

UPDATE: CALIFORNIA OPT-OUT

On February 3, 2011, the California Court of Appeal denied a petition made by the California Society of Anesthesiologists (CSA) and California Medical Association (CMA) for a writ of mandate against Governor Arnold Schwarzenegger, with the California Association of Nurse Anesthetists (CANA) as intervener. This was the first step in the medical societies' appeal of a Superior Court judgment that affirmed the exemption of California's healthcare facilities from the federal reimbursement requirement for supervision of certified registered nurse anesthetists (CRNAs). The writ of mandate would have accelerated the appeal process of the "opt-out," which must now follow conventional procedures and could take 1-2 years to be resolved.

CANA President Elizabeth Wong stated, "The opt-out provision is essential to the health and well-being of the people of California. The Superior Court affirms there is no requirement for supervision of CRNAs in the state. This ensures uninterrupted access to safe, high quality, cost effective anesthesia services for all citizens."

Underscoring cost-effectiveness with no risk to patient safety, the Governor informed the Centers for Medicare & Medicaid Services (CMS) in July 2009 that California met all criteria to opt out of the federal CRNA supervision requirements for healthcare facility reimbursement. In February 2010, CSA and CMA sued the Governor over this decision. In October, 2010 the court issued a summary judgment in favor of the Governor and CANA, concluding the supervision exemption is valid in California.

California is the 15th state, out of a total of 16, to opt-out of the Medicare CRNA supervision requirement since 2001. Over the past ten years there has not been a single reported quality of care incident attributed to the federal supervision exemption for CRNAs.

CANA is the professional organization representing over 1,400 CRNAs practicing in the state of California. The association advocates for patients and members while promoting safe, affordable, and high quality anesthesia care for all Californians.