SYNOPSIS: Under existing law, electroneurodiagnostic technicians and technologists are not specifically licensed and regulated.

This bill would: provide for licensure and regulation of Electroneurodiagnostic Technology (END Technology); provide for and to document the registration and licensure of END Practitioners; regulate the field of END Technology in the [INSERT STATE--ex: GA, MN, AR etc]; create the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners; create the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners Fund; provide for an appropriation to the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners from the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners Fund in the amount deemed necessary for the fiscal year; provide for duties and powers of the board; and prescribe penalties for violations of this act.

A BILL
TO BE ENTITLED
AN ACT

To provide for licensure and regulation of Electroneurodiagnostic Technology; to provide for and to
document the registration and licensure of END Practitioners;
to regulate the field of END Technology in the [INSERT STATE-
ex: GA, MN, AR etc]; to create the [INSERT STATE--ex: GA,
MN, AR etc] Board of END Practitioners; to create the [INSERT
STATE--ex: GA, MN, AR etc] Board of END Practitioners Fund;
to provide for an appropriation to the [INSERT STATE--ex:
GA, MN, AR etc] Board of END Practitioners from the [INSERT
STATE--ex: GA, MN, AR etc] Board of END Practitioners Fund in
the amount deemed necessary for the fiscal year; to provide
for duties and powers of the board; and to prescribe penalties
for violations of this act.

BE IT ENACTED BY THE LEGISLATURE OF [INSERT STATE--ex: GA,
MN, AR etc]:

SECTION 1. This act shall be cited and known as the
“[INSERT STATE--ex: GA, MN, AR etc] Electroneurodiagnostic
Practitioners Act.”

SECTION 2. For the purposes of this act, the
following terms shall have the following meanings unless
otherwise stated within the context of the act:

(1) AAET. American Association of Electrodiagnostic
Technologists; the credentialing and registry board for
Registered Nerve Conduction Study Technologists.

(2) ABRET. The American Board of Registration of
Electroencephalographic and Evoked Potential Technologists.

(3) BRPT. Board of Registered Polysomonographic
Technologists.
(4) END PRACTITIONERS BOARD. The [INSERT STATE--ex: GA, MN, AR etc] Board of Electroneurodiagnostic Technology Practitioners

(5) EEG. Electrical recording of on-going electrical activity of the brain using a digital or analog instrument with a minimum of 16 channels and 21 electrodes as stated in guidelines by the American Clinical Neurophysiology Society, which is recorded by an END practitioner.

(6) ELECTRONEURODIAGNOSTIC TECHNOLOGY. An area of testing to obtain a recording of electrical activity from the central, peripheral, or autonomic nervous system, to provide information for the treatment, control, and diagnostic evaluation and care of patients with deficiencies and abnormalities associated with these systems.

(7) EMG. Needle Insertion Electromyography. Recording and analysis for diagnostic purposes of electrical activity generated by a muscle, which is performed and interpreted by a physician.

(8) END TESTS. Electroneurodiagnostic testing. Electroneurodiagnostic testing includes, but is not limited to, Electroencephalogram (EEG), Evoked Potential (EP), Intraoperative monitoring (IOM), Long Term Monitoring (LTM), Nerve Conduction Studies (NCS), and Polysomnography (PSG). These studies shall be performed pursuant to this act after receiving a referral from a physician.
(9) END MODALITIES. The individual disciplines of each concentrated study within END technology.

(10) END PRACTITIONER. A health care professional licensed to perform END tests, studies, or procedures under the supervision of a physician. Any person who is issued a license pursuant to this act may use the words "Licensed END Practitioner" or the letters "LEP" in connection with his or her name to denote his or her license.

(11) EP. Evoked Potential. Recording of electrical activity from the brain, spinal nerves, or sensory receptors that occurs in direct response to auditory, visual or electrical stimulation using surface electrodes and computer equipment to average the electrical potentials generated, performed by an END practitioner.

(12) IOM. Intraoperative monitoring. Recording and analysis of the functional integrity of the peripheral and central nervous system during operative procedures to provide the surgeon with additional information, using surface and subdermal needle electrodes and auditory, visual or somatosensory stimuli, performed by an END practitioner.

(13) LICENSED END PRACTITIONER. A person licensed under this act.

(14) LONG TERM MONITORING. A prolonged recording of the ongoing electrical activity of the brain.
(15) NCS. Nerve conduction study. Recording obtained from electrical stimulation of peripheral nerves using surface electrodes and standard NCS equipment with oscilloscopes for waveform analysis performed by an END practitioner or physician.

(16) PHYSICIAN. A person licensed to practice medicine by the [INSERT STATE--ex: GA, MN, AR etc] State Board of Medical Examiners in the [INSERT STATE--ex: GA, MN, AR etc].

(17) POLYSOMNOGRAPHY. A recording of the biophysiological changes that occur during sleep by monitoring several functions simultaneously including ongoing electrical activity of the brain, eye movements, muscle activity, heart rhythm and respiratory effort, performed by an END practitioner.

SECTION 3. (a) The END practitioner is a health professional who maintains a license in END technology.

(b) The END practitioner works in [INSERT STATE--ex: GA, MN, AR etc] hospitals, physicians’ offices, out patient clinics or independent testing facilities and performs END studies under the supervision of a physician who is responsible for interpretation and clinical correlation of the results.

(c) The END practitioner must be proficient in electrode application, patient handling, and artifact elimination and performs END studies ordered by a physician.
SECTION 4. (1) There is created the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners. The purpose of the board is to protect the health, safety, and welfare of the patient by ensuring that END Practitioners maintain current licenses and meet prescribed standards of education, competency, and practice. To accomplish this mission, the board shall establish standards pursuant to this act for providing quality care to patients. The board shall establish the qualifications of a Licensed END Practitioner pursuant to this act as set forth by the guidelines in this act. Members and employees of the board shall be properly trained to carry out their duties for the board. The board shall develop and implement a long-range plan to ensure effective regulation in END technology and patient care for the present as well as the future.

(2) The board shall consist of {#} board members appointed by the {Governor or Senate or whomever you choose in your state} from names submitted by the [INSERT STATE--ex: GA, MN, AR etc] Society of Electroneurodiagnostic Technologists {or according to your state} with the approval of the [INSERT STATE society--ex: GA, MN, AR etc] of Neurology. {Each state forms these decisions at its own discretion} No member of the board shall serve more than two full consecutive terms. The members initially appointed to the board shall be appointed no more than {___} days {according to your regulatory and state laws} after the effective date of this act.
Below is an example of how to set up an END Board. Use at your discretion according to your state laws.

a. Three members shall be licensed END practitioners holding a current registry with ABRET, AAET, or BRPT. One of these members shall have a B.S. or B.A. degree or higher.

b. One member shall be a licensee who does not hold a registry with ABRET, AAET or BRPT.

c. Two members shall be physicians with a specialty training in END medicine.

d. One member shall be a public member who shall not be licensed, nor have been licensed in the past, as an END practitioner.

e. The board members shall be citizens of the United States of America and residents of this state for two years immediately preceding the appointment. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

f. Of the initial __#__ appointees to the board, __#__ members shall be appointed for terms ending two years from the effective date of this act, and __#__ members shall be appointed for terms ending three years from the effective date of this act. Successors shall be appointed for terms of three years after the appointment date.

g. Vacancies on the board occurring prior to the expiration of a term shall be filled by the Governor from names submitted by the [INSERT STATE--ex: GA, MN, AR etc] Society of Electroneurodiagnostic Technologists with the approval of the [INSERT STATE--ex: GA, MN, AR etc] state society of Neurology in the manner of the original appointment.
for the remainder of the unexpired term. Each member of the
board shall serve until his or her successor has been duly
appointed.

h. At the first meeting, and annually thereafter,
the board shall elect a chair and vice chair from its
membership.

(3). The board shall hold their first meeting within
180 days after the initial members are appointed. The board
shall hold meetings during the year, as it deems necessary,
two of which shall be the biennial or triennial (your
discretion) meeting for the purpose of reviewing license
applications. Additional meetings may be held at the
discretion of the chair or upon written request of any
members of the board. A quorum of the board shall
consist of members.

(4). Board members shall not receive compensation
for their services, but shall receive the same per diem
allowance as provided to state employees for each day the
board meets and conducts business.

(5). An affirmative vote of a majority of the
members of the board shall be required to grant, suspend, or
revoke a license to practice END technology, or a license to
operate as an END practitioner.

(6). Members of the board are immune from liability
for all good faith acts performed in the execution of their
duties as members of the board.

(7). The board may employ an executive director and
such other employees as the board deems necessary to carry out
its duties and responsibilities under this act. The board
shall set the compensation of the executive director and other employees.

SECTION 5. (a) The board shall license persons qualified under this act as Licensed END Practitioners or "LEP."

(b) Pursuant to the {Administrative Procedure Act}, the board shall adopt rules to implement this act.

SECTION 6. The following persons performing END procedures do not require licensure under this act:

(1) A physician.

(2) A person recording END testing for research purposes provided the results are not used in treatment and diagnosis.

(3) Those persons already appropriately licensed to perform END procedures.

(4) The faculty of all accredited universities or schools having any program in the health field pertaining to END, allied health, or health education are exempt from this act. The faculty of all accredited medical schools in the [INSERT STATE--ex: GA, MN, AR etc] are exempt from this act.

SECTION 7. (a) The board shall establish reasonable license fees for persons licensed pursuant to this act and may increase these fees as deemed necessary to support the operation of the board. However, the biennial or triennial licensure fee shall not exceed five hundred dollars ($500).

(b) There is hereby established a separate special revenue trust fund in the State Treasury to be known as the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners Fund. All receipts collected by the board under
this act are to be deposited in this fund and used only to carry out this act. Such receipts shall be disbursed only by warrant of the State Comptroller, upon itemized vouchers approved by the chair of the board, except that no funds shall be withdrawn except as budgeted and allotted according to the provisions of Sections YOUR STATE LAWS: 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, Code of [INSERT STATE--ex: GA, MN, AR etc], and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

(c) There is hereby appropriated from the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners Fund to the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners for the fiscal year {_______} such amounts as are deemed necessary by the [INSERT STATE--ex: GA, MN, AR etc] Board of END Practitioners to implement and administer this act.

SECTION 8. Licensed END practitioners may utilize subdermal needle electrodes for EMG in a surgical setting but may not perform needle insertion EMG.

SECTION 9. Interpretation of all END modalities must be by a physician licensed in [INSERT STATE--ex: GA, MN, AR etc]. END testing completed in [INSERT STATE--ex: GA, MN, AR etc] may be sent outside of the state for interpretation, of [INSERT STATE--ex: GA, MN, AR etc] for additional opinions, consultation or evaluation if the interpreting physician is licensed in {INSERT STATE--}.

SECTION 10. (a) Persons who are performing END procedures on the effective date of this act in any of the
disciplines subject to licensure under this act shall be
granted licensure.

(b) Any person maintaining current
credentials or registry with ABRET, AAET, or BRPT, shall be
granted licensure by the END Practitioners’ Board.

(c) Persons who are actively engaged in
an END training program on the effective date of this act in
any of the disciplines subject to licensure under this act and
who complete the training in one or more of the END modalities
under the direction of a person certified and registered by
ABRET, AAET, or BRPT shall be granted a licensure.

(d) Commencing on {insert date}
to be licensed as and END practitioner, a person must meet one
of the following criteria:

1. An Associates of Arts or
higher degree and is ABRET, AAET, or BRPT board eligible and
has applied for the ABRET, AAET, or BRPT examination. The
license shall be valid for 12 months until the date on which
the results of the qualifying board examination are known and
presented to the END Practitioners Board.

2. Completion of formal END
training from an accredited END educational school and earning
a degree or certificate of completion and is ABRET, AAET, or
BRPT board eligible and has applied for the ABRET, AAET, or
BRPT examination. The license shall be valid for 12 months
until the date on which the results of the qualifying board
examination are known and presented to the END Practitioners
Board.
3. Any person maintaining current credentials or registry with ABRET, AAET, or BRPT, shall be granted licensure by the END Practitioners Board.

SECTION 11. Every END practitioner licensed pursuant to this act shall be required to complete biennially \# \{your choice\} hours of continuing education biennially or triennially in courses approved by the board as a condition for renewing his or her license.

SECTION 12. (a) The board may suspend, revoke, or refuse to issue or renew a license or impose a fine up to five thousand dollars ($5,000) after notice and opportunity for a hearing pursuant to the \{Administrative Procedure Act\}, upon proof of any of the following:

(1) The license was obtained by means of fraud, misrepresentation, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensure.

(2) The licensee sold or bartered or offered to sell or barter a license for an END practitioner.

(3) The licensee has engaged in any act that has endangered or is likely to endanger the health, safety, and welfare of its patients or the public, as defined by rules of the board.

(4) The licensee has been convicted of a felony or of any other crime arising out of or connected to END technology.

(5) The licensee has engaged in misconduct with a patient involving sexual acts or other acts deemed unprofessional by the board.
(6) The licensee has breached a patient confidentiality agreement.

(7) The licensee has violated or aided and abetted in the violation of this act.

(8) The licensee has engaged in theft, deliberate misconduct, or fraud.

(9) The licensee is adjudicated as mentally incompetent by a court of law.

(10) The licensee abuses controlled substances or alcohol.

(11) The licensee engaged in false, deceptive, or misleading expertise in his or her field of END training.

(12) The licensee had a license revoked, suspended, or denied in any other territory, parish, county, or jurisdiction of the United States of America for any reason described in this section:

(13) The licensee has engaged in dishonorable, unethical, or unprofessional conduct of character likely to deceive, defraud, or harm the public.

(b) Any person who has been convicted of, or entered a plea of nolo contendere to, a crime or offense involving sexual offenses against a patient is ineligible to hold a license as an END practitioner. The board retains the right to revoke a license indefinitely if the licensee is proven guilty of a crime or of a sexual misconduct. Reinstatement of licensure is contingent upon proof of weekly counseling by a licensed professional counselor.

(c) The board may not reinstate a certificate of license, or cause a certificate of license to
be issued to a person it has deemed unqualified, until such
time as it is satisfied that the person has complied with all
the rules and conditions set forth in the final order and that
the person is capable of safely engaging in the delivery of
END services.

(d) Any person engaging in any business or practice
of END technology without a license may be restrained by
permanent injunction.

SECTION 13. A person who does not hold a license as
an END practitioner and is not a physician in the specialty of
END technology may not use the word "Electroneurodiagnostic"
on any sign or name tag or label or any type of advertising
performed by the person. Any advertisement by an END
practitioner shall contain the license number of the END
practitioner.

SECTION 14. Any person who violates this act shall
be guilty of a Class A misdemeanor.

SECTION 15. (a) In addition to the civil penalties
prescribed by this act, the board may seek an injunction
against any person or establishment in violation of this act.

(b) In an action for injunction, the board may
demand and recover civil penalties in an amount deemed
appropriate by the board for each violation, reasonable
attorney fees, and court costs.

SECTION 16. The operations of the board shall
terminate (according to your state laws) and every fourth
year thereafter unless continued in accordance with the
[INSERT STATE--ex: GA, MN, AR etc] Sunset Law (according to your state’s sunset law.)

SECTION 17. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its’ otherwise becoming law.