

## Office Surgery Rule Information

The July 20-21, 2002, meeting of the Board of Medicine included several presentations by parties interested in what the Board might consider when evaluating Petitions for Waiver/Variance of Rule 64B8-9.009(6)(b)(1)(a), F.A.C. This portion of the rule requires that anesthesia in Level III office surgeries be delivered by or under the direct supervision of an M.D. or D.O. anesthesiologist. Following these presentations, the Board discussed this issue and offered the following:

Guidelines for consideration of requests for waiver/variance of rule regarding supervision of CMAS in Level III office surgery. These are guidelines only, not requirements, and do not exclude other considerations being offered. These guidelines reflect some of the areas the board and the surgical care committee may address in evaluating a request for variance/waiver:

- Board certified by Board Approved Certifying Board
- Competency assessment to supervise CRNA by University-based medical school program
- ACLS certification of the CRNA and the physician
- Physician Office registered/inspected or accredited
- CME hours in office based anesthesia and office based specialty
- CME in anesthesia at a University or Medical School setting
  - Competency exam at conclusion of CME
- Successful completion of 3 month full-time program in anesthesia in a University Teaching Hospital
- Demonstrated completion of 500 surgeries involving CRNA supervision, at least 250 of which involve Level III during prior 2 year period
  - Completed review of 20 percent of the 250 Level III procedures, by Board Approved Risk Manager and randomly chosen by the Risk Manager
- Adverse incidents (as defined in S.458.351) in prior 2 years
- Licensure Status
- Disciplinary History
- Medical Malpractice History
- Financial Responsibility
- Education
- Board Certification
- Hospital Privileges

Please note that these proposed measures of competency are guidelines only. For example, the Board and Committee may look at the number of office surgeries completed. The number of surgeries suggested by an interested party was 500, but the Board placed no special significance on that number of surgeries, only to the general area of consideration—a physician's prior office experience.

A petition for a variance or waiver is a formal legal procedure. Attached are copies of [Section 120.542, Florida Statutes](#) and [Rule 28-104, Florida Administrative Code](#), which provide specific legal requirements for filing a variance or waiver petition. An individual licensed under Chapter 458 may petition the Board by following these legal requirements. The Board will notice petitions for a variance or waiver in the Florida Administrative Weekly.

Petitions for waiver and variance may be sent to Department of Health, ATTN:

Administrative Unit, Board of Medicine, 4052 Bald Cypress Way, Bin C03, Tallahassee, Florida 32399-3253. The petitions will be noticed as described above. Following the public notice period, petitions will be considered at the next scheduled Board of Medicine Surgical Care Committee Meeting. The recommendation of the Surgical Care Committee will be presented to the Board for a final decision at the next Board of Medicine Meeting.