



2170 South Parker Road, Suite 400 · Denver, CO 80231 · (800) 755-2676 · www.aorn.org

January 17, 2020

Via email: PatientsOverPaperwork@cms.hhs.gov

Seema Verma, Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
P.O. Box 8010
7500 Security Boulevard
Baltimore, MD 21244

Re: Request for Feedback on Scope of Practice

Dear Administrator Verma:

We are writing to express our strong support for Section 5 of the President's recent Executive Order (EO) 13890 on *Protecting and Improving Medicare for Our Nation's Seniors* and to provide our feedback on linking payment to value, increasing patient access and choice, and lowering regulatory burdens in our nation's operating rooms.

The Association for periOperative Registered Nurses (AORN) represents the interests of more than 160,000 perioperative registered nurses who manage, teach, and practice perioperative nursing, are enrolled in nursing education, or are engaged in perioperative research. AORN's mission is to promote patient safety and optimal outcomes for all patients undergoing operative and other invasive procedures. As a fundamental member of the surgical team, the perioperative registered nurse can function in the role of circulator, scrub person, or registered nurse first assistant (RNFA) during surgery.

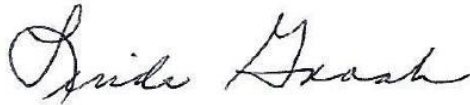
RNFAs are experienced operating room nurses who are qualified to practice as first assistant at surgery by virtue of successful completion of an additional, beyond licensure, intense one-year didactic and clinical education program. The documented shortage of available surgeons and the mandated reduction in permitted work hours of surgical residents has contributed to the need for qualified registered nurses to step in to provide first assistant services.

Thousands of RNs work as first assistants at surgery in operating rooms across our nation and fulfill a growing need for qualified first assistants at surgery due to the diminishing availability of physicians and residents, particularly in rural areas. However, Medicare currently declines to contract with and reimburse RNFAs unless the RN holds an advanced practice license, even though first assisting is within the scope of practice of the RN in all 50 states. This Medicare policy discourages RNFAs from working as first assistants at surgery, and it discourages hospitals and surgeons from credentialing RNFAs, despite the RNFAs' qualifications and significant contributions to patient safety in operating rooms across the United States.

Medicare currently reimburses for first assistant at surgery services when provided by a physician, advanced practice nurse, or physician assistant. RNFAs are the only licensed non-physician providers who are routinely denied reimbursement for their first assistant at surgery services. We view this matter as particularly urgent for RNFAs as Congress continues to consider bills that would prohibit balance billing by out-of-network and non-credentialed providers. For many RNFAs, direct bill is their only access to reimbursement due to Medicare and some private health plans' refusal to reimburse RNFAs for the exact same services as those provided by APRNs and physician assistants.

We urge CMS to end this reimbursement disparity and ensure RNFAs are eligible for reimbursement on the same terms and conditions as other non-physician providers. If you have any questions, please contact AORN's Director of Government Affairs, Amy Hader at ahader@aorn.org or (303) 338-4891.

Sincerely,

A handwritten signature in cursive script that reads "Linda Groah". The signature is written in black ink and is positioned above the typed name and title.

Linda Groah, RN MSN CNOR NEA-BC FAAN
AORN CEO and Executive Director