

## **Court Affirms Opt-Out for California**

### **Patient Access to Safe, Affordable Anesthesia**

#### **Services Protected with Judge's Ruling**

SACRAMENTO, CA (January 10, 2011) – The California Association of Nurse Anesthetists (CANA) hailed the release of the final written ruling by the San Francisco Superior Court. Judge Peter J. Busch affirmed California's opt-out of the federal supervision requirement for Certified Registered Nurse Anesthetists (CRNAs).

“Judge Busch’s December 23, 2010 ruling goes a long way toward ensuring that our patients have access to the safest, most cost-effective delivery of anesthesia available,” said Elizabeth Wong, President of CANA and a practicing CRNA. “This decision ensures that hospitals in underserved and economically disadvantaged areas will have the flexibility they need to remain viable.”

In July 2009, underscoring cost-effectiveness with no risk to patient safety, Governor Schwarzenegger informed CMS that California met the requirements to opt-out of the federal Medicare and Medi-Cal CRNA supervision requirements for health care facility reimbursement. The California Medical Association and the California Society of Anesthesiologists sued the Governor over the decision, claiming the necessary steps for opt-out were not followed. CANA intervened in the litigation to ensure that the issues of patient care, access to care, and safe delivery of care were adequately addressed. On October 8, 2010, the court issued a summary judgment affirming all necessary steps were properly taken. On December 23, 2010, the court issued its final ruling affirming that California's decision to opt-out is valid.

Safety has not been an issue for the 16 states that have the opt-out in place. There has not been a single reported quality of care incident in those states since the rule was first adopted ten years ago in 2001. Further, a recent highly publicized study conducted by the Lewin Group, an independent national healthcare consulting firm, confirmed that CRNAs offer a quality, safe, and cost effective alternative to physician specialists. Other studies have repeatedly validated the safety of highly educated nurse anesthetists, as they deliver care with outcomes equivalent to those of physician anesthesiologists.

#### **About CANA**

CANA is the professional organization that represents CRNAs practicing in the state of California. The association advocates for patients and members while promoting safe, affordable anesthesia care for all Californians.

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