

A top priority of New York residents is assurance of quality care by their health care provider and access to this care. Recent actions by the New York State Board for Respiratory Therapy, however, will jeopardize residents' ability to seek sound professional care for the diagnosis and treatment of sleep disorders as well as their access to receiving this care at sleep centers and laboratories throughout the state. Respiratory therapists registered in the state are actively petitioning the State Board for Respiratory Therapy to enforce an interpretation of the respiratory therapy practice act through a declaratory ruling, which mandates that only registered respiratory therapists can perform diagnostic and therapeutic services in sleep centers and laboratories.

The administration of services by respiratory therapists has adverse consequences for patients undergoing treatment and individuals seeking diagnosis because these therapists lack full and relevant training in sleep technology. The lack of proper training can result in unnecessary medical mistakes, including the under-diagnosis and misdiagnosis of disorders. Further, mandating that only respiratory therapists can perform sleep-related services creates staffing issues for physician directors of sleep centers and laboratories because of existing shortages of licensed therapists in New York. The compulsory staffing regulation would consequently create shortages of therapists currently practicing traditional respiratory therapy in other health care settings such as hospitals, which affects quality health care for patients in all settings.

The enforcement of this declaratory ruling, as evident, is not only unwise, limiting and a tremendous disservice, but also unnecessary. Currently, polysomnographic technologists ably perform these services in sleep centers and laboratories and provide comprehensive and accurate evaluation of sleep disorders, including polysomnography, diagnostic and therapeutic services, and patient care. Moreover, broad training in polysomnography technology includes education in sleep, polysomnography and breathing, and the recognized board-registry examination adequately tests knowledge in these areas. Clearly, polysomnographic technologists are properly educated, thoroughly trained and the most capable providers for services related to sleep.

The New York State Board for Respiratory Therapy is considering actions not only unprecedented by any other state, but contradictory to all other professional, medical and political trends in the field. Nine states are considering legislation or declaratory rulings that provide exemptions and allowances for polysomnographic technologists to practice uninhibited by respiratory therapy licensure. Further, two states have introduced legislation that establishes polysomnographic technology as an independent licensed profession. Leading physician organizations, including the American Academy of Sleep Medicine, the American College of Chest Physicians and American Thoracic Society, also support the independent profession of polysomnographic technology and oppose the State Board for Respiratory Therapy declaratory ruling.

Unbounded access to the highest quality care for sleep disorders should be an inherent standard, and the declaratory ruling in question is an unnecessarily hindrance. The AASM firmly believes that the people of New York deserve this standard of care, and encourages the Board for Respiratory Therapy to reverse the ruling and to develop a fair, evidence-based interpretation of the practice act.

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