



Economic Impact Analysis Virginia Department of Planning and Budget

**18 VAC 85-140 – Regulations Governing the Practice of Polysomnographic Technologists
Department of Health Professions
November 4, 2011**

Summary of the Proposed Amendments to Regulation

As mandated by Chapter 838 of the 2010 Acts of the Assembly, the Board of Medicine (Board) proposes to promulgate new regulations that will govern the licensure of individuals who, under the direction of a licensed physician, “monitor, test and treat those suffering from sleep disorders”. Physicians and respiratory care professionals who are already licensed by the Board and whose scope of practice already includes the field of sleep medicine will not have to be separately licensed as polysomnographic technologists.

Result of Analysis

There is insufficient information to ascertain whether benefits will outweigh costs for these proposed regulations.

Estimated Economic Impact

Prior to General Assembly action in 2010, there was no requirement that individuals who worked as technicians in sleep disorder clinics be licensed. Pursuant to this legislative mandate, the Board now proposes to promulgate new regulations that will govern the licensure of polysomnographic technologists. Individuals seeking licensure will have to complete a licensure application, pay the \$130 application fee and submit both verification of completion of a Board acceptable credential and documentation of current certification in Basic Cardiac Life Support. The Board currently proposes to accept as acceptable credentials, 1) current certification as a Registered Polysomnographic Technologist from the Board of Registered Polysomnographic Technologists, 2) documentation of the Sleep Disorders Specialist credential from the National Board of Respiratory Care or 3) any other Board approved professional certification from an

organization or entity which is a member of the National Organization of Competency Assurance.

After initial licensure, polysomnographic technologists will have to renew their active licenses every two years (\$135 fee) at which time they will have to attest to having current certification in Basic Cardiac Life Support and to completing 20 hours of acceptable continuing education. Licensees who are late renewing their licenses but who renew within one additional renewal cycle (two years) will have to pay an additional \$50 late renewal fee. Licensees who are more than two years late for renewal will have to pay a \$180 reinstatement fee which must be submitted with an application for reinstatement. Individuals who seek to reinstate a license after revocation will have to pay a fee of \$2,000. Licensees who do not plan on practicing for a period of time will have the option of converting their license to inactive status and would have to pay only \$70 biennially for renewal.

In addition to the fees listed above, individuals who seek to be licensed by the Board in this field will incur costs for required credentials. Currently the Board of Registered Polysomnographic Technologists has four paths to certification which range from completing 18 months of on-the-job training, completing an on-line 15 module self study course (this costs approximately \$500) and passage of the RPSGT exam (\$350 fee for exam and review of credentials) to graduation from a Commission on Accreditation of Allied Health Education Programs (CAAHEP) approved course of study (costs for this path would likely be at least several thousand dollars) and passage of the RPSGT exam. Although the Board will allow documentation of the Sleep Disorders Specialist credential from the National Board of Respiratory Care to count as a verification of competency for licensure, only individuals who already have a degree and licensure in respiratory care would be able to get this credential. Individuals who are already licensed as respiratory care professionals in the Commonwealth will not also be required to be licensed as polysomnographic technologists. Licensees will also incur costs for completing continuing education (fees for courses or seminars, possible travel expenses and the value of time spent completing the continuing education hours). There is insufficient information to ascertain whether the benefits that may accrue to the public in the form of increased safety or competency that may arise because of licensure will outweigh these costs.

Businesses and Entities Affected

The Department of Health Professions (DHP) reports the number of individuals that will be affected by these proposed regulations is unknown. In 2010, 293 individuals holding Registered Polysomnographic Technologists certification had Virginia mailing addresses but some of these are likely respiratory care professionals who would not need to obtain further licensure. Additionally, there are other individuals who do not currently hold any licensure who would need to be licensed to continue working in this field. DHP estimates that fewer than 300 people in the Commonwealth would qualify for licensure without further training and certification.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This proposed regulatory action is likely to cut the number of individuals who are eligible to work as technicians for hospitals and sleep disorder clinics.

Effects on the Use and Value of Private Property

These proposed regulatory changes may drive up the costs of acquiring sleep disorder technician services and, therefore, drive up the costs of running sleep disorder clinics.

Small Businesses: Costs and Other Effects

DHP reports that few or no small businesses will be affected by these proposed regulations.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No DHP reports that few or no small businesses will be affected by these proposed regulations.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the Board the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.