33).  
 8 (27) Indiana real estate commission (IC 25-34.1-2).  
 9 (28) Real estate appraiser licensure and certification board  
 10 (IC 25-34.1-8).  
 11 (29) Respiratory care committee (IC 25-34.5).  
 12 (30) Behavioral health and human services licensing board  
 13 (IC 25-23.6).  
 14 (31) Speech-language pathology and audiology board  
 15 (IC 25-35.6-2).  
 16 (32) Indiana board of veterinary medical examiners  
 17 (IC 25-38.1-2).  
 18 **(33) Polysomnography standards committee (IC 25-29.5-3-1).**  
 19 SECTION 3. IC 25-1-5-3, AS AMENDED BY P.L.84-2010,  
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2013]: Sec. 3. (a) There is established the Indiana professional  
 22 licensing agency. The agency shall perform all administrative  
 23 functions, duties, and responsibilities assigned by law or rule to the  
 24 executive director, secretary, or other statutory administrator of the  
 25 following:  
 26 (1) Board of chiropractic examiners (IC 25-10-1).  
 27 (2) State board of dentistry (IC 25-14-1).  
 28 (3) Indiana state board of health facility administrators  
 29 (IC 25-19-1).  
 30 (4) Medical licensing board of Indiana (IC 25-22.5-2).  
 31 (5) Indiana state board of nursing (IC 25-23-1).  
 32 (6) Indiana optometry board (IC 25-24).  
 33 (7) Indiana board of pharmacy (IC 25-26).  
 34 (8) Board of podiatric medicine (IC 25-29-2-1).  
 35 (9) Speech-language pathology and audiology board  
 36 (IC 25-35.6-2).  
 37 (10) State psychology board (IC 25-33).  
 38 (11) Indiana board of veterinary medical examiners  
 39 (IC 25-38.1-2).  
 40 (12) Committee of hearing aid dealer examiners (IC 25-20).  
 41 (13) Indiana physical therapy committee (IC 25-27).  
 42 (14) Respiratory care committee (IC 25-34.5).

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- 1 (15) Occupational therapy committee (IC 25-23.5).
- 2 (16) Behavioral health and human services licensing board
- 3 (IC 25-23.6).
- 4 (17) Physician assistant committee (IC 25-27.5).
- 5 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 6 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 7 **(20) Polysomnography standards committee (IC 25-29.5-3-1).**
- 8 (b) Nothing in this chapter may be construed to give the agency
- 9 policy making authority, which authority remains with each board.
- 10 SECTION 4. IC 25-1-5-10, AS AMENDED BY P.L.84-2010,
- 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2013]: Sec. 10. (a) As used in this section, "provider" means
- 13 an individual licensed, certified, registered, or permitted by any of the
- 14 following:
- 15 (1) Board of chiropractic examiners (IC 25-10-1).
- 16 (2) State board of dentistry (IC 25-14-1).
- 17 (3) Indiana state board of health facility administrators
- 18 (IC 25-19-1).
- 19 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 20 (5) Indiana state board of nursing (IC 25-23-1).
- 21 (6) Indiana optometry board (IC 25-24).
- 22 (7) Indiana board of pharmacy (IC 25-26).
- 23 (8) Board of podiatric medicine (IC 25-29-2-1).
- 24 (9) Speech-language pathology and audiology board
- 25 (IC 25-35.6-2).
- 26 (10) State psychology board (IC 25-33).
- 27 (11) Indiana board of veterinary medical examiners
- 28 (IC 25-38.1-2).
- 29 (12) Indiana physical therapy committee (IC 25-27).
- 30 (13) Respiratory care committee (IC 25-34.5).
- 31 (14) Occupational therapy committee (IC 25-23.5).
- 32 (15) Behavioral health and human services licensing board
- 33 (IC 25-23.6).
- 34 (16) Physician assistant committee (IC 25-27.5).
- 35 (17) Indiana athletic trainers board (IC 25-5.1-2-1).
- 36 (18) Indiana dietitians certification board (IC 25-14.5-2-1).
- 37 **(19) Polysomnography standards committee (IC 25-29.5-3-1).**
- 38 (b) The agency shall create and maintain a provider profile for each
- 39 provider described in subsection (a).
- 40 (c) A provider profile must contain the following information:
- 41 (1) The provider's name.
- 42 (2) The provider's license, certification, registration, or permit

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- 1 number.
- 2 (3) The provider's license, certification, registration, or permit
- 3 type.
- 4 (4) The date the provider's license, certification, registration, or
- 5 permit was issued.
- 6 (5) The date the provider's license, certification, registration, or
- 7 permit expires.
- 8 (6) The current status of the provider's license, certification,
- 9 registration, or permit.
- 10 (7) The provider's city and state of record.
- 11 (8) A statement of any disciplinary action taken against the
- 12 provider within the previous ten (10) years by a board or
- 13 committee described in subsection (a).
- 14 (d) The agency shall make provider profiles available to the public.
- 15 (e) The computer gateway administered by the office of technology
- 16 established by IC 4-13.1-2-1 shall make the information described in
- 17 subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally
- 18 available to the public on the Internet.
- 19 (f) The agency may adopt rules under IC 4-22-2 to implement this
- 20 section.
- 21 SECTION 5. IC 25-1-7-1, AS AMENDED BY P.L.42-2011,
- 22 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2013]: Sec. 1. As used in this chapter:
- 24 "Board" means the appropriate agency listed in the definition of
- 25 regulated occupation in this section.
- 26 "Director" refers to the director of the division of consumer
- 27 protection.
- 28 "Division" refers to the division of consumer protection, office of
- 29 the attorney general.
- 30 "Licensee" means a person who is:
- 31 (1) licensed, certified, or registered by a board listed in this
- 32 section; and
- 33 (2) the subject of a complaint filed with the division.
- 34 "Person" means an individual, a partnership, a limited liability
- 35 company, or a corporation.
- 36 "Regulated occupation" means an occupation in which a person is
- 37 licensed, certified, or registered by one (1) of the following:
- 38 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 39 (2) Board of registration for architects and landscape architects
- 40 (IC 25-4-1-2).
- 41 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 42 (4) Board of chiropractic examiners (IC 25-10-1).

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- 1 (5) State board of cosmetology and barber examiners
- 2 (IC 25-8-3-1).
- 3 (6) State board of dentistry (IC 25-14-1).
- 4 (7) State board of funeral and cemetery service (IC 25-15-9).
- 5 (8) State board of registration for professional engineers
- 6 (IC 25-31-1-3).
- 7 (9) Indiana state board of health facility administrators
- 8 (IC 25-19-1).
- 9 (10) Medical licensing board of Indiana (IC 25-22.5-2).
- 10 (11) Indiana state board of nursing (IC 25-23-1).
- 11 (12) Indiana optometry board (IC 25-24).
- 12 (13) Indiana board of pharmacy (IC 25-26).
- 13 (14) Indiana plumbing commission (IC 25-28.5-1-3).
- 14 (15) Board of podiatric medicine (IC 25-29-2-1).
- 15 (16) State psychology board (IC 25-33).
- 16 (17) Speech-language pathology and audiology board
- 17 (IC 25-35.6-2).
- 18 (18) Indiana real estate commission (IC 25-34.1-2).
- 19 (19) Indiana board of veterinary medical examiners (IC 25-38.1).
- 20 (20) Department of natural resources for purposes of licensing
- 21 water well drillers under IC 25-39-3.
- 22 (21) Respiratory care committee (IC 25-34.5).
- 23 (22) Private investigator and security guard licensing board
- 24 (IC 25-30-1-5.2).
- 25 (23) Occupational therapy committee (IC 25-23.5).
- 26 (24) Behavioral health and human services licensing board
- 27 (IC 25-23.6).
- 28 (25) Real estate appraiser licensure and certification board
- 29 (IC 25-34.1-8).
- 30 (26) State board of registration for land surveyors
- 31 (IC 25-21.5-2-1).
- 32 (27) Physician assistant committee (IC 25-27.5).
- 33 (28) Indiana athletic trainers board (IC 25-5.1-2-1).
- 34 (29) Indiana dietitians certification board (IC 25-14.5-2-1).
- 35 (30) Indiana physical therapy committee (IC 25-27).
- 36 (31) Manufactured home installer licensing board (IC 25-23.7).
- 37 (32) Home inspectors licensing board (IC 25-20.2-3-1).
- 38 (33) State department of health, for out-of-state mobile health
- 39 care entities.
- 40 (34) State board of massage therapy (IC 25-21.8-2-1).
- 41 **(35) Polysomnography standards committee (IC 25-29.5-3-1).**
- 42 ~~(35)~~ **(36)** Any other occupational or professional agency created

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- 1 after June 30, 1981.
- 2 SECTION 6. IC 25-1-8-1, AS AMENDED BY P.L.42-2011,  
 3 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of  
 5 the following:
- 6 (1) Indiana board of accountancy (IC 25-2.1-2-1).
  - 7 (2) Board of registration for architects and landscape architects  
 8 (IC 25-4-1-2).
  - 9 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
  - 10 (4) Board of chiropractic examiners (IC 25-10-1).
  - 11 (5) State board of cosmetology and barber examiners  
 12 (IC 25-8-3-1).
  - 13 (6) State board of dentistry (IC 25-14-1).
  - 14 (7) State board of funeral and cemetery service (IC 25-15).
  - 15 (8) State board of registration for professional engineers  
 16 (IC 25-31-1-3).
  - 17 (9) Indiana state board of health facility administrators  
 18 (IC 25-19-1).
  - 19 (10) Medical licensing board of Indiana (IC 25-22.5-2).
  - 20 (11) Mining board (IC 22-10-1.5-2).
  - 21 (12) Indiana state board of nursing (IC 25-23-1).
  - 22 (13) Indiana optometry board (IC 25-24).
  - 23 (14) Indiana board of pharmacy (IC 25-26).
  - 24 (15) Indiana plumbing commission (IC 25-28.5-1-3).
  - 25 (16) State psychology board (IC 25-33).
  - 26 (17) Speech-language pathology and audiology board  
 27 (IC 25-35.6-2).
  - 28 (18) Indiana real estate commission (IC 25-34.1-2-1).
  - 29 (19) Indiana board of veterinary medical examiners  
 30 (IC 25-38.1-2-1).
  - 31 (20) Department of insurance (IC 27-1).
  - 32 (21) State police department (IC 10-11-2-4), for purposes of  
 33 certifying polygraph examiners under IC 25-30-2.
  - 34 (22) Department of natural resources for purposes of licensing  
 35 water well drillers under IC 25-39-3.
  - 36 (23) Private investigator and security guard licensing board  
 37 (IC 25-30-1-5.2).
  - 38 (24) Occupational therapy committee (IC 25-23.5-2-1).
  - 39 (25) Behavioral health and human services licensing board  
 40 (IC 25-23.6-2-1).
  - 41 (26) Real estate appraiser licensure and certification board  
 42 (IC 25-34.1-8).

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- 1 (27) State board of registration for land surveyors  
 2 (IC 25-21.5-2-1).  
 3 (28) Physician assistant committee (IC 25-27.5).  
 4 (29) Indiana athletic trainers board (IC 25-5.1-2-1).  
 5 (30) Board of podiatric medicine (IC 25-29-2-1).  
 6 (31) Indiana dietitians certification board (IC 25-14.5-2-1).  
 7 (32) Indiana physical therapy committee (IC 25-27).  
 8 (33) Manufactured home installer licensing board (IC 25-23.7).  
 9 (34) Home inspectors licensing board (IC 25-20.2-3-1).  
 10 (35) State board of massage therapy (IC 25-21.8-2-1).  
 11 **(36) Polysomnography standards committee (IC 25-29.5-3-1).**  
 12 ~~(36)~~ **(37)** Any other occupational or professional agency created  
 13 after June 30, 1981.

14 SECTION 7. IC 25-1-9-1, AS AMENDED BY P.L.84-2010,  
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of  
 17 the following:

- 18 (1) Board of chiropractic examiners (IC 25-10-1).  
 19 (2) State board of dentistry (IC 25-14-1).  
 20 (3) Indiana state board of health facility administrators  
 21 (IC 25-19-1).  
 22 (4) Medical licensing board of Indiana (IC 25-22.5-2).  
 23 (5) Indiana state board of nursing (IC 25-23-1).  
 24 (6) Indiana optometry board (IC 25-24).  
 25 (7) Indiana board of pharmacy (IC 25-26).  
 26 (8) Board of podiatric medicine (IC 25-29-2-1).  
 27 (9) Speech-language pathology and audiology board  
 28 (IC 25-35.6-2).  
 29 (10) State psychology board (IC 25-33).  
 30 (11) Indiana board of veterinary medical examiners  
 31 (IC 25-38.1-2).  
 32 (12) Indiana physical therapy committee (IC 25-27-1).  
 33 (13) Respiratory care committee (IC 25-34.5).  
 34 (14) Occupational therapy committee (IC 25-23.5).  
 35 (15) Behavioral health and human services licensing board  
 36 (IC 25-23.6).  
 37 (16) Physician assistant committee (IC 25-27.5).  
 38 (17) Indiana athletic trainers board (IC 25-5.1-2-1).  
 39 (18) Indiana dietitians certification board (IC 25-14.5-2-1).

40 **(19) Polysomnography standards committee (IC 25-29.5-3-1).**  
 41 SECTION 8. IC 25-29.5 IS ADDED TO THE INDIANA CODE AS  
 42 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,



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1 2013]:

2 **ARTICLE 29.5. POLYSOMNOGRAPHY STANDARDS**  
3 **COMMITTEE**

4 **Chapter 1. Applicability**

5 **Sec. 1. This article does not apply to the practice of an**  
6 **occupation or a profession for which an individual is licensed,**  
7 **certified, or registered in Indiana by a state agency if the individual**  
8 **is practicing within the scope of the individual's license, certificate,**  
9 **or registration.**

10 **Chapter 2. Definitions**

11 **Sec. 1. The definitions in this chapter apply throughout this**  
12 **article.**

13 **Sec. 2. "Board" refers to the medical licensing board of Indiana.**

14 **Sec. 3. "CAAHEP" refers to the Commission on Accreditation**  
15 **of Allied Health Education Programs.**

16 **Sec. 4. "Committee" refers to the polysomnography standards**  
17 **committee established by IC 25-29.5-3-1.**

18 **Sec. 5. "Direct supervision" means that the polysomnographic**  
19 **technologist providing supervision must be present in the area**  
20 **where the polysomnographic procedure is being performed and**  
21 **immediately available to furnish assistance and direction**  
22 **throughout the performance of the procedure.**

23 **Sec. 6. "General supervision" means that the polysomnographic**  
24 **procedure is provided under a physician's overall direction and**  
25 **control, but the physician's presence is not required during the**  
26 **performance of the procedure.**

27 **Sec. 7. "Polysomnographic technologist" means a person who**  
28 **is licensed by the board under this article to engage in the practice**  
29 **of polysomnography.**

30 **Sec. 8. (a) "Practice of polysomnography" means performing**  
31 **any of the following tasks, under the general supervision of a**  
32 **licensed physician:**

33 **(1) Monitoring, recording, and evaluating physiologic data**  
34 **during the evaluation of sleep related disorders, including**  
35 **sleep related respiratory disturbances, by applying the**  
36 **following techniques, equipment, and procedures:**

37 **(A) Noninvasive continuous, bi-level positive airway**  
38 **pressure, or adaptive servo ventilation titration on**  
39 **spontaneously breathing patients using an oral or nasal**  
40 **interface, if the oral or nasal interface does not extend into**  
41 **the trachea or attach to an artificial airway.**

42 **(B) Supplemental low flow oxygen therapy of less than six**

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- 1 (6) liters per minute, using a nasal cannula or incorporated  
 2 into a positive airway pressure device during a  
 3 polysomnogram.  
 4 (C) Capnography during a polysomnogram.  
 5 (D) Cardiopulmonary resuscitation.  
 6 (E) Pulse oximetry.  
 7 (F) Gastroesophageal pH monitoring.  
 8 (G) Esophageal pressure monitoring.  
 9 (H) Sleep stage recording using surface  
 10 electroencephalography, surface electrooculography, and  
 11 surface submental electromyography.  
 12 (I) Surface electromyography.  
 13 (J) Electrocardiography.  
 14 (K) Respiratory effort monitoring, including thoracic and  
 15 abdominal movement.  
 16 (L) Plethysmography blood flow monitoring.  
 17 (M) Snore monitoring.  
 18 (N) Audio and video monitoring.  
 19 (O) Body movement monitoring.  
 20 (P) Nocturnal penile tumescence monitoring.  
 21 (Q) Nasal and oral airflow monitoring.  
 22 (R) Body temperature monitoring.  
 23 (S) Monitoring the effects that a mask or oral appliance  
 24 used to treat sleep disorders has on sleep patterns, if the  
 25 mask or oral appliance does not extend into the trachea or  
 26 attach to an artificial airway.  
 27 (2) Observing and monitoring physical signs and symptoms,  
 28 general behavior, and general physical response to  
 29 polysomnographic evaluation and determining whether  
 30 initiation, modification, or discontinuation of a treatment  
 31 regimen is warranted.  
 32 (3) Analyzing and scoring data collected during the  
 33 monitoring described in subdivisions (1) and (2) for the  
 34 purpose of assisting a licensed physician in the diagnosis and  
 35 treatment of sleep and wake disorders that result from  
 36 developmental defects, the aging process, physical injury,  
 37 disease, or actual or anticipated somatic dysfunction.  
 38 (4) Implementation of a written or verbal order from a  
 39 licensed physician to perform polysomnography.  
 40 (5) Education of a patient regarding the treatment regimen  
 41 that assists the patient in improving the patient's sleep.  
 42 (b) The term includes the use of any oral appliance used to treat

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1 sleep disordered breathing while under the care of a licensed  
2 polysomnographic technologist during the performance of a sleep  
3 study under the direction of a licensed dentist.

4 **Chapter 3. Polysomnography Standards Committee**

5 **Sec. 1. The polysomnography standards committee is**  
6 **established.**

7 **Sec. 2. The committee consists of five (5) members appointed by**  
8 **the governor for terms of four (4) years. The committee must**  
9 **include the following:**

10 (1) Two (2) polysomnographic technologists who:

11 (A) are residents of Indiana; and

12 (B) are licensed under this article.

13 (2) One (1) physician who is:

14 (A) licensed under IC 25-22.5; and

15 (B) certified in sleep medicine by a national certifying body  
16 recognized by the American Academy of Sleep Medicine.

17 (3) One (1) respiratory care practitioner who is:

18 (A) certified under IC 25-34.5; and

19 (B) licensed under this article.

20 (4) One (1) person who:

21 (A) is a resident of Indiana; and

22 (B) is not associated with the practice of polysomnography  
23 in any way other than as a consumer.

24 **Sec. 3. The governor may consider for appointment to the**  
25 **committee the names of persons recommended by the professional**  
26 **organizations for each profession represented on the committee,**  
27 **including recommendations by the Indiana Society of Sleep**  
28 **Professionals, the Indiana Society for Respiratory Care, and the**  
29 **Indiana State Medical Association.**

30 **Sec. 4. If a vacancy occurs on the committee, the governor shall**  
31 **appoint an individual to fill the vacancy for the remainder of the**  
32 **vacating member's term.**

33 **Sec. 5. A member of the committee may be removed by the**  
34 **governor for cause.**

35 **Sec. 6. (a) The committee shall:**

36 (1) consider the qualifications of persons who apply for  
37 licenses under this article;

38 (2) license qualified persons;

39 (3) propose rules to the board concerning the:

40 (A) competent practice of polysomnography; and

41 (B) administration of this article; and

42 (4) subject to IC 25-1-8, recommend to the board the amounts

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of fees required under this article.  
(b) Subject to IC 25-1-4, the committee may recommend rules to the board requiring continuing education for the renewal of a license for a polysomnographic technologist.

Sec. 7. (a) The committee shall meet at least one (1) time each year at the call of the chairperson.

(b) Three (3) affirmative votes are necessary for the committee to take any official action.

Sec. 8. The committee shall annually elect a member of the committee to serve as the chairperson.

Sec. 9. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for:

- (1) the competent practice of polysomnography;
- (2) the renewal of licenses issued under this article; and
- (3) standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

(c) Subject to IC 25-1-4, the board may adopt rules requiring continuing education for the renewal of a license for a polysomnographic technologist.

Sec. 10. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the committee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

**Chapter 4. Licensure**

Sec. 1. A person who applies for a license as a polysomnographic technologist must present satisfactory evidence to the committee that the person meets the following requirements:

- (1) Is at least eighteen (18) years of age.
- (2) Does not have a conviction for a crime that has a direct bearing on the person's ability to practice competently.
- (3) Has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the person was not able to practice as a polysomnographic technologist without endangering the public.
- (4) Has passed the national certifying examination given by:
  - (A) the Board of Registered Polysomnographic Technologists; or

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1                   **(B) a nationally recognized accredited certifying agency.**  
2           **(5) Is credentialed by:**  
3                   **(A) the Board of Registered Polysomnographic**  
4                   **Technologists; or**  
5                   **(B) a nationally recognized accredited certifying agency.**  
6           **(6) Meets any additional educational or clinical requirements**  
7           **established by the board.**  
8           **Sec. 2. The committee shall issue a license to a person as a**  
9           **polysomnographic technologist who:**  
10           **(1) meets the requirements under section 1 of this chapter;**  
11           **and**  
12           **(2) pays the fee established by the board.**  
13           **Sec. 3. The board may adopt rules to establish temporary**  
14           **licenses for persons who have worked as polysomnographic**  
15           **technologists in another state or jurisdiction.**  
16           **Sec. 4. The committee may refuse to issue a license or may issue**  
17           **a probationary license to a person if:**  
18           **(1) the person has been disciplined by an administrative**  
19           **agency in another jurisdiction; and**  
20           **(2) the committee determines that the violation for which the**  
21           **person was disciplined has a direct bearing on the person's**  
22           **ability to practice polysomnography as a polysomnographic**  
23           **technologist.**  
24           **Sec. 5. (a) If the committee issues a probationary license under**  
25           **section 4 of this chapter, the committee may require the person**  
26           **who holds the probationary license to perform one (1) or more of**  
27           **the following conditions:**  
28           **(1) Report regularly to the committee upon a matter that is**  
29           **the basis for the probation.**  
30           **(2) Limit practice to areas prescribed by the committee.**  
31           **(3) Continue or renew professional education.**  
32           **(4) Engage in community restitution or service without**  
33           **compensation for a number of hours specified by the**  
34           **committee.**  
35           **(b) The committee shall remove a limitation placed on a**  
36           **probationary license if, after a hearing, the committee finds that**  
37           **the deficiency that caused the limitation has been remedied.**  
38           **Sec. 6. (a) A license issued by the committee expires on a date**  
39           **established by the Indiana professional licensing agency under**  
40           **IC 25-1-5-4 in the next even-numbered year following the year in**  
41           **which the license was issued.**  
42           **(b) A person may renew a license by:**

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- 1           **(1) paying a renewal fee on or before the expiration date of**
- 2           **the license; and**
- 3           **(2) submitting a verified statement that the person is**
- 4           **credentialed by a national organization specified in section**
- 5           **1(5) of this chapter.**
- 6           **(c) If a person fails to pay a renewal fee on or before the**
- 7           **expiration date of a license, the license becomes invalid.**
- 8           **Sec. 7. (a) The committee shall reinstate an invalid license up to**
- 9           **three (3) years after the expiration date of the license if the person**
- 10           **holding the invalid license meets the requirements under**
- 11           **IC 25-1-8-6.**
- 12           **(b) If more than three (3) years have elapsed since the date a**
- 13           **license expired, the person holding the license may renew the**
- 14           **license by satisfying the requirements for renewal established by**
- 15           **the board and meeting the requirements under IC 25-1-8-6.**
- 16           **Sec. 8. (a) The following persons who meet the requirements of**
- 17           **this section may engage in the practice of polysomnography**
- 18           **without a license under this article:**
- 19           **(1) A person may act as a polysomnographic technologist for**
- 20           **a period of up to one (1) year from the date on which the**
- 21           **person passes a national certifying exam described in section**
- 22           **1(4) of this chapter if the person is under the general**
- 23           **supervision of a licensed physician. The board may grant one**
- 24           **(1) extension of not more than three (3) months beyond the**
- 25           **initial one (1) year period.**
- 26           **(2) A person may act as a polysomnographic trainee if the**
- 27           **person:**
- 28           **(A) either:**
- 29           **(i) is actively enrolled in a sleep technologist on the job**
- 30           **educational program that is accredited by the American**
- 31           **Academy of Sleep Medicine; or**
- 32           **(ii) has worked at least eighteen (18) months in the**
- 33           **practice of polysomnography; and**
- 34           **(B) is under the direct supervision of a polysomnographic**
- 35           **technologist as a part of the trainee's educational program.**
- 36           **(3) A person may act as a polysomnographic student if the**
- 37           **person:**
- 38           **(A) is enrolled in a polysomnographic educational program**
- 39           **that is accredited by CAAHEP or an equivalent program**
- 40           **as determined by the board; and**
- 41           **(B) is under the direct supervision of a polysomnographic**
- 42           **technologist as a part of the person's educational program.**

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1 (4) A person may act as a polysomnographic technologist for  
2 a period of not more than one (1) year while obtaining the  
3 clinical experience necessary to be eligible to take a national  
4 certifying examination, if the person:

5 (A) is credentialed in a health related field accepted by:  
6 (i) the Board of Registered Polysomnographic  
7 Technologists; or  
8 (ii) a nationally recognized accredited certifying agency;  
9 and

10 (B) is under the direct supervision of a polysomnographic  
11 technologist.

12 (b) A person who engages in the practice of polysomnography  
13 under subsection (a) shall:

14 (1) submit a verified statement on a form prescribed by the  
15 board that the person is eligible to practice polysomnography  
16 under subsection (a) without a license;

17 (2) provide information required by the committee; and

18 (3) while practicing polysomnography, wear a badge that  
19 appropriately identifies the person and the person's title.

20 (c) The committee may issue a permit to a person who qualifies  
21 to practice polysomnography under this section.

22 (d) A polysomnographic student, while engaged in the practice  
23 of polysomnography, may not receive compensation for the  
24 services the student provides.

25 Chapter 5. Standards of Practice

26 Sec. 1. (a) A polysomnographic technologist shall engage in the  
27 practice of polysomnography in accordance with the standards  
28 established by the board.

29 (b) A polysomnographic technologist who:

30 (1) violates the standards of practice established by the board  
31 or set forth in IC 25-1-9; or

32 (2) violates this chapter;

33 is subject to the exercise of the disciplinary sanctions under  
34 IC 25-1-9-9.

35 Sec. 2. Except for the scoring of data and the education of  
36 patients, the practice of polysomnography may take place only in:

37 (1) a hospital, stand alone sleep laboratory, or sleep center; or

38 (2) a patient's home or residence according to a physician's  
39 order.

40 Sec. 3. A polysomnographic technologist may engage in the  
41 practice of polysomnography only under the general supervision  
42 of a licensed physician.

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1 **Chapter 6. Unlawful Practices; Penalty**

2 **Sec. 1. Unless the person is a polysomnographic technologist, a**  
 3 **person may not:**

4 (1) use the title "polysomnographic technologist";

5 (2) use the abbreviation "RPSGT"; or

6 (3) use other words, abbreviations, or insignia;

7 **to indicate or imply that the individual is a licensed**  
 8 **polysomnographic technologist.**

9 **Sec. 2. A person may not engage in the practice of**  
 10 **polysomnography unless the person is:**

11 (1) licensed under this article; or

12 (2) exempt from licensure under this article.

13 **Sec. 3. Beginning July 1, 2015, a person who knowingly or**  
 14 **intentionally violates this chapter commits a Class B misdemeanor.**

15 SECTION 9. IC 35-51-25-1, AS ADDED BY P.L.70-2011,  
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:

18 IC 25-2.1-13-3 (Concerning accountants).

19 IC 25-2.5-3-4 (Concerning acupuncturists).

20 IC 25-5.1-4-2 (Concerning athletic trainers).

21 IC 25-5.2-2-12 (Concerning athlete agents).

22 IC 25-6.1-7-1 (Concerning auctioneers and auctions).

23 IC 25-6.1-7-2 (Concerning auctioneers and auctions).

24 IC 25-8-15.4-25 (Concerning beauty culture).

25 IC 25-10-1-11 (Concerning chiropractors).

26 IC 25-11-1-12 (Concerning collection agencies).

27 IC 25-13-1-3 (Concerning dental hygienists).

28 IC 25-14-1-25 (Concerning dentists).

29 IC 25-14-4-6 (Concerning dentists).

30 IC 25-14.5-7-2 (Concerning dietitians).

31 IC 25-16-1-18 (Concerning employment services).

32 IC 25-17.3-5-3 (Concerning genetic counselors).

33 IC 25-17.6-8-2 (Concerning geologists).

34 IC 25-18-1-19 (Concerning distress sales).

35 IC 25-20-1-21 (Concerning hearing aid dealers).

36 IC 25-20.7-5-1 (Concerning interior designers).

37 IC 25-21.5-5-10 (Concerning land surveyors).

38 IC 25-21.5-13-2 (Concerning land surveyors).

39 IC 25-21.8-7-1 (Concerning massage therapists).

40 IC 25-22.5-8-2 (Concerning physicians).

41 IC 25-22.5-8-3 (Concerning physicians).

42 IC 25-23-1-27 (Concerning nurses).

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- 1 IC 25-23.5-3-2 (Concerning occupational therapists).  
 2 IC 25-23.6-3-3 (Concerning marriage and family therapists).  
 3 IC 25-23.6-4-4 (Concerning marriage and family therapists).  
 4 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).  
 5 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and  
 6 family therapists).  
 7 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).  
 8 IC 25-23.6-11-1 (Concerning marriage and family therapists).  
 9 IC 25-23.6-11-2 (Concerning marriage and family therapists).  
 10 IC 25-23.6-11-3 (Concerning marriage and family therapists).  
 11 IC 25-23.7-7-5 (Concerning manufactured home installers).  
 12 IC 25-24-1-18 (Concerning optometrists).  
 13 IC 25-24-3-17 (Concerning optometrists).  
 14 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug  
 15 stores).  
 16 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug  
 17 stores).  
 18 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug  
 19 stores).  
 20 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug  
 21 stores).  
 22 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug  
 23 stores).  
 24 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug  
 25 stores).  
 26 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug  
 27 stores).  
 28 IC 25-27-1-12 (Concerning physical therapists).  
 29 IC 25-27.5-7-2 (Concerning physician assistants).  
 30 IC 25-28.5-1-31 (Concerning plumbers).  
 31 IC 25-29-9-1 (Concerning podiatrists).  
 32 **IC 25-29.5-6-3 (Concerning polysomnographic technologists).**  
 33 IC 25-30-1-21 (Concerning private investigator firms, security  
 34 guards, and polygraph examiners).  
 35 IC 25-30-1.3-23 (Concerning private investigator firms, security  
 36 guards, and polygraph examiners).  
 37 IC 25-31-1-13 (Concerning engineers).  
 38 IC 25-31-1-27 (Concerning engineers).  
 39 IC 25-31.5-8-7 (Concerning soil scientists).  
 40 IC 25-33-1-15 (Concerning psychologists).  
 41 IC 25-34.5-3-2 (Concerning respiratory care specialists).  
 42 IC 25-35.6-3-10 (Concerning speech pathologists and

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- 1 audiologists).
- 2 IC 25-36.1-1-2 (Concerning surgical technologists).
- 3 IC 25-36.5-1-10 (Concerning timber buyers).
- 4 IC 25-36.5-1-15 (Concerning timber buyers).
- 5 IC 25-38.1-4-10 (Concerning veterinarians).
- 6 IC 25-38.1-4-11 (Concerning veterinarians).
- 7 IC 25-39-5-1 (Concerning water well drilling contractors).
- 8 IC 25-39-5-7 (Concerning water well drilling contractors).
- 9 IC 25-41-1-2 (Concerning behavior analysts).
- 10 SECTION 10. [EFFECTIVE JULY 1, 2013] (a) **The definitions**
- 11 **under IC 25-29.5-2, as added by this act, apply to this SECTION.**
- 12 (b) **Notwithstanding IC 25-29.5-3-2, as added by this act, the**
- 13 **terms of the members initially appointed by the governor to the**
- 14 **committee are as follows:**
- 15 (1) **One (1) member appointed under IC 25-29.5-3-2(1), as**
- 16 **added by this act, and the member appointed under**
- 17 **IC 25-29.5-3-2(2), as added by this act, are appointed for a**
- 18 **term of four (4) years.**
- 19 (2) **The member appointed under IC 25-29.5-3-2(3), as added**
- 20 **by this act, is appointed for a term of three (3) years.**
- 21 (3) **One (1) member appointed under IC 25-29.5-3-2(1), as**
- 22 **added by this act, is appointed for a term of two (2) years.**
- 23 (4) **The member appointed under IC 25-29.5-3-2(4), as added**
- 24 **by this act, is appointed for a term of one (1) year.**
- 25 (c) **An individual appointed to the committee under subsection**
- 26 **(b) becomes a member of the commission:**
- 27 (1) **on July 1, 2013; or**
- 28 (2) **on the date of appointment, if that date follows July 1,**
- 29 **2013.**
- 30 **However, for purposes of determining when the initial term of a**
- 31 **member appointed under subsection (b) expires, July 1, 2013, shall**
- 32 **be treated as the date on which the member's term began.**
- 33 (d) **An individual who, as of July 1, 2013, does not meet the**
- 34 **requirements of IC 25-29.5-3-2(1), as added by this act, may be**
- 35 **appointed to the committee under IC 25-29.5-3-2, as added by this**
- 36 **act, if the individual:**
- 37 (1) **has been actively engaged in the practice of**
- 38 **polysomnography for at least five (5) years immediately**
- 39 **before the individual's appointment; and**
- 40 (2) **obtains a license under IC 25-29.5-4, as added by this act,**
- 41 **not later than July 1, 2015.**
- 42 (e) **A committee member appointed under subsection (d) who**

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1 does not obtain the license required by IC 25-29.5-4, as added by  
2 this act, on or before July 1, 2015, is considered to have resigned  
3 from the committee on that date, and the governor shall fill the  
4 vacancy.  
5 (f) Notwithstanding IC 25-29.5-3-8, as added by this act, the  
6 governor shall appoint the initial chairperson to serve from July 1,  
7 2013, through January 1, 2014.  
8 (g) Not later than July 1, 2014, the board shall adopt rules under  
9 IC 4-22-2 to carry out this act.  
10 (h) This SECTION expires July 1, 2017.

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