

Washington D.C.
Contains a Polysomnography Licensure Practice Act
“Practice of Polysomnography Amendment Act of 2009”

The District of Columbia Health Occupations Revision Act of 1985, D.C. Law 6-99;
D.C. Official Code § 3-1201.01

(21)(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 purposes 1 of this chapter, the term:

(i) “Polysomnographic technologist” means a person who is licensed to practice polysomnography; provided, that a polysomnographic technologist shall practice under the general supervision of a physician that is licensed in the District of Columbia.

(ii) “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 that is licensed in the District of Columbia or a polysomnographic technologist that is licensed by the District of Columbia who is on-site or available through voice communication.

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

(C) Nothing in this paragraph shall be construed as limiting licensed respiratory care practitioners and licensed physicians in their respective 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:

(1) A new subsection (a)(8)(E) is added to read as follows:

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

(2) 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 of Medicine guidelines for licensing, registration and regulation of polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees in the District of Columbia. 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, shall be physicians who have been certified by a national accrediting body as sleep specialists, shall be licensed polysomnographic technologists, and shall be either 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, and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board.

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, as amended, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-21 206.02(c)(3)).

**DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING
DCMR Title 17, Chapter 81**

The Director of the Department of Health, pursuant to the authority set forth in section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code Section 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following new Chapter 81 to be entitled "Polysomnography" of Title 17(Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR).

Chapter 81 will regulate the practice of polysomnography, and the licensure and registration of polysomnography technologists, technicians, and trainees, in the District of Columbia.

This rulemaking contains revisions made as a result of considering comments submitted following the publication of the first proposed rulemaking in the D.C. Register on January 14, 2011 at 58 DCR 409. The changes were made to clarify the intent, meaning and applications of the rules. In addition, a few stylistic, grammar, and numbering corrections were made to the rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

Title 17, BUSINESS OCCUPATIONS AND PROFESSIONS, of the DCMR is amended by adding a new Chapter 81, POLYSOMNOGRAPHY, to read as follows:

CHAPTER 81 POLYSOMNOGRAPHY

8100 GENERAL PROVISIONS

8100.1 This chapter shall apply to applicants for and holders of a license to practice as a polysomnographic technologist and application for and holders of a registration to practice as a polysomnographic technician or polysomnographic trainee.

8100.2 Effective immediately, no person shall practice polysomnography in the District of Columbia unless he or she is licensed or registered under this chapter.

8100.3 An applicant to practice as a polysomnographic technologist shall be licensed in accordance with Section 8102.

8100.4 An applicant to practice as a polysomnographic technician shall be registered in accordance with Section 8103.

8100.5 An applicant to practice as a polysomnographic trainee shall be registered in accordance with Section 8104.

8100.6 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 46 (Medicine) of this title shall supplement this chapter.

8101 TERMS OF LICENSE OR REGISTRATION

8101.1 Subject to Section 8101.4, a license to practice as a polysomnographic technologist issued pursuant to this chapter shall expire at 11:59 p.m. on December 31 of each even-numbered year.

8101.2 A registration to practice as a polysomnographic technician shall be valid for one (1) non-renewable term of three (3) years.

8101.3 A registration to practice as a polysomnographic trainee shall be valid for a two (2) year term. An applicant may renew the registration one (1) time for an additional two (2) years with a showing of good cause, as defined in Section 8106.8.

8101.4 The Director may change the renewal system and the expiration dates of licenses issued pursuant to this chapter.

8101.5 An applicant for a license to practice as a polysomnographic technologist or for registration as either a polysomnographic technician or polysomnographic trainee shall submit with a completed application three (3) letters of reference from licensed physicians or licensed polysomnographic technologists who have personal knowledge of the applicant's abilities and qualifications to practice as a member of the polysomnography profession.

8102 QUALIFICATIONS FOR LICENSURE AS A POLYSOMNOGRAPHIC TECHNOLOGIST

8102.1 An applicant for a licensure as a polysomnographic technologist shall submit to the Board:

- (a) A completed application on a form provided by the Board;
- (b) A completed criminal background check in accordance with 17 DCMR Section 8501;
- (c) Proof that the applicant holds current certification in cardiopulmonary resuscitation (CPR) from either the American Heart Association or the American Red Cross;
- (d) Certification signed by a supervising polysomnographic technologist or a qualified medical doctor, on a form provided by the Board, verifying that the applicant has completed at least fifty (50) sleep studies in one (1) or more facilities that are provisionally or fully accredited by the American Academy of Sleep Medicine (AASM);
- (e) Proof that the applicant has successfully passed the Registered Polysomnographic Technologist (RPSGT) Exam or other nationally recognized examination, as approved by the Board; and
- (f) Attestation on a form provided by the Board that the applicant will be supervised by a licensed physician while acting as a polysomnographic technologist.

8102.2 Within thirty (30) business days after the application for licensure has been received by the Board, the Board shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice as a polysomnographic technologist under this chapter. The practice letter shall not be renewable and shall expire at the earlier of the following:

(a) Ninety (90) days after the date of its issuance; or

(b) Upon receipt of written notice from the Board that the application for licensure has been denied.

8102.3 If the applicant is employed by more than one (1) employer, he or she must obtain one (1) practice letter for each place of employment.

8102.4 Upon receipt of a supervised practice letter, the applicant shall inform his or her employer(s) of the date of expiration of the letter and shall immediately cease the practice of polysomnography on that date or upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is earlier. The applicant thereafter may practice in a non-professional healthcare occupation, until receipt of a license or issuance of a license number.

8102.5 If the applicant obtains a new supervisor, he or she must inform the Board and submit a new attestation form within fifteen (15) days after the change in supervisor.

8102.6 An applicant must notify the Board and file a new attestation form before beginning employment with a new employer.

8103 QUALIFICATIONS FOR REGISTRATION AS A POLYSOMNOGRAPHIC TECHNICIAN

8103.1 An applicant for registration as a polysomnographic technician shall submit to the Board:

(a) A completed application on a form provided by the Board;

(b) A completed criminal background check in accordance with 17 DCMR Section 8501;

(c) Proof that the applicant holds current certification in cardiopulmonary Resuscitation (CPR) provided by either the American Heart Association or the American Red Cross;

(d) Proof that the applicant has successfully completed a polysomnographic training program accredited by the Commission on the Accreditation of Allied Health Education Programs (CAAHEP) or an Accredited Sleep Technologist Education Program (A-Step) accredited by the American Academy of Sleep Medicine;

(e) Proof that the applicant passed the Certified Polysomnographic Technician (CPSGT) Exam; and

(f) Attestation on a form provided by the Board that the applicant will be supervised by a licensed polysomnographic technologist or a licensed physician while acting as a polysomnographic technician.

8103.2 Within five (5) business days after the application for registration has been received by the Board, the Board shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice as a polysomnographic technician under this chapter. The practice letter shall not be renewable and shall expire on the earlier of the following:

(a) Ninety (90) days after the date of issuance; or

(b) Upon receipt of written notice from the Board that the application for registration has been denied.

8103.3 Upon receipt of a supervised practice letter, the applicant shall inform his or her employer of the date of expiration of the letter and shall immediately cease to practice as a polysomnographic technician on that date or upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is earlier. The applicant thereafter may practice in a non-professional healthcare occupation, until receipt of a registration or issuance of a registration number.

8103.4 If the applicant obtains a new supervisor, he or she must inform the Board and submit a new attestation form within fifteen (15) days after the change in supervisor.

8103.5 If the applicant changes jobs, he or she must notify the Board and have a new attestation form on file before beginning the new job.

8104 QUALIFICATIONS FOR REGISTRATION AS A POLYSOMNOGRAPHIC TRAINEE

8104.1 An applicant for registration as a polysomnographic trainee shall submit to the Board:

(a) A completed application form provided by the Board;

(b) A completed criminal background check in accordance with 17 DCMR Section 8501;

(c) Proof that the applicant holds current certification in cardiopulmonary resuscitation (CPR) provided by the American Heart Association or the American Red Cross;

(d) Proof that the applicant has successfully completed the Accredited Sleep Technologist Education Program (A-STEP) Introductory Course or is currently enrolled in a

polysomnography, respiratory, or electroencephalography (EEG) program accredited by the CAAHEP; and

(e) Attestation on a form provided by the Board that the applicant will be directly supervised, while acting as a polysomnographic trainee, by a licensed polysomnographic technologist or a licensed physician.

8104.2 Within five (5) business days after the application for registration has been received by the Board, the Board shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice under this chapter. The supervised practice letter shall not be renewable and shall expire on the earlier of the following:

(a) Ninety (90) days after the date of issuance; or

(b) Upon receipt of written notice from the Board that the application for licensure has been denied.

8104.3 Upon receipt of a supervised practice letter, the applicant shall inform the employer of the date of expiration of the letter and shall immediately cease practice as a polysomnography trainee on that date or upon receipt of written notice from the Board that the application for registration has been denied, whichever date is the earlier. The applicant thereafter may practice in a non-professional healthcare occupation, until receipt of a registration or issuance of a registration number.

8104.4 If the applicant obtains a new supervisor, he or she must inform the Board and submit a new attestation form within fifteen (15) days of the change in supervisor.

8104.5 If the applicant changes jobs, he or she must notify the Board and have a new attestation form on file before beginning the new job.

8105 RENEWALS, REINSTATEMENTS, AND REACTIVATIONS OF POLYSOMNOGRAPHIC TECHNOLOGIST LICENSES

8105.1 An applicant for renewal of a polysomnographic technologist license shall:

(a) Complete a minimum of twenty (20) continuing education credits during the two (2) year period preceding the date the license expires;

(b) Attest to completion of the required continuing education credits on the renewal application form; and

(c) Be subject to a random audit.

8105.2 To qualify to reactivate a polysomnographic technologist license, a person in inactive status within the meaning of Section 511 of the Act, D.C. Official Code Section 3-1205.11 (2001) shall:

(a) Submit an application to reactivate the license;

(b) Submit proof pursuant to Section 8105.7 of having completed twenty (20) hours of approved continuing education credits within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional ten (10) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year;

(c) Pay the required reactivation fee; and

(d) Submit a completed criminal background check in accordance with 17 DCMR Section 8501.

8105.3 To qualify for reinstatement of a license, an applicant for reinstatement shall:

(a) Submit an application to reinstate the license;

(b) Submit proof pursuant to Section 8105.7 of having completed twenty (20) hours of approved continuing education credits within the two (2) year period preceding the date of the application for reinstatement of that applicant's license and an additional ten (10) hours of approved continuing education credit for each additional year that the applicant was in an inactive status beginning with the third year;

(c) Pay the required reinstatement fee; and

(d) Submit a completed criminal background check in accordance with 17 DCMR Section 8501.

8106 CONTINUING EDUCATION REQUIREMENTS

8106.1 This section shall apply to all applicants for the renewal, reactivation, or reinstatement of a polysomnographic technologist license under this chapter.

8106.2 A licensed polysomnographic technologist is not required to obtain continuing education credits for the first renewal after initial licensure.

8106.3 A licensed polysomnographic technologist shall earn a minimum of twenty (20) continuing education credits during the two (2) year period immediately preceding the date of any subsequent license renewal.

8106.4 An applicant for the renewal, reactivation, or reinstatement of a polysomnographic technologist license shall prove completion of the required continuing education credits by

submitting with the application the following information with respect to each continuing education program:

- (a) The name and address of the sponsor of the program;
- (b) The name and address of the program;
- (c) A description of the subject matter covered and the name(s) of the instructor(s);
- (d) The dates on which the applicant attended the program;
- (e) The number of hours of credit claimed; and
- (f) Verification by the sponsor, by signature or stamp, of the applicant's completion of the program.

8106.5 An applicant for renewal of a polysomnographic technologist license who fails to submit proof of having completed the continuing education requirements by the date the license expires may renew his or her license during the thirty (30) day period after expiration by submitting this proof pursuant to Section 8106.4 and by paying the required fees.

8106.6 If an application is approved pursuant to Section 8106.5, the applicant shall be deemed to have possessed a valid license commencing on the date the license or registration is renewed.

8106.7 If an applicant for renewal of a license fails to submit proof of having completed the continuing education requirements and pay the required fees within thirty (30) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of its expiration.

8106.8 The Board may, in its discretion, grant an extension of the thirty (30) day renewal period established by Section 8106.5 if the applicant's failure to submit proof of having completed the continuing education requirements was for good cause. For the purposes of this subsection, good cause includes:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

8107 APPROVED CONTINUING EDUCATION PROGRAMS

8107.1 A continuing education credit may be earned only for a program or activity approved or recognized by the Board.

8107.2 To be eligible for approval by the Board, a continuing education program or activity shall contribute to the knowledge, skills, or professional performance and relationships that a polysomnographic technologist uses to provide services to patients.

8107.3 The Board shall recognize sleep-related continuing education hours approved by one (1) of the following organizations:

- (a) The American Medical Association;
- (b) The American Association of Sleep Technologists;
- (c) The American Academy of Sleep Medicine;
- (d) The American Society of Electroneurodiagnostic Technologists;
- (e) The American Association for Respiratory Care; or
- (f) The American Nursing Association

8107.4 The Board may grant permission to attend a course not listed in Section 8107.3. In order to obtain Board approval of a continuing education program or activity under Section 8107.2, a program sponsor or licensee shall submit to the Board information regarding the program or activity at least ninety (90) days before the start of program or activity.

8107.5 An applicant shall bear the burden of verifying whether a program or activity is approved or recognized by the Board pursuant to this section before attending the program or engaging in the activity.

8108 SCOPE OF PRACTICE

8108.1 A supervising physician has ultimate responsibility for the medical care and treatment provided to a patient by a licensed polysomnographic technologist or registered polysomnographic technician or trainee to whom the supervising physician has delegated authority to perform health care tasks that require the provision of sleep-related services.

8108.2 A licensed polysomnographic technologist shall practice:

- (a) Only under the general supervision of a licensed physician; and
- (b) Only in a hospital sleep laboratory or a stand-alone sleep center.

8108.3 The scope of practice of a licensed polysomnographic technologist includes the following:

- (a) Analyzing, monitoring, and recording physiologic data during sleep and wakefulness;

- (b) Scoring and analyzing acquired physiologic data;
- (c) Maintaining nasal and oral airways that do not extend in the trachea;
- (d) The therapeutic and diagnostic use of oxygen;
- (e) Monitoring and recording physiologic data during sleep, including sleep-related respiratory disturbances;
- (f) Reading and analyzing test results obtained from home-based, self-administered diagnostic tests;
- (g) Cardiopulmonary resuscitation;
- (h) The use of positive airway pressure, including continuous positive airway pressure (CPAP), bi-level modalities, and multiple function modalities;
- (i) Using data to assist a licensed physician in the diagnosis and treatment of sleep and wake disorders;
- (j) Assisting with the diagnosis and treatment of individuals who suffer from sleep disorders as a result of developmental defects, the aging process, physical injury, disease, or actual or anticipated somatic dysfunction;
- (k) Observing and monitoring physical signs and symptoms, general behavior, and general physical responses to polysomnographic evaluation and determining whether initiation, modification, or discontinuation of a treatment regimen is warranted;
- (l) Assessing, diagnosing, and assisting in the treatment and research of disorders, syndromes, and dysfunctions that are sleep-related, manifest during sleep, or disrupt normal sleep and wake cycles and activities;
- (m) Using evaluation techniques that include limited cardiopulmonary function assessments, the need and effectiveness of therapeutic modalities and procedures, and the assessment and evaluation of the need for extended care; and
- (n) Transcribing and implementing written or verbal orders of a physician pertaining to the practice of polysomnography.

8108.4 A registered polysomnographic technician shall practice:

- (a) Under the general supervision of a physician who is ultimately responsible for the quality of care provided, or the direct supervision of a licensed polysomnographic technologist; and
- (b) Only in a hospital sleep laboratory or a stand-alone sleep center.

8108.5 The scope of practice of a registered polysomnographic technician is limited to the following:

- (a) Analyzing, monitoring, and recording physiologic data during sleep and wakefulness;
- (b) Maintaining nasal and oral airways that do not extend in the trachea;
- (c) The therapeutic and diagnostic use of oxygen;
- (d) Cardiopulmonary resuscitation;
- (e) The use of positive airway pressure, including continuous positive airway pressure (CPAP), bi-level modalities, and multiple function modalities;
- (f) Assisting licensed polysomnographic technologists and licensed physicians with reading and analyzing test results obtained from home-based, self-administered diagnostic tests;
- (g) Recognizing wake and sleep stages; and
- (h) Transcribing and implementing written or verbal orders of a physician pertaining to the practice of polysomnography, if consistent with the level of education and experience of the registered polysomnographic technician.

8108.6 A registered polysomnographic trainee shall practice:

- (a) Under the general supervision of a physician who is ultimately responsible for the quality of care provided, and the direct supervision of a licensed polysomnographic technologist; and
- (b) Only in a hospital setting.

8108.7 The scope of practice of a registered polysomnographic trainee is limited to the following:

- (a) Analyzing, monitoring, and recording physiologic data during sleep and wakefulness;
- (b) Maintaining nasal and oral airways that do not extend in the trachea;
- (c) The therapeutic and diagnostic use of oxygen;
- (d) Cardiopulmonary resuscitation; and
- (e) Implementing written orders of a physician pertaining to the practice of polysomnography, if consistent with the level of education and experience of the registered polysomnographic trainee.

8199 DEFINITIONS

8199.1 When used in this chapter, the following words will have the meanings ascribed:

Board - the Board of Medicine.

Direct supervision - that the polysomnographic technologist providing supervision is present in the area where the polysomnographic procedure is being performed and immediately available to furnish assistance and direction throughout the performance of the procedure.

General supervision - supervision by a physician who is immediately available to give direction, either in person, by telephone, or by electronic means.

Licensed physician - a person who is licensed by the Board to practice medicine.

Patient - a person who is the recipient of polysomnographic services.

Practice of polysomnography - 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.

Sleep-related services - acts performed by polysomnographic technologist, technicians and trainees, and other persons permitted to perform such services under this act, in a setting described in Section 8102.1(d) which would be considered the practice of polysomnography if performed by a polysomnographic technologist.