



PENNSYLVANIA  
society of  
ANESTHESIOLOGISTS

*Physicians Protecting Patients.*

5/7/2020

Hon. Tom Wolf  
Governor, Commonwealth of Pennsylvania  
Office of the Governor  
508 Main Capitol Building  
Harrisburg, PA 17120

Hon. Rachel Levine, M.D.  
Secretary, Pennsylvania Department of Health  
Pennsylvania Department of Health  
Health and Welfare Building  
625 Forster Street, 8<sup>th</sup> Floor West  
Harrisburg, PA 17120

Re: **RESPONSE TO May 6, 2020 Executive Order (Delivery of Anesthesia)**

Dear Governor Wolf and Secretary Levine:

As Presidents of the Pennsylvania Society of Anesthesiologists (PSA), representing over 2000 physician anesthesiologists throughout the Commonwealth, the Pennsylvania Medical Society (PAMED), and the Pennsylvania Osteopathic Medical Association (POMA) we write you because of the profound increase of concern for patients' safety we, our members, and our colleagues now have.

In your May 6, 2020 Executive Order, 28 Pa. Code §123.5 was relaxed.

*The following regulatory statutes and regulations relating to the Department of Health's licensure and certification authority over health care facilities set forth in the Health Care Facilities Act, 35 P.S. §§ 448.101 et seq., and Emergency Medical Services Agencies and Providers set forth in the Emergency Medical Services System Act, 35 Pa. C.S. §§ 8101 et seq., are hereby temporarily suspended to the extent those provisions could prevent, hinder or delay the delivery of health care services in response to the COVID-19 disaster emergency:*

*Regulations relating to hospitals and ambulatory surgical facilities and other health care settings, including 28 Pa. Code §§ 109.4, 109.5, 109.66, 117.30, 123.5, 123.14 (1) and (6) and 559.49(b), to the extent needed to relax the scope of practice requirements and supervision requirements for health care professionals working in those facilities;*

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All patients that enter any Pennsylvania healthcare facility deserve the safest and highest quality of care possible. Relaxing 123.5 for COVID-19 patients diminishes the underlying principles of quality and safety. It does not help with access to care; patients in Pennsylvania, whether they are in a hospital, ASF or ASC *do* have access to a physician anesthesiologist. Due in large part to Pennsylvania's comparatively successful mitigation efforts, there are enough Anesthesiologists available to provide care in ICUs, operating rooms, and other patient care settings without resorting to relaxation of this important patient safety regulation. The relaxation of Section 123.5 creates ambiguity and grey areas for healthcare facilities to determine patient care. That is of deep concern always, but especially in a time when healthcare facilities are deeply concerned about dollars.

As Anesthesiologists, we work as critical care physicians every day, caring for surgical patients in the operating room, intubating critically ill patients in emergency departments and throughout the hospital, and providing our expertise throughout healthcare management. In addition, Physician Anesthesiologist subspecialists are on the front lines of this crisis in our intensive care units as critical care physicians.

We also know that the conversation about expansion of scope of practice will continue in the future. However, in the current pandemic, expansion of scope of practice, even just for the duration of the emergency, serves only as a distraction from the work at hand of flattening the curve and ensuring the wellbeing of all throughout the Commonwealth. For these reasons, we respectfully request that you rescind the relaxation of 28 Pa. Code §123.5 current standards for physician oversight of nurse anesthetists throughout the current crisis.

Sincerely,



Richard C. Month, MD, FASA  
President  
Pennsylvania Society of Anesthesiologists



Lawrence R. John, MD  
President  
Pennsylvania Medical Society



Gene M. Battistella, DO  
President  
Pennsylvania Osteopathic  
Medical Association

- cc: Hon. Jacob Corman, Senate Majority Leader  
Hon. Jay Costa, Senate Minority Leader  
Hon. Bryan Cutler, House Majority Leader  
Hon. Frank Dermody, House Minority Leader  
Hon. Mike Turzai, Speaker of the House  
Hon. David Hickernell, Chair, House Professional Licensure Committee  
Hon. Harry Readshaw, Democratic Chair, House Professional Licensure Committee  
Hon. Tommy Tomlinson, Chair, Senate Consumer Affairs and Professional Licensure Committee  
Hon. Lisa Boscola, Democratic Chair, Senate Consumer Affairs and Professional Licensure Committee