

103^D CONGRESS
2^D SESSION

H. R. 4291

To direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1994

Mr. KREIDLER introduced the following bill; which was referred jointly to the Committees on Ways and Means and Energy and Commerce

A BILL

To direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REVISION OF CONDITIONS OF PAYMENT RE-**
2 **LATING TO ANESTHESIA SERVICES FUR-**
3 **NISHED BY CERTIFIED REGISTERED NURSE**
4 **ANESTHETISTS.**

5 (a) PROMULGATION OF REVISED REGULATIONS.—

6 The Secretary of Health and Human Services shall revise
7 any regulations describing the conditions under which pay-
8 ment may be made for anesthesia services under the medi-
9 care program so that—

10 (1) payment may be made for anesthesia serv-
11 ices furnished in a hospital or an ambulatory sur-
12 gical center by a certified registered nurse anes-
13 thetist who is permitted to administer anesthesia
14 under the law of the State in which the service is
15 furnished; and

16 (2) the conditions under which payment may be
17 made for a physician service consisting of the medi-
18 cal direction or medical supervision of a certified
19 registered nurse anesthetist meet the requirements
20 of subsection (b)(1).

21 (b) REQUIREMENTS FOR MEDICAL DIRECTION DE-
22 SCRIBED.—

23 (1) IN GENERAL.—The requirements of this
24 subsection are that the conditions under which pay-
25 ment may be made for the medical direction or med-

1 ical supervision of a certified registered nurse anes-
2 thetist—

3 (A) shall not restrict such nurse anes-
4 thetists working with anesthesiologists from
5 performing all the components of the anesthesia
6 service that such nurse anesthetists are legally
7 authorized to perform in the State in which the
8 service is furnished; and

9 (B) shall prevent fraud and abuse in pay-
10 ment for anesthesia services by requiring that
11 the physician providing medical direction or
12 medical supervision must be physically present
13 in the facility where the certified registered
14 nurse anesthetist's services are performed and
15 be available in a timely manner for consultation
16 or assistance if indicated.

17 (2) CONSULTATION REQUIRED.—The Secretary
18 shall revise the regulations referred to in subsection
19 (a)(2) after consultation with representatives from
20 professional associations of certified registered nurse
21 anesthetists and anesthesiologists.

22 (c) EFFECTIVE DATE.—The revisions to the regula-
23 tions referred to in subsection (a) shall apply to anesthesia
24 services furnished on or after January 1, 1995.

1 (d) TERMINATION OF REGULATIONS ON MEDICAL
2 DIRECTION OR SUPERVISION.—The regulations referred
3 to in subsection (a)(2) shall be repealed effective January
4 1, 1998.

5 **SEC. 2. ENSURING PAYMENT FOR PHYSICIAN AND NURSE**
6 **FOR JOINTLY FURNISHED ANESTHESIA SERV-**
7 **ICES.**

8 (a) PAYMENT FOR JOINTLY FURNISHED SINGLE
9 CASE.—

10 (1) PAYMENT TO PHYSICIAN.—Section
11 1848(a)(4) of the Social Security Act (42 U.S.C.
12 1395w-4(a)(4)), as added by section 13516(a) of
13 the Omnibus Budget Reconciliation Act of 1993
14 (hereafter referred to as “OBRA-1993”), is amend-
15 ed by adding at the end the following new subpara-
16 graph:

17 “(C) PAYMENT FOR SINGLE CASE.—Not-
18 withstanding section 1862(a)(1)(A), with re-
19 spect to physicians’ services consisting of the
20 furnishing of anesthesia services for a single
21 case that are furnished jointly with a certified
22 registered nurse anesthetist, if the carrier de-
23 termines that the use of both the physician and
24 the nurse anesthetist to furnish the anesthesia
25 service was not medically necessary, the fee

1 schedule amount to be applied shall be equal to
2 50 percent of the fee schedule amount otherwise
3 applicable under this section if the anesthesia
4 service were personally performed by the physi-
5 cian alone.”.

6 (2) PAYMENT TO CRNA.—Section 1833(l)(4)(B)
7 of such Act (42 U.S.C. 1395l(l)(4)(B)), as added by
8 section 13516(b) of OBRA–1993, is amended by
9 adding at the end the following new clause:

10 “(iv) Notwithstanding section 1862(a)(1)(A), in the
11 case of services of a certified registered nurse anesthetist
12 consisting of the furnishing of anesthesia services for a
13 single case that are furnished jointly with a physician, if
14 the carrier determines that the use of both the physician
15 and the nurse anesthetist to furnish the anesthesia service
16 was not medically necessary, the fee schedule amount shall
17 be equal to 50 percent of the fee schedule amount other-
18 wise applicable under this section if the anesthesia service
19 were personally performed by the physician alone.”.

20 (b) UNIFORM TREATMENT OF ALL MULTIPLE CON-
21 CURRENT CASES.—Section 1848(a)(4) of such Act (42
22 U.S.C. 1395w–4(a)(4)) and section 1842(b)(13) of such
23 Act (42 U.S.C. 1395u(b)(13)), as amended by section
24 13516(a) of OBRA–1993, are each amended—

1 (1) by striking “two, three, or four” each place
2 it appears and inserting “two or more”; and

3 (2) by inserting “or medical supervision” after
4 “medical direction” each place it appears.

5 (c) EFFECTIVE DATE.—The amendments made by
6 subsections (a) and (b) shall apply to services furnished
7 on or after January 1, 1995.

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