



Legislative Issues Addressing the Sleep Technology Profession

Developed by:

The AAST Government Affairs Committee

Overview

- **Overview of AAST and how it can assist with your legislative initiative**
- **State Statutory Language for Sleep Technologists**
- **State Legislative Issues Affecting Sleep Over the Past Year**
- **Steps to Introduce Legislation**
- **AAST/AASM State Society Initiative**

American Association of Sleep Technologists (AAST)

- Provide standards & cohesive direction at the national level that serves to further develop and preserve the profession.
- AAST serves as conduit between the sleep technologist working in the field & the environment in which Polysomnography Technology exists.

AAST Government Relations

Services the AAST can provide our members:

- Respond to inquiries about the profession from members, state legislators, policymakers, and other stakeholders;
- Analyze legislative/regulatory issues that could influence the scope of practice for sleep technologists;
- Educate the public & policymakers on the role and qualifications of the sleep technology professional.

State Statutory Language for Sleep Technologists

- Statutory requirements for sleep technologists vary greatly from state to state.
- Some states require licensure for sleep technologists while other states do not address education or training for sleep technologists at all in their statutes.

State Statutory Language for Sleep Technologists

Basically, the practice for sleep technologists falls into five categories:

1. States which have a Polysomnography Practice Act.
2. States that have general exemption language for sleep technologists in their Respiratory Care Act.
3. States that specifically define sleep technology and the scope of practice for sleep technologists in their Respiratory Care Act.
4. States that do not address the practice of sleep technology at all in their Respiratory Care Act.
5. States that do not have either a Polysomnography or Respiratory Care Practice Act.

State Statutory Language for Sleep Technologists

- California, Louisiana, Maryland, New Jersey, New Mexico, North Carolina, Tennessee, Virginia, and Washington D.C., are the only jurisdictions with a Polysomnography Practice Act, which provides sleep technologists a specific licensing/certification pathway.

State Statutory Language for Sleep Technologists

Licensure

- **Example: New Mexico: Polysomnography Practice Act**

Chapter 61 – Professional and Occupational Licenses

Article 6B

On and after July 1, 2010, a person who is engaged in the practice of polysomnography must have a valid polysomnographic technologist license issued by the board.

New Mexico

Requirements for licensure:

- Graduation from a CAAHEP or CoARC program; or
- Graduation from an Electroneurodiagnostic (END) program; or
- Completion of an A-STEP program; and
- Passed the BRPT or another national certifying examination approved by the New Mexico Medical Board.

State Statutory Language for Sleep Technologists

- Thirty states contain general exemption language in their respective Respiratory Care Acts.
- General exemption language allows sleep technologists to work within their scope of practice while under the direction of a licensed physician.

State Statutory Language for Sleep Technologists

- **Example: Illinois**

Respiratory Care Practice Act

(225 ILCS 106/15)

Sec. 15. Exemptions.

(h) Nothing in this Act shall prohibit a polysomnographic technologist, technician, or trainee, as defined in the job descriptions jointly accepted by the American Academy of Sleep Medicine, the Association of Polysomnographic Technologists, the Board of Registered Polysomnographic Technologists, and the American Society of Electroneurodiagnostic Technologists, from performing activities within the scope of practice of polysomnographic technology while under the direction of a physician licensed in this State.

State Statutory Language for Sleep Technologists

- States with general exemption language include:
- AL, AZ, AR, CO, GA, HI, IL, IN, IA, KS, ME, MA, MI, MN, MS, MO, NE, NH, NV, OH, OK, PA, SC, SD, TX, UT, VT, WA, WV, WY.

State Statutory Language for Sleep Technologists

- Idaho and North Dakota specifically define sleep technology and their scope of practice in their respective Respiratory Care Acts.

State Statutory Language for Sleep Technologists

- **Nine states contain a Respiratory Care Act that does not address the practice of polysomnography. These states include: CT, DE, FL, KY, MT, NY, OR, RI, WI.**

State Statutory Language for Sleep Technologists

- Alaska is the only state that does not have language pertaining to respiratory therapists or to sleep technologists in their statutes or regulations.

State Legislation: 2010

Legislative activity occurring in the following states:

Florida

Hawaii

New York

Florida

Florida House bill 971:

- Designates Drowsy Driving Prevention Week;
- Encourages the public and the law enforcement community to be better educated about the relationship between fatigue and driving performance; and
- Restricts use of mobile telecommunications devices by school bus drivers.

Hawaii

SB 2600 - Respiratory Therapist Licensure

As introduced, the bill had the following exemption language:

Exemptions. This chapter shall not apply to:

- (1) A person working within the scope of practice or duties of another licensed profession that overlaps with the practice of respiratory care...
- (2) A person enrolled as a student in an accredited respiratory therapy program...
- (3) A person rendering services in the case of an emergency... or
- (4) A person employed by a federal, state, or county government agency in a respiratory therapist position...

Hawaii

The AAST and AASM worked with the Hawaii Sleep Society (HSS) to expand the exemption language in SB 2600 to include sleep technologists:

Exemptions – This chapter shall not apply to:

A person working as, or training to become, a sleep technologist or person who is enrolled in a Commission on Accreditation of Allied Health Education Programs, Accredited Sleep Technologist Education Program, or a program approved by the American Association of Sleep Technologists to become a sleep technologist; provided that, as used in this paragraph, a "sleep technologist" is defined as a person trained in sleep technology and relevant aspects of sleep medicine, evaluation, and follow-up care of patients with sleep disorders.

New York

AB 9546 - Polysomnographic Technology Practice

Relates to licensing the practice of polysomnographic technology: establishes requirements and procedures for professional licensure and registration; allows limited permits to be issued to eligible applicants; establishes mandatory continuing education for licensed polysomnographic technologists.