

106TH CONGRESS
1ST SESSION

H. R. 804

To direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the Medicare Program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1999

Mr. NUSSLE (for himself, Mr. COYNE, Mr. ENGLISH, Mr. KLECZKA, Mr. BROWN of Ohio, and Mrs. MCCARTHY of New York) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the Medicare Program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anesthesia Services
5 Preservation Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Certified registered nurse anesthetists
4 (CRNAs) provide more than 65 percent of the Na-
5 tion's anesthetics.

6 (2) CRNAs are the sole anesthesia provider in
7 at least 65 percent of rural hospitals.

8 (3) In 1994, the Health Care Financing Admin-
9 istration (HCFA) issued a draft regulation deferring
10 to State law on the issue of physician supervision of
11 CRNAs.

12 (4) HCFA has issued a proposed rule deferring
13 to State law on the issue of physician supervision of
14 CRNAs in 1997.

15 (5) Many hospitals and health care profes-
16 sionals are concerned about the erroneous allegation
17 that surgeons are somehow automatically liable for
18 the acts of CRNAs and that this allegation serves as
19 a disincentive to use and work with CRNAs, and
20 may serve to limit consumer access to CRNAs' anes-
21 thesia services, particularly in rural areas.

22 (6) HCFA has failed to issue a final rule with
23 respect to this issue after many years.

1 **SEC. 3. REVISIONS OF CONDITIONS OF PARTICIPATION TO**
2 **FOSTER CONSISTENCY WITH STATE SUPER-**
3 **VISION STANDARDS.**

4 (a) PROMULGATION OF REVISED REGULATIONS.—
5 The Secretary of Health and Human Services shall revise
6 any regulations establishing medicare conditions of par-
7 ticipation for hospitals and ambulatory surgical centers re-
8 lating to anesthesia services under title XVIII of the Social
9 Security Act to provide that such regulations may not im-
10 pose supervisory or related requirements on the perform-
11 ance of those services by certified registered nurse anes-
12 thetists.

13 (b) EFFECTIVE DATE.—The revisions to the regula-
14 tions required by subsection (a) shall apply with respect
15 to anesthesia services furnished on or after January 1,
16 2000.

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