June 11, 2002

The Honorable Thomas Scully, Administrator
Centers for Medicare and Medicaid Services
314G Hubert Humphrey Building
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Mr. Scully:

Pursuant to the final rule published in the November 13, 2001 Federal Register, Volume 66, Number 219, I am requesting an exemption for the State of New Hampshire from the regulation requiring hospitals and ambulatory surgical care facilities to have physicians supervise Certified Registered Nurse Anesthetists (CRNAs) in order to receive federal Medicare reimbursement for anesthesiology services. After consulting with the state Boards of Nursing and Medicine on issues of patient safety and access to anesthesia services in our rural communities, I have determined that exercising this exemption is in the best interest of New Hampshire citizens.

This exemption is consistent with New Hampshire law. It has been the public policy of the State of New Hampshire since 1991 to permit Advanced Registered Nurse Practitioners, including CRNAs, to practice independently of physician supervision. As such, under New Hampshire law CRNAs are authorized to administer anesthesia without physician supervision.

Moreover, New Hampshire has long adhered to the principle that decentralized decision making leads to the best decisions possible. By exercising this exemption, the medical staffs and administrators of local hospitals and ambulatory surgical centers will be able to use their judgment to determine the appropriate level of physician supervision required of CRNAs in all situations, including those involving Medicare reimbursement.
New Hampshire has the highest standards in the country for the licensure of Advanced Registered Nurse Practitioners, including CRNAs. I have consulted with numerous surgeons and other physicians at New Hampshire’s small rural hospitals who work closely with CRNAs, and, without exception, these doctors praised the quality of anesthesia services provided by CRNAs and urged me to exercise my authority to request exemption under 42 CFR 482.52, 485.639, 416.42. Given New Hampshire’s tough standards and our actual experience with CRNAs, I am confident that exemption from this federal Medicare reimbursement regulation will maintain our exemplary track record of patient safety.

In addition, based on the input I have received from the medical staff and administrators of numerous small rural hospitals in New Hampshire, I believe that not exercising this exemption may severely limit the ability of rural hospitals to treat emergencies and provide other services that require anesthesia care.

After careful review and consultation with New Hampshire citizens, practicing health professionals, and administrators of hospitals, I am confident that exemption from this federal Medicare regulation will provide significant long-term benefits to the citizens of New Hampshire.

Please feel free to contact me should you have any questions.

Very truly yours,

Jeanne Shaheen
Governor

cc: Cynthia Cooper, MD, Board of Medicine
    Stanley Plodzik, Board of Nursing
    Albee Budnitz, NH Medical Society
    Steven Hattamer, NH Society of Anesthesiologists
    Mike Hill, NH Hospital Association
    Gordon Kempe, NH Association of Nurse Anesthetists
    Kathleen Kidder, NH Nurse Practitioner Association