



California Society of Anesthesiologists and California Medical Association v. Brown

204 Cal. App. 4th 390 (Cal. App. 2012)

Topics Covered: Scope of Practice

Outcome: Very Unfavorable

Issue

The issue in this case was whether certified registered nurse anesthetists (CRNAs) can administer anesthesia in California hospitals without physician supervision.

AMA Interest

The AMA believes that CRNAs should only administer anesthesia under physician supervision, as they lack the education and training to act independently.

Case Summary

The Governor of California, after consultation with both the Board of Medicine and the Board of Registered Nursing, notified the Centers for Medicare & Medicaid Services that California law permits CRNAs to administer anesthesia without physician supervision. California thereby opted out of this requirement for Medicare reimbursement purposes.

The California Society of Anesthesiologists (CSA) and the California Medical Association (CMA) sued the governor for a judicial determination that his interpretation of California law had been incorrect. The California Association of Nurse Anesthetists intervened in the lawsuit as an additional defendant. On cross-motions for summary judgment, the court ruled in favor of the defendants. It found that California law does not contain an explicit supervision requirement, and the governor had acted within his discretion.

The plaintiffs appealed to the California Court of Appeal which, affirmed, thus ruling against the medical societies. The medical societies then asked the California Supreme Court to hear the case, but the Supreme Court denied that request.

Litigation Center/AMA Involvement

The Litigation Center filed an *amicus brief* in support of the plaintiffs and contribute toward the expense of CMA's appeal.

The AMA joined the American Society of Anesthesiologists (ASA) in an *amicus* brief to the California Court of Appeal in support of the plaintiffs. The AMA and ASA also submitted a letter brief to the California Supreme Court, urging it to hear the case.

California Court of Appeal brief

California Supreme Court letter brief