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Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

April 1, 2010

AFL 10-04

TO: General Acute Care Hospitals

SUBJECT: Sleep Study Lab Staffing

AUTHORITY: Title 42 Code of Federal Regulations(CFR) Section 482.23 (b)(3)
Title 22 California Code of Regulations (CCR) Sections 70215 and
70529
Business and Professions Code Section 2725(d)

Senate Bill 132 (Chapter 635, Statutes of 2009) took effect October 23, 2009 and requires the Medical Board of California to promulgate regulations governing certified polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees.

The statute defines polysomnography as “the treatment, management, diagnostic testing, control, education, and care of patients with sleep and wake disorders.”

Existing federal regulations state “a registered nurse must supervise and evaluate the nursing care for each patient” (Title 42 CFR Section 482.23 (b)(3)).

Title 22 CCR Section 70215 (a)(1) states “A registered nurse shall directly provide ongoing patient assessments as defined in Business and Professions Code Section 2725(d).”

Section 70529(c) states: “A registered nurse shall be responsible for the nursing service in the outpatient service.”

Based on these regulations, the California Department of Public Health (CDPH) concludes that polysomnographic technicians working with patients in sleep study labs (SSL) in general acute care hospitals must work under the supervision of a registered nurse.

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Please be advised that facilities that fail to provide nursing services required by regulation, such as assessments prior to testing, and/or rely on polysomnographic technicians to conduct nursing duties in lieu of registered nursing staff may be in violation of state and federal regulations and subject to notice of deficiencies by the Licensing and Certification Program.

Facilities are responsible for following all applicable laws. CDPH's failure to expressly notify facilities of legislative changes does not relieve facilities of their responsibility for following all laws and regulations. Facilities should refer to the full text of applicable sections of Title 42 Code of Federal Regulations Section 482.23 (b)(3), Title 22 California Code of Regulations Sections 70215 and 70529 to ensure compliance.

If you have any questions, please contact your local District Office.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.
Deputy Director
Center for Health Care Quality