

**BOARD OF REGISTERED NURSING**

P O Box 944210, Sacramento, CA 94244-2100  
TDD (916) 322-1700  
Telephone (916) 322-3380  
www.m.ca.gov



Ruth Ann Terry, MPH, RN  
Executive Officer

November 23, 2004

Ms. Brenda Klutz  
Deputy Director, Licensing and Certification  
Department of Health Services  
1501 Capitol Avenue, Suite 6001  
Sacramento, CA 95814

Dear Ms. Klutz:

It has come to the attention of the Board of Registered Nursing ("BRN") that the Joint Commission ("JCAHO") has issued statements of deficiencies to several hospitals, including Mark Twain St. Joseph's in San Andreas and Methodist Hospital in Sacramento, requiring a physician's signature on the CRNA's anesthesia plan on the grounds that CRNAs are not licensed independent practitioners under California law.

We respectfully request that you notify your staff and JCAHO that the basis of these deficiencies is erroneous.

As you are aware, the BRN has long held that CRNAs are licensed independent practitioners and do not require supervision of a surgeon or an anesthesiologist. The Department of Health Services ("DHS") itself reaffirmed in a 2002 correspondence that it is the BRN's prerogative to make this determination (copy attached). Furthermore, Business and Professions Code Section 2725(e) clearly states that the BRN is the only agency authorized to determine the scope of practice of CRNAs.

Additionally, there appears to be confusion on the part of JCAHO surveyors as to the legal significance of the federal Medicare conditions of participation on CRNAs' status as licensed independent practitioners in California. In advance of an upcoming JCAHO survey at St. Elizabeth's Hospital in Red Bluff, JCAHO surveyors have incorrectly advised hospital administrators that CRNAs do not qualify as licensed independent practitioners because the Medicare regulations condition reimbursement on physician supervision of CRNAs when they administer anesthesia. However, as the thrust of DHS' November 2002 correspondence made clear, the conditions for Medicare reimbursement have no bearing on the legal status of CRNAs as licensed independent practitioners under California law, the determination of which is the sole province of the BRN.

We therefore also respectfully request that you notify your staff and JCAHO that the Medicare conditions do not negate the status of CRNAs as licensed independent practitioners under California law.

Our requests are of an urgent nature in that some California hospitals are reversing their own legal conclusions that CRNAs are licensed independent practitioners out of fear of contradicting JCAHO and jeopardizing their accreditation even though JCAHO, under its own rules, is obligated to defer to the opinions of the appropriate state agency and of hospitals on CRNA scope of practice determinations.

I sincerely hope that you will assist us with this urgent matter. Please feel free to contact me if you wish to discuss this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth Ann Terry", followed by a horizontal line.

Ruth Ann Terry, MPH, RN  
Executive Officer