

Senate Bill 504

By: Senator Fort of the 39th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 provide for certain requirements of sleep centers; to provide for certain personnel to be  
3 present on a 24 hour basis; to require sleep technologists to be trained and certified in  
4 life-saving techniques; to provide for certain training and recertification of personnel; to  
5 require defibrillators in each patient room; to provide for contact of the patient's family at the  
6 onset of a medical emergency; to provide each patient a consent form advising in a  
7 conspicuous manner the potential hazards and risks of sleep studies; to provide for a short  
8 title; to provide for related matters; to repeal conflicting laws; for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding  
12 a new chapter to read as follows:

13 "CHAPTER 49

14 31-49-1.

15 This chapter shall be known and may be cited as the 'Brandon Harris Act.'

16 31-49-2.

17 The purpose of this chapter is to ensure a proper standard of care of the patients' health and  
18 safety participating in sleep studies.

19 31-49-3.

20 As used in this chapter, the term:

21 (1) 'Polysomnography' means the treatment, management, diagnostic testing, control,  
22 education, and care of patients with sleep and wake disorders. Polysomnography  
23 includes, but is not limited to, the process of analysis, monitoring, and recording of

24 physiologic data during sleep and wakefulness to assist in the treatment of disorders,  
25 syndromes, and dysfunctions that are sleep related, manifest during sleep, or disrupt  
26 normal sleep activities. Polysomnography also includes, but is not limited to, the  
27 therapeutic and diagnostic use of low-flow oxygen, the use of positive airway pressure  
28 including continuous positive airway pressure and bi-level modalities, adaptive  
29 servo-ventilation, and maintenance of nasal and oral airways that do not extend into the  
30 trachea.

31 (2) 'Sleep facility' means any hospital, clinic, center, or laboratory in this state that  
32 conducts sleep studies for the treatment or study of sleep related breathing disorders.

33 (3) 'Sleep specialist' means a board certified physician who is a sleep specialist certified  
34 in the subspecialty of sleep medicine specializing in the clinical assessment, physiologic  
35 testing, diagnosis, management, and prevention of sleep and circadian rhythm disorders.

36 (4) 'Sleep technologist' or 'polysomnographer' means any person performing  
37 polysomnography services under the supervision of a person licensed under Article 2 of  
38 Chapter 34 of Title 43.

39 (5) 'Supervision' means that a supervising physician licensed under Article 2 of  
40 Chapter 34 of Title 43 shall remain available in person at the time that polysomnography  
41 services are provided.

42 31-49-4.

43 Each sleep facility in this state shall be accredited by the American Academy of Sleep  
44 Medicine.

45 31-49-5.

46 In addition to any requirements of the American Academy of Sleep Medicine accreditation  
47 criteria, each sleep facility in the state shall:

48 (1) Have a licensed sleep specialist or licensed nurse professional on duty in the facility  
49 on a 24 hour basis;

50 (2) Require continuing education and recertification of sleep technologists employed by  
51 such facility;

52 (3) Require sleep technologist or polysomnographer training and certification in basic  
53 life-saving techniques including cardiopulmonary resuscitation;

54 (4) Provide a defibrillator in each patient room;

55 (5) Prior to a sleep study, secure emergency contact information from the patient and in  
56 the event a patient experiences indications of medical distress, the sleep specialist on duty  
57 shall be responsible for immediate contact of the patient's emergency contact; and

58       (6) Provide a consent form requiring the patient's signature. This form shall clearly and  
59       conspicuously state the potential hazards and risks involved in undergoing a sleep study.

60 31-49-6.

61 Each sleep facility in this state shall be operated in accordance with the requirements of this  
62 chapter.

63      31-49-7.

64       Any person who violates or permits a violation of this chapter shall be guilty of a  
65       misdemeanor."

## SECTION 2.

67 All laws and parts of laws in conflict with this Act are repealed.