

May 11, 2014

American Society of Anesthesiologists Legislative Conference

Randy Clark, M.D., Dan Janik, M.D., Jordan Sankel, M.D., Jessica Yanosik, MD, Aaron Persinger, MD, and Murray S. Willis, M.D. attended the 2014 ASA Legislative conference May 5th through May 7th. The conference covered many topics of concern to all anesthesiologists. Of special note, Randy Clark was awarded the Bertram W. Coffey, M.D. Excellence in Government Award “for exemplary contributions to the medical specialty of anesthesiology, its practitioners, and patients”. Randy is to be congratulated for this outstanding achievement.

The key issues that the ASA is focusing on this year are:

- **Preserve safe anesthesia care for veterans**

The Department of Veterans Affairs (VA), Office of Nursing Services has proposed a new policy document known as the “VHA Nursing Handbook” which would abandon physician-led, team-based surgical anesthesia care, and impact the care of our nation’s Veterans.

Currently anesthesia care is provided in a team-based setting to provide high quality care. The local facility’s Chief of Anesthesiology determines how best to provide care based upon the physicians and nurses available, the type of patients the facility treats, and the types of procedures that are performed. Also, local VA facilities recognize the state licensure of their health care providers.

The proposed VA Nursing Handbook would conflict directly with the current Anesthesia Service Handbook. Team based care would be eliminated and replaced with “independent status” for all nurses. It would eliminate all local care decision-making policies that were not consistent with the solo practice initiative. Furthermore the federal government would no longer recognize state law.

The ASA is working vigorously to insure that the VA preserve physician-led, team based surgical anesthesia care in all VA medical facilities.

- **Improve Rural Health Care Access**

The ASA would like to expand access to physician anesthesiology services in rural areas. Low Medicare Part B anesthesia payments and low patient volume in rural areas make it difficult for rural hospitals to retain anesthesia providers. Current law allows some rural hospitals to use reasonable-costs based Medicare Part A “pass-through” funds to employ or contract with anesthesiologist assistants and nurse anesthetists. According to CMS, the “pass-through” arrangement cannot be used for physician anesthesiologists.

The ASA is lobbying legislators to cosponsor and pass legislation that would extend rural hospitals’ use of Medicare’s pass through arrangement to physician anesthesiologists. By extending the pass through, rural hospitals could more readily recruit and retain physician anesthesiologists to provide physician anesthesia services in rural areas.

- **Protect and Enhance Medicare Payments to Physician Anesthesiologists**

The ASA is working to protect and enhance a variety of Medicare payment issues. Physician anesthesiologists are currently paid a Medicare conversion factor that is 33% of commercial payer rates. There is a need to repeal and replace the Sustainable Growth Rate (SGR) methodology. Addressing these two issues would bring equity and stability to Medicare physician payments and a mechanism for meaningful annual payment updates that at least recognize inflation. The ASA is calling for reversing the mandated payment cuts for pain care procedures. Lastly, in response to the call for alternative payment and delivery models, the ASA is supporting the Perioperative Surgical Home model of coordinated care.

The conference in Washington, D.C. was concluded with visits to the congressional delegation from Colorado. We spoke directly with Representative Coffman, Representative Perlmutter, Senator Udall, and the legislative aides for the other Representatives and Senators. We received a positive response from all of the legislators and/or their aides regarding the three ASA legislative agenda issues.