

STANDING ORDERS COMMITTEE MEETING MINUTES

November 29, 2012

The meeting was called to order at 9:30 a.m. by Chair, Margaret C. McNeese, M.D. Committee members present were Patricia S. Blackwell, J Scott Holliday, D.O., Wynne M. Snoots, M.D., and Irvin E. Zeitler, Jr., D.O. Staff members present were Mari Robinson, J.D., Executive Director, and Jennifer Kaufman, J.D., Assistant General Counsel.

Agenda item 2 - Discussion, recommendation, and possible action on requests for waivers of prescriptive delegation requirements.

The committee reviewed a request for waiver of prescriptive delegation requirements from Bharat B. Latthe, MD for a site serving a medically underserved population in Houston, Texas that functions primarily as a walk-in clinic. Dr. Snoots moved to deny Dr. Latthes request to waive physician onsite and advertising requirements for a site serving a medically underserved population. Ms Blackwell seconded the motion. All voted in favor and the motion passed.

The committee reviewed a request for waiver of prescriptive delegation requirements from James Joseph Purpura, MD, for an alternate practice site located about 100 yards away from his primary practice site in Abilene, Texas that will provide wellness care and for minor medical and chronic conditions. Dr. Zeitler moved to grant Dr. Purpuras request that site visit requirements for the alternate site be met through at least one weekly onsite meetings with the midlevel practitioner at the alternate practice site, 10% chart review, availability for consultation and call, and referral of all patients requiring follow-up with a physician at Dr. Purpuras primary practice site. Mrs. Blackwell seconded the motion. All voted in favor and the motion passed.

Agenda Item 5 - Discussion, recommendation, and possible action regarding registration requirements for Office Based Anesthesia.

- 1) Ms Kaufman and Ms Rhea Hines described the process by which physicians that provide anesthesia services at office-based locations register their relationship for a site. Staff asked for guidance from the committee on whether anesthesiologists must register not only their name but the physical address of all practice sites. Staff indicated that some physicians have had issues with reimbursement by insurance companies who cannot confirm registration of practice locations for anesthesiologists. The Committee directed staff to change its process to continue to require the physician-owners to register all sites, and reduce the requirements for anesthesiologists to only register by name and level of anesthesia services provided.
- 2) The committee also concurred with staff's interpretation of the law, that the exception to registration for Joint Commission accreditation related to ambulatory care only applies to ambulatory surgical centers, and anesthesia provider entities that are accredited by the Joint Commission may not have the accreditation also applied to the surgeon-owned facility for purposes of exemption from the registration requirements.

Agenda Item 4 - Discussion, recommendation, and possible action regarding proposed additions and modification to board rules 22 TAC 192 Office Based Anesthesia.

Jennifer Kaufman presented proposed changes to Chapter 192 based on direction from the Committee at its last meeting. The proposed rules were provided to the stakeholder group as well as other interested parties. Comments were received from the Texas Board of Nursing, the Texas Association of Nurse Anesthetists (TANA), and the Texas Society of Anesthesiologist (TSA).

Mari Robinson reviewed Attorney General Opinion JC-0117 with the Committee, and that the opinion held that while a CRNA may make independent determinations regarding selection of medication and administration of anesthesia, the law requires that a CRNAs activities be supervised by a physician when anesthesia is provided in office-based settings. The supervising physician may be the operating physician and not an anesthesiologist.

Carla Cox with TANA and Tom Oliverson with TSA both spoke to the Committee regarding their written comments submitted.

Dr. Holliday moved, and Ms. Blackwell seconded that the following changes be made to Chapter 192 and that it be approved for publication in the Texas Register: (a) amend 192.1(13) to change volatile anesthetics to inhaled anesthetics, (b) in 192.2(k) replace physician with anesthesia provider and eliminate the last sentence of (k), and delete 192.2(n).

There being no further business, Ms Blackwell moved to adjourn the meeting, Dr. Snoots second the motion and the meeting was adjourned at 11:05 a.m.