

Memorandum

To: AAAA Board of Directors, Executive Committee members
From: Edward Bolanos, CAA, FAAA President, and Jeremy Betts, AAAA DSA
Date: April 10, 2017
RE: Report on Florida Medical Board Ruling

This past Friday, the FAAA/FSA made an appearance at the Florida Board of Medicine meeting. A petition for a declaratory statement was submitted by anesthesiologist Dr. Richard Henry of Tallahassee in which Dr. Henry sought the Board's interpretation of the Florida AA statute regarding epidural and spinal anesthesia. The AA licensure law states that AAs may assist the supervising anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures. Dr. Henry requested that his AAs assist him by performing the epidural or spinal anesthetic procedure under direct supervision.

Following lengthy discussion with multiple questions from board members, a motion to grant the declaratory statement was made, seconded, and voted on in a unanimous decision for Dr. Henry. This declaratory statement is a giant step forward in Florida, giving justification and confirmation to the legislature's true intent for AAs regarding performance of spinals and epidurals.

Two years ago, FAAA petitioned the BOM seeking a similar ruling; however, the petition lacked support and was withdrawn. The withdrawal led to many hospitals and groups in Florida removing privileges from CAAs, thus restricting AA practice of neuraxial anesthesia. Some facilities continued to allow CAAs to practice neuraxial anesthesia based on each facility's interpretation of the statute. Such interpretation is consistent with how FAAA and FSA interpret the licensure act, i.e., that "assist" means to perform.

In Florida, declaratory statements made by administrative agencies are not binding on the entire group of licensees. Therefore, this ruling is only binding on the AAs associated with Dr. Henry. However, the ruling will be an important instrument in working with administrators to expand AA practice across Florida.

Present at the hearing were Mr. Chris Nuland, legal counsel for Dr. Henry, Dr. Brencé Sell, a partner from Tallahassee, FSA past president Dr. Jeff Jacobs, FAAA current president Edward Bolanos, CAA, and FAAA legal counsel Mrs. Monica Felder-Rodriguez. Many members of the FAAA and FSA were present at the meeting in a show of support of the petition. Of course, the opposition was also present in another attempt to argue definitions or words.

Thanks to all those involved. Everyone's efforts proved valuable and are a sign that persistence is key to developing the AA profession in the state and across the nation. This petition marks a significant win for all AAs, not just in Florida.