

106TH CONGRESS
1ST SESSION

S. 866

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 SENATE OF THE UNITED STATES

APRIL 22, 1999

Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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 finds the following:

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—

10 (1) do not impose any supervisory or other re-
11 quirements relating to the performance of such serv-
12 ices by certified registered nurse anesthetists
13 (CRNAs); and

14 (2) permit States to determine any supervisory
15 or other requirements relating to the performance of
16 anesthesia services by CRNAs.

17 (b) EFFECTIVE DATE.—The revisions to the regula-
18 tions required by subsection (a) shall apply with respect
19 to anesthesia services furnished on or after January 1,
20 2000.

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