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May 8, 2020

Ms. Patricia McSorley  
Executive Director  
Arizona Medical Board  
1740 W. Adams St. Suite 4000  
Phoenix, Arizona 85007

Re: Request for further information regarding Board consultation with Governor Ducey

Dear Director McSorley,

My name is Courtney Koshar, MD, and I am currently serving as the President of the Arizona Society of Anesthesiologists. Our Society represents nearly 1,200 member anesthesiologists in the state of Arizona, a good number of which are licensed by the Arizona Medical Board. As a Society we are appreciative of the work you and the AMB do to protect the public through the licensing, regulation, and education of allopathic physicians in the state.

I write this letter to request that the Board provide our Society with information regarding its involvement in a letter recently sent by Governor Ducey to the Centers for Medicare and Medicaid Services. In this March 23, 2020 letter, the Governor purports to opt out of the application of a CMS rule requiring that certified registered nurse anesthetists (CRNAs) be supervised by a physician in order for those services to be paid by CMS (42 C.F.R. 416.42, 482.52, and 485.639).

The text of the federal rule allows states to opt out of this requirement, but explicitly requires that the Governor attest that he or she “has consulted with the State Board of Medicine and Nursing about issues related to access to and the quality of anesthesia services in the State.” In his letter (see attached), the Governor affirmatively stated that his office “has consulted with the Executive Directors of both the Arizona Nursing Board and the Arizona Medical Board about this issue as it relates to both access to care and quality of services.”

AzSA has significant concerns with opting out of the federal rule, and we continue to express these concerns to the Governor’s office. However, we also question whether the proper procedural steps were taken in support of the opt out letter, given that we can find no discussion of such a consultation in any of the Board’s public records. We have also found no confirmation from any source of such consultation or even acknowledgement that it occurred.

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We therefore request that the Arizona Medical Board clarify in writing whether the Governor's office did consult with the Board, as required by the federal rules cited above, and if so, with whom. We also request a description of that consultation, and whether issues of access to care and the quality of services were part of the consultation.

We look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read 'CK', with a stylized flourish extending to the right.

**Courtney Koshar, MD**

President,

Arizona Society of Anesthesiologists