



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Care Financing Administration

Washington D.C. 20201 - 0001

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Jan. 28, 2000

Note to Nancy-Ann DeParle

Subject: Member Support for CRNAs and Anesthesiologists

This memo is about Member support for the CRNAs and anesthesiologists regarding the issue of physician supervision of CRNAs.

Liz Cusick pulled the 1999 Member letters. Jeanette Hunt (OL) pulled the 1997 and 1998 Member letters. John Graham (OL) pulled the names of members supporting the pro-CRNA and pro-anesthesiologists bills. Ira Burney pulled this analysis together.

There was extensive Member interest in this issue. There were 52 cosponsors of the pro-CRNA bill and 77 cosponsors of the pro-anesthesiologist bill. (Two Members have supported both sides). Also, 31 additional different Members wrote letters supporting the CRNAs and 30 additional different Members wrote letters supporting the anesthesiologists. There were also several delegation letters. In total, 36 percent of Members have taken a position: 83 Members (16 percent) have indicated support of the CRNAs and 107 Members (20 percent) have indicated support of the anesthesiologists. Without taking positions, another 17 different Members have transmitted letters from constituents supporting one or both sides.

Support for the CRNAs and anesthesiologists crosses party and Chamber. Senate Appropriations Subcommittee Chairman Specter and Minority Leader Daschle support the CRNAs as do five Finance Committee and six Ways and Means Committee Members. In contrast, Senate Appropriations Chairman Stevens, Speaker Hastert, Majority Leader Arney, Ways and Means Chairman Archer and Ranking Minority Member Rangel and seven other Ways and Means Members and three Finance Committee Members support the anesthesiologists. Members from rural states tend to support the CRNAs.

Two key themes emerge from Member letters supporting anesthesiologists. Not only will we will need convincing responses for the final regulation, but also significant responses on each of these points might be needed for public dissemination as soon as there is an indication about finalizing the proposed rule.

- o In July 1992, HCFA considered eliminating the supervision requirement but did not propose to do so: "in view of the lack of definitive clinical studies on this issue, and in consideration of the risks associated with anesthesia administration by non-physician anesthetists unless under supervision by an anesthesiologist or the operating practitioner". Members have asked what has changed since 1992 that led us to reverse positions, particularly since they believe that there have been no new clinical studies since then and that anesthesia is inherently risky.

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- o Many Members have taken the position that any change should be based on sound clinical evidence on the outcomes of patients who receive care from the two anesthesia providers. Members raise issues about the quality of patient care if a change is made without "scientific evidence". As a result, many Members have signed onto the bill to direct the Secretary to conduct a study. Rep. Stark also wrote to John Eisenberg asking for help on this issue because he believes that Members of Congress are "terribly unprepared to judge or even understand" this issue. It would seem important to have a compelling response as to why existing evidence is sufficient and additional study is unnecessary.

Regarding the two bills, the Pro-CRNA bill directs the Secretary to revise the hospital conditions of participation regulation to prohibit the regulations from imposing supervision requirements on CRNAs. The Pro-Anesthesiologist bill directs the Secretary to conduct a study on the mortality and adverse outcomes on Medicare patients by providers of anesthesia. It provides that if the Secretary determines that lack of supervision results in an adverse impact on outcomes, then there should be no change from current regulations.

Please let me know if you would like to discuss this issue or if you would like to review some of the Members letters.

Bonnie Washington
Director, Office of Legislation

cc: Jeff Kang
Liz Cusick
Bob Berenson

Pro-CRNR**(1) Member Letter Expressing Opinion (38)**

Sen Baucus, Max (D-MT) (Finance)
Sen Bingaman, Jeff (D-NM)
Sen Breaux, John (D-LA)* (Finance) * Delegation letter
Sen Bunning, Jim (R-KY)
Sen Collins, Susan (R-ME)
Sen Conrad, Kent (D-ND) (Finance)
Sen Craig, Larry (R-ID) (Appropriations)
Sen Dorgan, Byron (D-ND) (Appropriations)
Sen Hollings, Ernest (D-SC) (Appropriations)
Sen Jeffords, James (R-VT) (Finance)
Sen Kerry, Bob (D-NE) (Finance)
Sen Landrieu, Mary* (D-LA)
Sen Leahy, Patrick (D-VT)
Sen Specter, Arlen (R-PA) (Appropriations Subcommittee Chair)
Sen Thomas, Craig (R-WY)

Rep Baker, Richard (R-LA)*
Rep Barrett, Thomas (D-WI) *
Rep Hobson, David (R-OH)
Rep Jefferson, William (D-LA)*
Rep John, Christopher (D-LA)*
Rep Johnson, Jay (R-WI) *
Rep Johnson, Nancy (R-CT) (Ways and Means)
Rep Johnson, Sam (D-TX) (Ways and Means)
Rep Kind, Ron (D-WI) *
Rep Kleczka, Gerald (D-WI)* (Ways and Means)
Rep Klink, Ron (D-PA) (Commerce)
Rep Kucinich, Dennis (D-OH)
Rep Mink, Patsy (D-HI)
Rep Northrup, Anne (R-KY)
Rep Obey, David (D-WI) *
Rep Paul, Ron (R-TX)
Rep Peterson, John (R-PA)
Rep Petri, Thomas (R-WI) *
Rep Sensenbrenner, F. James (R-WI) *
Rep Stabenow, Deborah (D-MI)
Rep Tanner, John (D-TN)
Rep Tauzin, W.J. (Billy) (R-LA)*
Rep Watts, J.C. (R-OK)

(2) Cosponsor of H.R. 804/S. 866 (52)

Sen Conrad, Kent (D-ND) (Finance)

Sen Craig, Larry (R-ID) (Appropriations)

Sen Daschle, Thomas (D-SD) (Minority Leader)

Sen Dorgan, Byron (D-ND) (Appropriations)

Sen Enzi, Michael (R-WY)

Sen Gorton, Slade (R-WA) (Appropriations) (also sent letter supporting other side)

Sen Inouye, Daniel (D-HI) (Appropriations)

Sen Johnson, Tim (D-SD)

Sen Lincoln, Blanche (D-AR)

Rep Barcia, James (D-MI)

Rep Barrett, Bill (R-NE)

Rep Bishop, Sanford Jr. (D-GA)

Rep Brown, Sherrod (D-OH) (Commerce)

Rep Capps, Lois (D-CA) (Commerce)

Rep Collins, Michael (R-GA)

Rep Costello, Jerry (D-IL)

Rep Coyne, William (D-PA) (Ways and Means)

Rep Cubin, Barbara (R-WY) (Commerce) (also signed onto bill for other side)

Rep Dickey, Jay (R-AR) (Appropriations)

Rep Doyle, Michael (D-PA)

Rep Emerson, Jo Ann (R-MO)

Rep English, Phil (R-PA) (Ways and Means)

Rep Faleomavaega, Eni F.H. (D-AS)

Rep Foley, Mark (R-FL) (withdrew support)

Rep Frost, Martin (D-TX)

Rep Hinchey, Maurice (D-NY)

Rep Hinojosa, Ruben (D-TX)

Rep Inslee, Jay (D-WA)

Rep Johnson, Eddie Bernice (D-TX)

Rep Kelly, Sue (R-NY)

Rep Kennedy, Patrick (D-RJ)

Rep Kind, Ron (D-WI)

Rep Kleczka, Gerald (D-WI) (Ways and Means)

Rep Klink, Ron (D-PA) (Commerce)

Rep LaTourette, Steve (R-OH)

Rep Lowey, Nita (D-NY) (Appropriations)

Rep McCarthy, Carolyn (D-MO)

Rep Moore, Dennis (D-KS)

Rep Moran, Jerry (D-VA)

Rep Nussle, Jim (R-IA) (Ways and Means)

Rep Paul, Ron (R-TX)

Rep Pomeroy, Earl (D-ND)

Rep Quinn, Jack (R-NY)

Rep Rahall, Nick (D-WV)
Rep Rivers, Lynn (D-MI)
Rep Rogan, James (R-CA) (Commerce)
Rep Sanders, Bernard (I-VT)
Rep Sanford, Marshall (R-SC)
Rep Strickland, Ted (Commerce)
Rep Stupak, Bart (D-MI) (Commerce)
Rep Terry, Lee (R-NE)
Rep Weygand, Robert (D-RI)
Rep Woolsey, Lynn (D-CA)

(3) Member Letter Transmitting Constituent Referral Without Expressing Opinion (18)

Sen Akaka, Daniel (D-HI)
Sen Collins, Susan (R-ME)
Sen Graham, Bob (D-FL) (Finance)
Sen Kohl, Herb (D-WI)
Sen Lieberman, Joseph (D CT)
Sen McCain, John (R-AZ)
Sen Mikulski, Barbara (D-MD) (several constituent letters, both sides)
Sen Nickles, Don (D-OK) (Finance) (4 constituents) (sent letter opposing policy)
Sen Santorum, Rick (R-PA) (also sent constituent letter from other side)
Sen Snowe, Olympia (R-ME)
Sen Thomas, Craig (R-WY)
Sen Thompson, Fred (R-TN) (Finance)

Rep Bilirakis, Michael (R-FL)
Rep Clement, Bob (D-TN)
Rep Kanjorski, Paul (D-PA)
Rep Pitts, Joseph (R-PA)
Rep Portman, Rob (R-OH) (Ways and Means) (also sent letters in support of other side)
Rep Woolsey, Lynn (D-CA)

Pro-Anesthesiologist**(1) Member Letter Expressing Opinion (45)**

Sen Campbell, Ben Nighthorse (R-CO) (Appropriations)
Sen Cochran, Thad (R-MS)* (Appropriations) * Delegation letter
Sen Coverdell, Paul (R-GA)* (Finance)
Sen DeWine, Mike (R-OH)*
Sen Frist, Bill (R-TN)*
Sen Gorton, Slade (R-WA) (Appropriations) (also signed onto bill supporting other side)
Sen Kyl, Jon (R-AZ) (Appropriations)
Sen Mack, Connie (R-FL)* (Finance)
Sen Nickles, Don (R-OK)* (Finance)
Sen Santorum, Rick (R-PA)
Sen Smith, Gordon (R-OR)*
Sen Stevens, Ted (R-AK)* (Appropriations, Chairman)

Rep Archer, Bill (R-TX) (Ways and Means Chairman)
Rep Armey, Richard (R-TX) (Majority Leader)
Rep Boyd, Allen (D-FL)*
Rep Cox, Christopher (R-CA)
Rep Cramer, Robert E. (Bud) (D-AL)*
Rep DeFazio, Peter (D-OR)
Rep Eshoo, Anna (D-CA) (Commerce)
Rep Forbes, Michael (R-NY) (Appropriations)
Rep Ganske, Greg (R-IA) (Commerce)
Rep Goode, Virgil (D-VA)*
Rep Hall, Ralph (D-TX)* (Commerce)
Rep Hastert, Dennis (R-IL) (Speaker)
Rep Jenkins, Bill (R-TN)
Rep Lewis, John* (D-GA) (Ways and Means)
Rep Maloney, Carolyn (D-NY)
Rep Matsui, Robert* (D-CA) (Ways and Means)
Rep McCrery, Jim (R-LA) (Ways and Means)
Rep McIntosh, David (R-IN)
Rep Portman, Rob (R-OH)
Rep Rangel, Charles* (D-NY) (Ways and Means)
Rep Rothman, Steve (D-NJ)
Rep Sanchez, Loretta (D-CA)*
Rep Sandlin, Max (D-TX)
Rep Smith, Adam (D-WA)
Rep Stark, Pete (D-CA) (Ways and Means)
Rep Talent, James (R-MO)
Rep Taylor, Gene (D-MS)*
Rep Thurman, Karen* (D-FL) (Ways and Means)
Rep Upton, Fred (R-MI)

Rep White, Rick (R-WA)

3 other members with undecipherable signatures signed onto Rep. Hall's delegation letter

(2) Member Letter Transmitting Silber Study Abstract (1)

Rep Coburn, Tom (R-OK)

(3) Member Letter Transmitting Letter to John Eisenberg Requesting Study (1)

Rep Stark, Pete (D-CA)

(4) Cosponsor of H.R. 632/S. 818 (77)

Sen Ashcroft, John (R-MO)

Sen DeWine, Michael (R-OH)

Sen Helms, Jesse (R-NC)

Sen Hutchison, Kay Bailey (R-TX) (Appropriations)

Sen Reid, Harry (D-NV)

Rep Bachus, Spencer (R-AL)

Rep Baldacci, John Elias (D-ME)

Rep Barr, Bob (R-GA)

Rep Bentsen, Ken (D-TX)

Rep Berkley, Shelley (D-NV)

Rep Boyd, Allen (D-FL)

Rep Brady, Kevin (R-TX)

Rep Brady, Robert (D-PA)

Rep Burr, Richard (R-NC) (Commerce)

Rep Christensen, Donna (R-NE)

Rep Cook, Merrill (R-UT)

Rep Cubin, Barbara (R-WY) (Commerce) (also signed onto bill for other side)

Rep Danner, Pat (D-MO)

Rep Deal, Nathan (R-GA) (Commerce)

Rep DeFazio, Peter (D-OR)

Rep Deutsch, Peter (R-FL) (Commerce)

Rep Diaz-Balart, Lincoln (R-FL)

Rep Doolittle, John (R-CA)

Rep Ehlers, Vernon (R-MI)

Rep Ehrlich, Robert, Jr. (R-MD)

Rep Everett, Terry (R-AL)

Rep Fletcher, Ernest (R-KY)

Rep Forbes, Michael (R-NY) (Appropriations)

Rep Gibbons, Jim (R-NV)

Rep Gonzalez, Charles (D-TX)

Rep Goss, Porter (R-FL)

Rep Green, Gene (D-TX) (Commerce)

Rep Gutknecht, Gil (R-MN)

Rep Hall, Ralph M. (D-TX) (Commerce)

Rep Hayes, Robin (R-NC)
Rep Hill, Rick (R-MT)
Rep Holt, Rush (D-NJ)
Rep Hooley, Darlene (D-OR)
Rep Isakson, Johnny (R-GA)
Rep Jones, Walter, Jr. (R-NC)
Rep LaHood, Ray (R-IL)
Rep Largent, Steve (R-OK)
Rep Linder, John (R-GA)
Rep LoBiondo, Frank (R-NJ)
Rep Maloney, Carolyn (D-NY)
Rep Manzullo, Donald (R-IL)
Rep Matsui, Robert (D-CA) (Ways and Means)
Rep McCollum, Bill (R-FL)
Rep McInnis, Scott (R-CO)
Rep McIntosh, David (R-IN)
Rep McKeon, Howard (R-CA)
Rep Miller, Dan (R-FL) (Appropriations)
Rep Miller, Gary (R-CA)
Rep Myrick, Sue (R-NC)
Rep Pallone, Frank, Jr. (D-NJ) (Commerce)
Rep Pascrell, Bill, Jr. (D-NJ)
Rep Payne, Donald (D-NJ)
Rep Pryce, Deborah (R-OH)
Rep Ramstad, Jim (R-MN) (Ways and Means)
Rep Reynolds, Thomas (R-NY)
Rep Rothman, Steve (D-NJ)
Rep Salmon, Matt (R-AZ)
Rep Sandlin, Max (D-TX)
Rep Scarborough, Joe (R-FL)
Rep Sessions, Pete (R-TX)
Rep Shadegg, John (R-AZ) (Commerce)
Rep Shaw, E. Clay (R-FL) (Ways and Means)
Rep Sherman, Brad (D-CA)
Rep Shows, Ronnie (D-MS)
Rep Smith, Adam (D-WA)
Rep Smith, Christopher (R-NJ)
Rep Souder, Mark (R-IN)
Rep Stearns, Cliff (R-FL) (Commerce)
Rep Talent, James (R-MO)
Rep Thompson, Bennie (D-MS)
Rep Walsh, James (R-NY)
Rep Weldon, Dave (R-FL)

(5) Member Letter Transmitting Constituent Referral Without Expressing Opinion (11)

Sen Feinstein, Dianne (D-CA) (Appropriations)

Sen Lott, Trent (R-LA) (Majority Leader)

Sen McCain, John (R-AZ)

Sen Mikulski, Barbara (D-MD) (several constituent letters, both sides)

Sen Santorum, Rick (R-PA) (also sent constituent letter from other side)

Rep Becerra, Xavier (D-CA) (Ways and Means)

Rep Blunt, Roy (R-MO) (Commerce)

Rep Dunn, Jennifer (R-WA) (Ways and Means)

Rep Etheridge, Bob (R-NC) (several constituent letters)

Rep Pitts, Joseph (R-PA)

Rep Portman, Rob (R-OH) (Ways and Means) (also sent letters in support of other side)

Indeterminate Position

Rep Duncan, John (R-TN)

Rep Waxman, Henry (D-CA) (Commerce)