

The New York State Society of Sleep Medicine



MEMORANDUM IN SUPPORT S.8037-A/A.10961-A

S.8037-A/A.10961-A would amend the Education Law to provide for the licensing and registration of persons engaged in the practice of polysomnographic technology – the diagnosis, care and treatment of sleep disorders. On behalf of the New York State Society of Sleep Medicine (“NYSSSM”), we strongly support this bill since it would ensure that those suffering from sleep disorders are cared for by qualified professionals. NYSSSM is comprised of representatives of the leading sleep disorder centers in New York State, many of which are affiliated with leading academic medical centers, medical schools and hospitals, and all of which have, over the past two decades, earned national reputations for the quality of services they render to patients with serious sleep disorders.

Only relatively recently have sleep disorders been recognized as a major health and societal concern. As referenced in the bill sponsors’ memorandum in support and confirmed by several studies, sleep disorders affect between 40 million and 70 million Americans with millions more suffering from intermittent sleep-related disorders. This affected population is expected to increase as the number of middle-age and elderly people increases – since these groups are particularly prone to suffer from sleep disorders. There are over eighty classified sleep disorders – including chronic insomnia, sleep apnea, restless leg syndrome, narcolepsy and various parasomnias. These and other sleep disorders have had a debilitating effect upon Americans’ health, with those suffering from such disorders having a heightened risk of heart disease, stroke, diabetes, colon cancer, breast cancer, Sudden Infant Death Syndrome and obesity.

In fact, undiagnosed and untreated sleep disorders contribute to thousands of deaths each year. One study estimated that untreated sleep apnea is the cause of 810,000 automobile collisions annually, resulting in 1,400 fatalities. The economic toll of undiagnosed and untreated sleep disorders ranges from \$3.4 billion for direct medical costs for undiagnosed sleep apnea to hundreds of billions of dollars in economic costs (e.g., lost wages and productivity, medical expenses, administrative expenses, motor vehicle damage, and employer costs for accidents involving workers). The positive news is that one specific treatment for sleep apnea alone could annually prevent 500,000 automobile collisions and thereby save nearly a thousand lives and \$11.1 billion dollars. This is but one example of the significant advances in polysomnography that has occurred in the past forty years – a period in which we have developed a better understanding and appreciation of the causes of sleep disorders, their impact on human health, and successful diagnostic and treatment options for sleep disorder patients.

As part of this growth in knowledge, the availability of polysomnographic services to the public has flourished. The number of sleep centers, typically stand-alone facilities or dedicated areas of hospitals or medical practices, has increased substantially as has the number of medical professionals dedicated to working with patients with sleep disorders - from sleep physicians to nurses to polysomnographic technologists (“PSGTs”). PSGTs are primarily responsible for administering all facets of sleep tests (e.g., explaining sleep study procedures, calibrating and using specialized medical equipment for the monitoring of brain waves, eye movements, muscle activity, breathing, and blood oxygen levels), ensuring patient safety and responding to medical emergencies, scoring and reporting event data for sleep physicians and other healthcare professionals, and helping patients use devices and methods to address sleep disorders. In short, PSGTs must have a comprehensive understanding of the complex medical instrumentation used in sleep laboratories, physiological changes in various body systems (e.g., neurological, musculoskeletal, cardiac, and respiratory), and patient behavioral changes.

Given the important role of PSGTs in healthcare, this legislation would ensure that only qualified PSGTs will work with patients. PSGTs in New York would have to be licensed, which will require proof of completion of an associates degree or equivalent coursework in polysomnographic technology, passage of an examination, and satisfactory experience. Further, PSGTs would have to register with the State Education Department (“SED”) every three years and complete twenty-four hours of continuing education during each triennial registration period. These requirements are consistent with the requirements for other licensed healthcare professionals.

Importantly, this legislation would ensure that PSGTs working in New York sleep centers can continue to provide their vital services. In December 2007, SED issued a directive stating that PSGTs, as part of their traditional responsibilities, are performing activities that should be undertaken only by *licensed* professionals. SED has provided a limited window – until August 2008 – for a “satisfactory legislative solution” at which time PSGTs who provide professional services “without appropriate licensure could face prosecution for illegal practice and licensees who aid such practice could be charged with professional misconduct.” In short, in addition to PSGTs, sleep physicians, nurses, and other licensed healthcare professionals will be subject to enforcement unless this bill is enacted into law this legislative session.

Accordingly, this bill is critical for the continued provision of sleep disorder-related services. Equally important, this bill would provide for a well-educated and trained PSGT workforce in New York, thereby ensuring patients receive the very highest level of care. For the foregoing reasons, the NYSSSM strongly supports this bill and urges its prompt enactment into law.

If you have any questions concerning this issue, please contact Jim Lytle or Jim Walsh at Manatt, Phelps & Phillips, LLP, (518-431-6700).