

1                   **JOINT RESOLUTION ON ELIMINATING FEDERAL**  
2                   **REGULATION AND GRANTING NURSE**  
3                   **ANESTHETISTS A FULL SCOPE OF PRACTICE**  
4                   **THROUGH A STATE OPT OUT**

5                   2013 GENERAL SESSION

6                   STATE OF UTAH

7                   **Chief Sponsor: Francis D. Gibson**

8                   Senate Sponsor: \_\_\_\_\_

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10 **LONG TITLE**

11 **General Description:**

12               This joint resolution of the Legislature supports the existing scope of practice  
13 provisions under the Utah Nurse Practice Act that allow a certified registered nurse  
14 anesthetist (CRNA) to practice without the supervision of a physician and urges the  
15 state to formally opt out of the federal physician supervision requirements of 42 CFR  
16 416.42.

17 **Highlighted Provisions:**

18               This resolution:

19               ▶ urges the state to opt out of the current federal requirement that a physician  
20 supervise a CRNA when the CRNA is administering anesthesia, which currently  
21 conflicts with existing provisions of the Utah Nurse Practice Act.

22 **Special Clauses:**

23               None

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25 *Be it resolved by the Legislature of the state of Utah:*

26               WHEREAS, in 2001 the Centers for Medicare & Medicaid Services issued a rule that  
27 allowed states to formally opt out of the physician-supervision requirements of 42 CFR 416.42,



28 and would direct Medicare to reimburse services provided by a certified registered nurse  
29 anesthetist regardless if the certified registered nurse anesthetist is supervised by a physician;

30 WHEREAS, the federal supervision requirement is inconsistent with Title 58, Chapter  
31 31B, Nurse Practice Act, and the rules created by the Utah Board of Nursing under this act,  
32 which state that only a request of a licensed professional is necessary in order for a certified  
33 registered nurse anesthetist to administer anaesthesia;

34 WHEREAS, the current federal supervision requirement for certified registered nurse  
35 anesthetists creates confusion for medical facilities and surgeons, and will continue to create  
36 confusion absent the state opting out of the requirement, regarding the level of required  
37 supervision for certified registered nurse anesthetists;

38 WHEREAS, Title 58, Chapter 31B, Nurse Practice Act, provides certified registered  
39 nurse anesthetists with independence of practice, while federal rulings cause certified registered  
40 nurse anesthetists continued difficulty in seeking reimbursement for rendered services, a state  
41 opt out would eliminate these reimbursement issues for services rendered by a certified  
42 registered nurse anesthetist; and

43 WHEREAS, certified registered nurse anesthetists are currently practicing  
44 independently statewide and a state opt out would allow certified registered nurse anesthetists  
45 within the state of Utah to continue providing publicly accessible, quality care to patients in a  
46 safe manner without federal oversight and penalties:

47 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
48 wholeheartedly supports that the state formally opt out of the federal requirement that certified  
49 registered nurse anesthetists be supervised by a physician.

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**Legislative Review Note**  
as of 2-26-13 10:25 AM

**Office of Legislative Research and General Counsel**