

AN ACT

Codification  
District of  
Columbia  
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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.

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”.

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:

(a) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (14A) to read as follows:

Amend  
§ 3-1201.02

“(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.

“(B) For the purposes of this paragraph, the term:

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

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

who is licensed in the District of Columbia.

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

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

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

Amend  
§ 3-1202.03

(1) The heading is amended by striking the phrase “and Surgical Assistants” and inserting the phrase “Polysomnography, and Surgical Assistants” in its place.

(2) Subsection (a)(8) is amended as follows:

(A) Subparagraph (B-2) is amended by striking the word “and” at the end.

(B) Subparagraph (C) is amended by striking the word “and” at the end.

(C) A new subparagraph (C-1) is added to read as follows:

“(C-1) The practice of polysomnography in accordance with guidelines approved by the Advisory Committee on Polysomnography.”.

(3) Redesignate subsection (c-3) as subsection (d-2).

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

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

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

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

“(4) The Advisory Committee on Polysomnography shall submit initial guidelines to the Board within 180 days of the effective date of the Practice of Polysomnography Amendment Act of 2009, passed on 2<sup>nd</sup> reading on April 7, 2009 (Enrolled version of Bill 18-33), and shall subsequently meet at least annually to review the guidelines

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and make necessary revisions for submission to the Board.”

(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.

**Amend  
§ 3-1204.01**

**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, 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, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia