

OPINION OF TRUSTEES

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In Re

Complainant: Employee  
Respondent: Employer  
ROD Case No: 88-395 - May 29, 1991

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee; Thomas H. Saggau, Trustee.

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed the facts and circumstances of this dispute concerning the provision of benefits for services of a nurse anesthetist under the terms of the Employer Benefit Plan.

Background Facts

In November 1990, the Employee's spouse underwent outpatient surgery for which anesthesia was required. The anesthesia services were provided by a physician (i.e., anesthesiologist) and a certified registered nurse anesthetist (CRNA), who was an employee of the hospital. The anesthesiologist performed the pre-anesthetic evaluation and prescribed the anesthesia plan for the Employee's spouse's surgery. The CRNA, under the supervision of the anesthesiologist, performed the initial administration until the Employee's spouse reached the optimum level of anesthesia, continued the administration of anesthesia to maintain the Employee's spouse at the optimum level throughout the surgery, and provided recovery care. The hospital billed for the services of the CRNA. The Employer has denied benefits for the CRNA charges, stating that the services provided by a CRNA are not covered under the Employer Benefit Plan.

Dispute

Is the Employer required to provide benefits for the services of a certified registered nurse anesthetist?

Positions of the Parties

Position of the Employee: The Employee asks whether the services of a certified registered nurse anesthetist are covered under the Employer Benefit Plan.

Position of the Employer: The Employer contends that services provided by a certified registered nurse anesthetist are not a covered benefit under the Employer Benefit Plan.

#### Pertinent Provisions

Article III. A. (3)(d) and (o) 4. of the Employer Benefit Plan state:

(3) Physicians' Services and Other Primary Care

(d) Anesthesia Services

Benefits are provided for the administration of anesthetics provided either in or out of the hospital in surgical or obstetrical cases, when administered and billed by a physician, other than the operating surgeon or his assistant, who is not an employee of, nor compensated by, a hospital, laboratory or other institution.

(o) Primary Medical Care - Miscellaneous

4. Benefits are provided for "physician extender" care or medical treatment administered by nurse practitioners, physician's assistants or other certified or licensed health personnel when such service is rendered under the supervision of a physician.

#### Discussion

Article III. A. (3)(d) of the Employer Benefit Plan states that benefits are provided for anesthesia services when administered and billed by a physician. The Plan further states in Article III. A. (3)(o) 4. that benefits are provided for "physician extender" services -- i.e., medical treatment administered by certified or licensed health professionals when such services are rendered under the supervision of a physician.

The employment of nurse anesthetists is quite common and is recognized and accepted by the American Academy of Anesthesiology and most third party health benefit payors. They do not serve in lieu of anesthesiologists; rather, they assist anesthesiologists by participating in the induction of the patient and by continuing to administer the anesthesia in order to maintain the patient at the optimum level as determined by the anesthesiologist. In this case, the anesthesia services rendered in connection with the Employee's spouse's outpatient surgery were provided by an anesthesiologist and a certified registered nurse anesthetist (CRNA). The CRNA induced the patient, maintained anesthesia levels throughout the surgery and provided recovery care under the supervision of the anesthesiologist. Thus, the CRNA in this instance is appropriately considered a physician extender. The Employer is therefore required to provide benefits under Article III. A. (3)(o) 4. of the Employer Benefit Plan for the services of the nurse anesthetist.

#### Opinion of the Trustees

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The Employer is required to provide benefits for the services of the certified registered nurse anesthetist.