

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 819*
Committee Substitute Favorable 5/28/09
Committee Substitute #2 Favorable 6/3/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H819-PCS50774-RBf-54

Short Title: Polysomnography Practice Act.

(Public)

Sponsors:

Referred to:

March 30, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE ACT.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 90 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 39A.

7 "Polysomnography Practice Act.

8 **§ 90-677.1. Definitions.**

9 The following definitions apply in this Article:

- 10 (1) Board. – The Board of Registered Polysomnographic Technologists (BRPT),
11 a member of the National Organization of Certification Associations and
12 accredited by the National Commission for Certifying Agencies (NCCA),
13 the accreditation body of the National Organization for Competency
14 Assurance (NOCA).
- 15 (2) Direct supervision. – An act whereby a registered polysomnographic
16 technologist who is providing supervision is present in the area where the
17 polysomnographic procedure is being performed and immediately available
18 to furnish assistance and direction throughout the performance of the
19 procedure.
- 20 (3) General supervision. – The authority and responsibility to direct the
21 performance of activities as established by policies and procedures for safe
22 and appropriate completion of polysomnography services whereby the
23 physical presence of a licensed physician is not required during the
24 performance of the polysomnographic procedure, but the licensed physician
25 must be available for assistance, if needed.
- 26 (4) Licensed physician. – A physician licensed to practice medicine under
27 Article 1 of Chapter 90 of the General Statutes.
- 28 (5) Medical Board. – The North Carolina Medical Board established under
29 G.S. 90-2.
- 30 (6) Polysomnography. – The allied health specialty involving the process of
31 attended and unattended monitoring, analysis, and recording of physiological
32 data during sleep and wakefulness to assist in the assessment of sleep and



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1 wake disorders and other sleep disorders, syndromes, and dysfunctions that
2 are sleep-related, manifest during sleep, or disrupt normal sleep and wake
3 cycles and activities.

4 (7) Registered polysomnographic technologist. – A person who is credentialed
5 by the Board as a 'Registered Polysomnographic Technologist' (RPSGT).

6 (8) Student. – A person who is enrolled in a polysomnography educational
7 program approved by the Board as an acceptable pathway to meet eligibility
8 requirements for credentialing.

9 **"§ 90-677.2. Practice of polysomnography.**

10 (a) Practice. – The 'practice of polysomnography' means the performance of any of the
11 following tasks:

12 (1) Monitoring and recording physiological data during the evaluation of
13 sleep-related disorders, including sleep-related respiratory disturbances, by
14 applying the following techniques, equipment, or procedures:

15 a. Positive airway pressure (PAP) devices, such as continuous positive
16 airway pressure (CPAP), and bilevel and other approved devices,
17 providing forms of pressure support used to treat sleep disordered
18 breathing on patients using a mask or oral appliance; provided, the
19 mask or oral appliance does not attach to an artificial airway or
20 extend into the trachea.

21 b. Supplemental low flow oxygen therapy, up to eight liters per minute,
22 utilizing nasal cannula or administered with continuous or bilevel
23 positive airway pressure during a polysomnogram.

24 c. Capnography during a polysomnogram.

25 d. Cardiopulmonary resuscitation.

26 e. Pulse oximetry.

27 f. Gastroesophageal pH monitoring.

28 g. Esophageal pressure monitoring.

29 h. Sleep staging, including surface electroencephalography, surface
30 electrooculography, and surface submental or masseter
31 electromyography.

32 i. Surface electromyography.

33 j. Electrocardiography.

34 k. Respiratory effort monitoring, including thoracic and abdominal
35 movement.

36 l. Plethysmography blood flow monitoring.

37 m. Snore monitoring.

38 n. Audio and video monitoring.

39 o. Body movement.

40 p. Nocturnal penile tumescence monitoring.

41 q. Nasal and oral airflow monitoring.

42 r. Body temperature monitoring.

43 s. Actigraphy.

44 (2) Observing and monitoring physical signs and symptoms, general behavior,
45 and general physical response to polysomnographic evaluation and
46 determining whether initiation, modification, or discontinuation of a
47 treatment regimen is warranted based on protocol and physician's order.

48 (3) Analyzing and scoring data collected during the monitoring described in
49 subdivisions (1) and (2) of this subsection for the purpose of assisting a
50 licensed physician in the diagnosis and treatment of sleep and wake
51 disorders.

1 (4) Implementing a written or verbal order from a licensed physician that
2 requires the practice of polysomnography.

3 (5) Educating a patient regarding polysomnography and sleep disorders.

4 (b) Limitations. – The practice of polysomnography shall be performed under the
5 general supervision of a licensed physician. The practice of polysomnography shall take place
6 in a hospital, a stand-alone sleep laboratory or sleep center, or a patient's home. However, the
7 scoring of data and education of patients may take place in settings other than a hospital,
8 stand-alone sleep laboratory or sleep center, or patient's home.

9 **"§ 90-677.3. Unlawful acts.**

10 (a) Unlawful Act. – On or after January 1, 2012, it shall be unlawful for a person to do
11 any of the following unless the person is listed with the Medical Board as provided in this
12 Article:

13 (1) Practice polysomnography.

14 (2) Represent, orally or in writing, that the person is credentialed to practice
15 polysomnography.

16 (3) Use the title 'Registered Polysomnographic Technologist' or the initials
17 'RPSGT.'

18 (b) Violations. – A violation of this section is a Class 1 misdemeanor. Complaints and
19 investigations of violations of this Article shall be directed to and conducted by the Board. The
20 court may issue injunctions or restraining orders to prevent further violations under this Article.

21 **"§ 90-677.4. Exemptions.**

22 The provisions of this Article do not apply to any of the following:

23 (1) A person registered, certified, credentialed, or licensed to engage in another
24 profession or occupation or any person working under the supervision of a
25 person registered, certified, credentialed, or licensed to engage in another
26 profession or occupation in this State if the person is performing work
27 incidental to or within the scope of practice of that profession or occupation
28 and the person does not represent himself or herself as a registered
29 polysomnographic technologist.

30 (2) An individual employed by the United States government when performing
31 duties associated with that employment.

32 (3) Research investigation that monitors physiological parameters during sleep
33 or wakefulness, provided that the research investigation has been approved
34 and deemed acceptable by an institutional review board, follows
35 conventional safety measures required for the procedures, and the
36 information is not obtained or used for the practice of clinical medicine.

37 (4) A physician licensed to practice medicine under Article 1 of Chapter 90 of
38 the General Statutes or a physician assistant or nurse practitioner licensed to
39 perform medical acts, tasks, and functions under Article 1 of Chapter 90 of
40 the General Statutes.

41 (5) A student actively enrolled in a polysomnography education program if:

42 a. Polysomnographic services and post-training experience are
43 performed by the student as an integral part of the student's course of
44 study;

45 b. The polysomnographic services are performed under the direct
46 supervision of a registered polysomnographic technologist; and

47 c. The student adheres to post-training examination guidelines
48 established by the Board.

49 **"§ 90-677.5. Listing requirements.**

50 (a) Annual Listing. – A person may not practice polysomnography under this Article
51 unless the person is listed with the Medical Board. In order to be listed with the Medical Board,

1 a person must annually submit on or before September 1 of each year all of the following
2 information to the Medical Board in the manner prescribed by the Medical Board:

3 (1) The person's full legal name.

4 (2) The person's complete address and telephone number.

5 (3) Evidence that the person is currently credentialed in good standing by the
6 Board as a Registered Polysomnographic Technologist (RPSGT).

7 (4) The date the person was credentialed by the Board to practice
8 polysomnography.

9 (5) A nonrefundable listing fee of fifty dollars (\$50.00).

10 (b) Listing. – The Medical Board must maintain a listing of polysomnographic
11 technologists that have submitted proof of credentials under this section. The Board must
12 promptly notify the Medical Board, by mail or electronic means, when a person's credential is
13 revoked or no longer in effect. Upon receipt of this notification, the Medical Board must
14 remove the person's name from the list."

15 **SECTION 2.** No later than six months from the effective date of this act, the North
16 Carolina Medical Board shall identify the standards of physician supervision of persons
17 registered to practice as registered polysomnographic technologists under Article 39A of
18 Chapter 90 of the General Statutes, as enacted in Section 1 of this act. The North Carolina
19 Medical Board shall communicate the standards of supervision to all physicians licensed to
20 practice medicine under Article 1 of Chapter 90 of the General Statutes.

21 **SECTION 3.** This act becomes effective October 1, 2009.