

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6184

To amend title XVIII of the Social Security Act to provide for improved payments under the Medicare Program for academic anesthesiology programs for resident physicians and for academic programs for student registered nurse anesthetists.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2006

Mr. ENGLISH of Pennsylvania (for himself, Ms. HART, Mr. POMEROY, and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for improved payments under the Medicare Program for academic anesthesiology programs for resident physicians and for academic programs for student registered nurse anesthetists.

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. SHORT TITLE.**

2 This Act may be cited as the “Medicare Academic  
3 Anesthesiology and CRNA Payment Improvement Act of  
4 2006”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Since 1991, the Medicare program has re-  
8 duced reimbursements for anesthesia services pro-  
9 vided to Medicare beneficiaries by 50 percent in cer-  
10 tain instances when education of student nurse anes-  
11 thetists or anesthesiology medical residents is in-  
12 volved, imposing financial disincentives against anes-  
13 thesia education. These Medicare payment policies  
14 are known as anesthesia teaching rules.

15 (2) In 2002, the Centers for Medicare & Med-  
16 icaid Services (CMS) authorized an alternative pay-  
17 ment system for certain cases involving nurse anes-  
18 thesia education and subsequently for anesthesiology  
19 resident education, in which the agency allowed re-  
20 imbursement for base units plus discontinuous time.  
21 However, the alternative has not propagated in the  
22 marketplace and CMS has declined to reform the  
23 anesthesia teaching rules further without an Act of  
24 Congress.

25 (3) To ensure the access of patients to safe,  
26 high quality anesthesia care, society has a strong in-

1       terest in providing for high quality anesthesia edu-  
2       cational institutions. The population of the United  
3       States is aging, resulting in an increase in demand  
4       for health care requiring anesthesia and pain man-  
5       agement services provided by anesthesiologists and  
6       certified registered nurse anesthetists (CRNAs).

7               (4) Though the Institute of Medicine in 2000  
8       found the provision of anesthesia in such year to be  
9       50 times safer than the provision of anesthesia dur-  
10      ing the 20 years previous to such year, continued  
11      evaluation, innovation, and quality improvements in  
12      anesthesia are required to further enhance patient  
13      safety.

14              (5) As of August 2006, there are 130 anesthesi-  
15      ology residency programs and 102 programs accred-  
16      ited by the Council on Accreditation of Nurse Anes-  
17      thesia Educational Programs in the United States.  
18      Under the current payment rules under the Medi-  
19      care program, both anesthesiology residency and  
20      nurse anesthesia educational programs report chal-  
21      lenges recruiting and retaining faculty.

22              (6) Since part B under the Medicare program  
23      provides for reimbursement for the services of anes-  
24      thesiologists and the services of CRNAs, reforms to  
25      the anesthesia teaching rules under the Medicare

1 program should treat teaching anesthesiologists and  
2 teaching CRNAs similarly with respect to anesthesi-  
3 ology medical residents and student registered nurse  
4 anesthetists, respectively, and should not favor one  
5 provider over another.

6 **SEC. 3. PURPOSE.**

7 The purpose of this Act is to ensure financial stability  
8 of nurse anesthesia and anesthesiology educational pro-  
9 grams to provide sufficient opportunities for student nurse  
10 anesthetists and medical residents to pursue the specialty  
11 of anesthesia so that patients continue to have access to  
12 quality health care.

13 **SEC. 4. SPECIAL PAYMENT RULE FOR TEACHING ANESTHE-**  
14 **SIOLOGISTS AND TEACHING CERTIFIED REG-**  
15 **ISTERED NURSE ANESTHETISTS.**

16 (a) FOR PHYSICIANS' SERVICES.—Section 1848(a) of  
17 the Social Security Act (42 U.S.C. 1395w-4(a)) is amend-  
18 ed—

19 (1) in paragraph (4)(A), by inserting “except as  
20 provided in paragraph (5)(A)” after “anesthesia  
21 cases,”; and

22 (2) by adding at the end of paragraph (4) the  
23 following new paragraph:

24 “(5) SPECIAL RULE FOR TEACHING ANESTHE-  
25 SIOLOGISTS.—

1           “(A) IN GENERAL.—With respect to physi-  
2           cians’ services furnished by a teaching anesthe-  
3           siologist involved in the training of physician  
4           residents or student nurse anesthetists in a sin-  
5           gle anesthesia case or two concurrent anes-  
6           thesia cases, notwithstanding paragraph (4),  
7           the fee schedule amount to be applied for each  
8           such case shall be the amount described in sub-  
9           paragraph (B) if both of the following condi-  
10          tions are met:

11                   “(i) The teaching anesthesiologist is  
12                   present during all critical or key portions  
13                   of the anesthesia service or case involved.

14                   “(ii) At least one of the following indi-  
15                   viduals is immediately available to furnish  
16                   anesthesia services during the entire case:

17                           “(I) The teaching anesthesiol-  
18                           ogist.

19                           “(II) An anesthesiologist with  
20                           whom the teaching anesthesiologist  
21                           has entered into an arrangement for  
22                           such purpose.

23                           “(III) In the case of the training  
24                           of student nurse anesthetists, a cer-  
25                           tified registered nurse anesthetist with

1                   whom the teaching anesthesiologist  
2                   has entered into an arrangement with  
3                   respect to such training.

4                   “(B) AMOUNT DESCRIBED.—For purposes  
5                   of subparagraph (A), the amount described in  
6                   this subparagraph, with respect to anesthesia  
7                   services furnished by a teaching anesthesiologist  
8                   described in such subparagraph, is 100 percent  
9                   of the fee schedule amount otherwise applicable  
10                  under this section if the anesthesia services  
11                  were personally performed by the teaching anes-  
12                  thesiologist alone.

13                  “(C) CLARIFICATION FOR ANESTHESIOLOGISTS WHO MEDICALLY DIRECT TEACHING  
14                  CERTIFIED REGISTERED NURSE ANESTHETISTS.—Subparagraph (A) shall not apply  
15                  in the case of physician services furnished by an  
16                  anesthesiologist who medically directs a cer-  
17                  tified registered nurse anesthetist who is in-  
18                  volved in the training of student nurse anes-  
19                  thetists in a single anesthesia case or two con-  
20                  current anesthesia cases.”.

23                  (b) FOR SERVICES OF CERTIFIED REGISTERED  
24                  NURSE ANESTHETISTS.—Section 1833(l) of such Act (42  
25                  U.S.C. 1395l(l)) is amended—

1 (1) in paragraph (4)(B)(iii)—

2 (A) by striking “In the case of” and in-  
3 serting “(I) Subject to clause (II), in the case  
4 of”;

5 (B) by striking “1848(a)(5)(B)” and in-  
6 serting “1848(a)(4)(B)”; and

7 (C) by adding at the end the following new  
8 subclause:

9 “(II) Subclause (I) shall apply to a certified reg-  
10 istered nurse anesthetist who is medically directed or  
11 medically supervised by a physician notwithstanding  
12 whether or not such certified registered nurse anesthetist  
13 is involved in the training of student nurse anesthetists  
14 in a single case or two concurrent cases.”; and

15 (2) by adding at the end the following new  
16 paragraph:

17 “(7)(A) With respect to services furnished by a teach-  
18 ing certified registered nurse anesthetist who is not medi-  
19 cally directed and who is involved in the training of stu-  
20 dent nurse anesthetists in a single anesthesia case or two  
21 concurrent anesthesia cases, the fee schedule amount to  
22 be applied for each such case shall be the amount de-  
23 scribed in subparagraph (B) if both of the following condi-  
24 tions are met:

1           “(i) The teaching certified registered nurse an-  
2           esthetist is present during all critical or key portions  
3           of the anesthesia service or case involved.

4           “(ii) The teaching certified registered nurse an-  
5           esthetist (or other certified registered nurse anes-  
6           thetist or anesthesiologist with whom the teaching  
7           certified registered nurse anesthetist has entered  
8           into an arrangement) is immediately available to fur-  
9           nish anesthesia services during the entire case.

10          “(B) For purposes of subparagraph (A), the amount  
11          described in this subparagraph, with respect to services  
12          furnished by a teaching certified registered nurse anes-  
13          thetist described in such subparagraph, is 100 percent of  
14          the fee schedule amount otherwise applicable under this  
15          subsection if the services were personally performed by the  
16          teaching certified registered nurse anesthetist alone.”.

17          (c) EFFECTIVE DATE.—The amendments made by  
18          this section shall apply to services furnished on or after  
19          January 1, 2007.

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