

January 4, 2012

Dear Colleagues,

Happy New Year! I hope everyone has enjoyed the holiday season and feels rested and refreshed as we enter a new year. (Wishful thinking, I know!) I write today to provide an update both on the opt-out appeal as well as future events the CSA is sponsoring.

First, I ran into Dr. Joy Hawkins a few weeks ago. She mentioned the residency program received the highest number of applications ever for the upcoming academic year! Over 900 applications were received! Medical students see why our specialty is so desirable. We care for patients at both ends of the spectrum of life, provide pain relief, critical care, and are an integral part of a patient's peri-operative care as they enter the operating room.

Thanks to Dr. Dan Janik, Immediate Past-President, for hosting two legislative events over the past few weeks. If you did not get a chance to read his update on the importance of getting involved please visit our web site to see his letter.

We are moving forward with the formation of a CSA PAC. Look for more information on the PAC in the next few months.

Please save the date, Tuesday January 24<sup>th</sup>. We are hosting a dinner meeting with Dr. Jeff Varnell from COPIC. The reception will start at 6:30PM with dinner to follow at 7:00PM. He will present Anesthesia related closed-claims at Maggiano's near the Denver Tech Center off I-25 and Dry Creek. For those of you covered by COPIC you will receive ERS points.

Thanks to everyone who participated in our questionnaire. Thanks to the support of Dr. Mike Hall and Centura we look forward to co-sponsoring a yearly meeting held at the Broadmoor. Dr. Jane Fitch, First Vice-President of the ASA will provide us with the 2012 ASA update. Dr. Fitch was a nurse anesthetist prior to entering medical school and her distinguished career as an anesthesiologist. She has a unique perspective on scopes of practice issues. The meeting is May 6-7. I hope to see many of you there. Thanks to Dr. Leslie Jameson for supporting our merger and the many years of hard work she did preparing our annual meeting.

Speaking of scope of practice issues, I would like to give an update on the opt-out appeal. The Colorado Hospital Association, the Colorado Nurses Association, the Colorado Association of Nurse Anesthetists, and the Attorney General's office submitted their response briefs to our appeal on December 23. Hundreds of pages that were submitted, however it was the amicus brief presented by the American Hospital Association that I would like to highlight. We will post the briefs on our web site for your review.

The American Hospital Association wrote a detailed brief in support of the opt-out and opposing our lawsuit. They gave several examples why they support the opt-out. First, they state nurse anesthetists should practice without supervision because they claim that the anesthesia related mortality rate is only 1:200,000-300,000. (With overall 30 day surgical mortality perhaps as low as 1:100, claims about safety related solely to healthy ASA I patients is highly misleading.) Second, critical access hospitals and those hospitals in a rural setting have a shortage of anesthesiologists. (Perhaps the lack of Rural Pass-Through dollars for anesthesiologists has something to do with this fact. In addition, there appears to be more anesthesiologists than nurse anesthetists in the facilities Governor Ritter named in his letter to CMS. An argument can be made that the nurses are shunning their responsibilities to rural patients.) Third, they claim that research has proven patients do not suffer if there is no physician supervision in their anesthetic care, by referencing the infamous Cromwell study. (As you know the data is based on flawed billing information and actually shows that patients with co-morbidities fared worse when a physician was not involved in their care. The properly constructed Silber study and common sense found no place in the hospital association's brief.)

The filing of the amicus brief by the American Hospital Association is especially instructive as it gives their opinion of the worth of the anesthesiologists in their hospitals. Rarely do we see such a blunt negative assessment of the value physicians bring to health care by those who should know better. CSA is opposing admission of the AHA brief and is working with ASA on a possible response.

So where do we go from here? We will present our written response briefs mid-January. We expect oral arguments some time in March-April.

On a personal note I would like to congratulate Dr. Bruce Brookens on his remarkable career. Bruce served as an officer and director of CSA for more than two decades. For those of you who do not know, he retired last week. He is the quintessential physician. I know I speak for many of us as well as all of the patients he cared for over the years, he will be missed. We wish Bruce and his wife Ann many happy days ahead.

Until later,

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