

A BILL 1

18-33 2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 3

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To amend the District of Columbia Health Occupations Revision Act of 1985 to define the practice of polysomnography, to provide for the regulation of polysomnography by the Board of Medicine, to establish an Advisory Committee on Polysomnography, and to require the Advisory Committee on Polysomnography to develop and submit guidelines relating to the practice of polysomnography to the Board of Medicine. 5  
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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Practice of Polysomnography Amendment Act of 2009”. 10  
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Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows: 12  
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(a) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (14A) to read as follows: 14  
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“(14A)(A) “Practice of polysomnography” means the process of analyzing, monitoring, and recording physiologic data during sleep and wakefulness, with or without compensation, to assist in the assessment and diagnosis of sleep-wake disorders and other disorders, syndromes, and dysfunctions that are sleep related, manifest during sleep or that disrupt normal sleep-wake cycles and activities. 16  
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“(B) For purposes of this paragraph, the term: 21

**ENGROSSED ORIGINAL**

“(i) “Polysomnographic technician” means a person who is 1  
registered with the Board of Medicine and is authorized to perform certain polysomnography 2  
procedures as determined by the Board while generally supervised by either a physician who is 3  
licensed in the District of Columbia or a polysomnographic technologist who is licensed by the 4  
District of Columbia who is on-site or available through voice communication. 5

“(ii) “Polysomnographic technologist” means a person who is 6  
licensed with the Board of Medicine and is authorized to practice polysomnography; provided, 7  
that a polysomnographic technologist shall practice under the general supervision of a physician 8  
who is licensed in the District of Columbia. 9

“(iii) “Polysomnographic trainee” means a person who is 10  
registered with the Board of Medicine and authorized to perform basic polysomnography 11  
procedures, as determined by the Board, while directly supervised by a physician who is licensed 12  
in the District of Columbia, a polysomnographic technologist who is licensed in the District of 13  
Columbia, or a polysomnographic technician who is registered in the District of Columbia and on 14  
the premises and immediately available for consultation. 15

“(C) Nothing in this paragraph shall be construed as limiting a qualified 16  
licensed respiratory care practitioner or licensed physician in his or her scope of practice, 17  
including care in connection with the provision of polysomnography services.”. 18

(b) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows: 19

(1) Subsection (a)(8) is amended by adding a new subparagraph (E) to read as 20

follows: 1

“(E) The practice of polysomnography in accordance with guidelines 2  
approved by the Advisory Committee on Polysomnography.”. 3

(2) A new subsection (d-1) is added to read as follows: 4

“(d-1)(1) There is established an Advisory Committee on Polysomnography to consist of 5  
5 members appointed by the Mayor. 6

“(2) The Advisory Committee on Polysomnography shall develop and submit to 7  
the Board of Medicine guidelines for licensing, registration, and regulation of polysomnographic 8  
technologists, polysomnographic technicians, and polysomnographic trainees in the District. The 9  
guidelines shall set forth the education and experience requirements for registration and licensure 10  
and the actions that may be performed by polysomnographic technologists, polysomnographic 11  
technicians, and polysomnographic trainees. 12

“(3) Of the members of the Advisory Committee on Polysomnography, 2 shall be 13  
physicians who have been certified by a national accrediting body as sleep specialists, 2 shall be 14  
licensed polysomnographic technologists, and 1 shall be either the Director of the Department of 15  
Health or his designee. 16

“(4) The Advisory Committee on Polysomnography shall submit initial 17  
guidelines to the Board within 180 days of the effective date of the Practice of Polysomnography 18  
Amendment Act of 2009, and shall subsequently meet at least annually to review the guidelines 19  
and make necessary revisions for submission to the Board.”. 20

**ENGROSSED ORIGINAL**

(c) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase “Physician Assistants, the surgical” and inserting the phrase “Physician Assistants, the polysomnographic technologist members initially appointed to the Advisory Committee on Polysomnography, the surgical” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.