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**Colorado Society of Anesthesiologists Pleased
Colorado Supreme Court Ruling on Physician Supervision of Anesthesia Care
Corrects Lower Court Errors**

DENVER – June 1, 2015 – The Colorado Society of Anesthesiologists is pleased by today’s Colorado Supreme Court ruling on its lawsuit challenging a 2010 decision by then-Governor Bill Ritter exempting Colorado’s rural hospitals from the federal regulation requiring a physician to supervise a nurse anesthetist delivering anesthesia care during surgery.

The Colorado Medical Society and the Colorado Society of Anesthesiologists brought suit against the governor in 2010 arguing the exemption was contrary to Colorado state law. A Colorado District Court ruled against the medical societies in 2011 and the Colorado Court of Appeals upheld the lower court decision in 2012. Today’s Supreme Court decision negates the major portion of the earlier rulings and reinforces the two medical societies’ standing to challenge the Ritter decision in order to protect patient safety in anesthesia care.

“As leaders in patient safety, Colorado’s physician anesthesiologists are gratified that the Supreme Court has reversed the lower courts’ primary findings and reaffirmed our position,” said Murray S. Willis, M.D., president of the Colorado Society of Anesthesiologists. “Despite advances in medicine, every procedure and surgery has risks. When seconds count, when medical emergencies or other complications occur unexpectedly, physicians draw on their extensive medical education, years of clinical training and experience to make critical decisions that can save lives.”

In their challenge to the Ritter decision, the Colorado Society of Anesthesiologists and the Colorado Medical Society called attention to provisions of Colorado law that require physician supervision of advanced practice nurses while performing delegated medical functions, including the delivery of anesthesia care by a nurse anesthetist, one type of advanced practice nurse. Today the Supreme Court overturned the lower court’s interpretation of Colorado law granting advanced practice nurses the ability to practice independently, stating, “We thus disagree with the Court of Appeals decision to the extent that it considered whether, as a matter of *de novo* interpretation, Colorado law permits CRNAs to administer anesthesia without supervision.” Addressing Governor Ritter’s opt-out determination, the Court found that it was “simply an expression of his opinion” and that “the Governor’s attestation with regard to physician supervision of CRNAs is not a generally binding interpretation of Colorado law.”

Supervision of anesthesia care by a physician is vital before, during and after surgery to ensure the best and safest care. Nurse anesthetists play a valuable role in the team approach to anesthesia delivery but cannot replace a physician or provide anesthesia services without physician supervision. There are no independent studies that confirm nurse anesthetists can provide the same outcomes and quality of care as physicians and their education and training does not compare.

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COLORADO SOCIETY OF ANESTHESIOLOGISTS

“Unfortunately, we are not done yet,” said Randall M. Clark, M.D., Colorado representative to the Board of Directors of the American Society of Anesthesiologists. “Today’s decision means that the legislative history of Colorado’s practice acts regarding delegated medical functions for advanced practice nurses and the separate provisions of Colorado common law that require surgeon supervision in the operating room have not been fully addressed. The safety of Colorado’s citizens undergoing anesthesia requires the underlying legal questions to be resolved. We are encouraged by today’s decision, and will continue the legal process in the hopes that the Colorado courts will recognize the important safety implications of physician supervision of anesthesia care for patients during surgery.”

Until the remaining legal issues are clarified, the Colorado Society of Anesthesiologists strongly encourages any patient in Colorado receiving anesthesia to demand a physician provide or supervise their anesthesia care. All patients have the right to do so and if the hospital or facility cannot meet this request, the patient should seek care elsewhere.

“With today’s decision, we call on Governor John Hickenlooper and the Colorado Hospital Association to work with Colorado’s more than 700 physician anesthesiologists to improve medical care in all our state’s operating rooms and procedural areas, especially those in rural areas,” added Dr. Willis. “Future progress in patient outcomes and the patient care experience, and the necessary improvements in cost efficiency will require greater cooperation among stakeholders and better integration of care delivery than we have now. No one is better positioned to help attain these goals than Colorado’s physician anesthesiologists.”