



ARIZONA ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR ARIZONA



May 19, 2020

The Honorable Doug Ducey
Governor, State of Arizona
1700 W. Washington
Phoenix, AZ 85007

Dear Governor Ducey:

The below signed organizations continue to value your leadership and commitment to addressing the State's healthcare needs during this unprecedented healthcare crisis. Our statewide healthcare partners are joining us in reaching out to you. We believe that if left in place, your letter opting out of the CMS physician supervision requirement for certified registered nurse anesthetists would permanently undermine Arizona's longstanding commitment to physician-led, high quality anesthesia care and patient safety.

We have the following concerns with the decision to opt out of the CMS supervision rule of which we would like to make you aware.

1. There is no shortage of anesthesia care in Arizona, even in current COVID pandemic conditions.
2. There is no fundamental problem that needs solving by opting out. Arizona has maintained a harmony between state and federal requirements that define the relationship between physicians and nurse anesthetists. The March 23 Opt Out letter to CMS upsets this twenty-year equilibrium - creating a gulf between the state and federal rules, with no corresponding benefit to patients.
3. The Opt Out Letter did not satisfy the requirements for opting out as laid out in the federal rule. We do not believe that the Boards of Medicine or Nursing were appropriately consulted with regard to the decision to opt out.
4. The COVID emergency is temporary, and any rule changes should also be temporary. Both the federal government and governors across the country have issued temporary emergency orders waiving oversight rules and supervision requirements, but almost all of these orders and extraordinary measures will appropriately revert back to the established regulatory infrastructure when we have successfully overcome the current emergency. This directly opposed the permanent letter to CMS.
5. The Opt Out Letter is in conflict with the American Medical Association's policy which "requires physician supervision for certified registered nurse anesthetists for anesthesia services in Medicare participating hospitals, ambulatory surgery centers, and critical access hospitals". Additionally, AMA's policy opposes opt-outs which allow removal of physician supervision in anesthesia care.

In the midst of Arizona's emerging COVID-19 crisis, we ask that your Administration mitigate the concerns stated in this letter by clarifying that the opt out only *temporarily* suspends supervision requirements during the duration of the crisis, consistent with President Trump's March 30 federal

waiver similarly temporarily suspending such requirements at the discretion of the hospital and state law.

Arizona's patients enjoy high quality, safe physician-led care. The March 23 letter permanently departs from that standard.

We formally request a meeting with you regarding these significant patient safety concerns. Please inform our organization of a time that will best suit your schedule. We appreciate your prompt attention to this matter and your consideration of our course correction recommendations.

Sincerely,



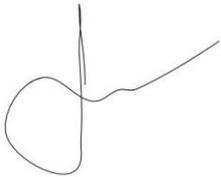
Courtney Koshar, MD
President,
Arizona Society of Anesthesiologists



Nirav Y. Patel, MD
President, Arizona Chapter of the
American College of Surgeons



Norman Chutkan, MD
President,
Arizona Orthopaedic Society



Jordana Smith, MD
President,
Arizona Ophthalmological Society



Abraham Jacob, MD
President,
Arizona Society of Otolaryngology,
Head and Neck Surgery



Richard S. Dobrusin, DO
President,
Arizona Osteopathic Medical Association



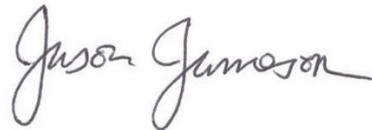
Ross Goldberg, MD
President,
Arizona Medical Association



Dane Van Tassel, MD
President,
Arizona Radiological Society



Terry Maffi, MD
President,
Arizona Society of Plastic Surgeons



Jason Jameson, MD
Immediate Past-President,
Arizona Urological Society



Gail Guerrero-Tucker, MD
President,
Arizona Academy of Family Physicians