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April 30, 2014

Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex X)  
600 Pennsylvania Avenue NW  
Washington, DC 20580

**Re: Health Care Workshop Project No. P131207**

The Association of periOperative Registered Nurses (AORN) represents the interests of 160,000 perioperative registered nurses, including approximately 44,000 registered nurse members in the United States. AORN's mission is to promote 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 as registered nurse first assistant (RNFA) during surgery.

AORN supports the FTC's efforts to increase competition and patient access to quality care in healthcare, and believes registered nurses have a vital role to play in reform and improvement efforts. One of the key recommendations of the Institute of Medicine's 2010 report, *The Future of Nursing: Leading Change, Advancing Health*, is that scope of practice barriers should be removed to allow nurses to work to the full extent of their education and training. Scope of practice restrictions often take the form of licensing regulations, but they also exist in public and private reimbursement and credentialing policies.

RNFAs are experienced operating room nurses who are well-qualified to practice as first assistants at surgery. Because of their prior education and experience in operating room nursing, RNFAs bring a holistic and patient-centered approach to the highly technical first assistant role. In addition to meeting the educational requirements for licensed registered nurses, RNFAs complete an additional one-year didactic and clinical college program designed to prepare the experienced operating room nurse to provide hands-on assistance to the surgeon during surgical procedures.

RNFAs fill a growing need for qualified first assistants at surgery due to the diminishing availability of physicians and residents, particularly in rural areas. However, reimbursement for first assistant at surgery services provided by RNFAs is often denied. This 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.

Reimbursement for services provided by first assistants at surgery is a standard provision of most healthcare policies for physicians and most other non-physician providers. RNFAs are the only licensed non-physician providers who are not routinely reimbursed for their first assistant at surgery services. Such reimbursement policies reduce incentives for health care competition. In addition, many policies are unclear as to whether and under what circumstances reimbursement is available for first assistant at surgery services when provided by RNFAs. Transparency concerning coverage and benefits would enhance competition and allow patients selecting health care plans to choose a plan that does cover first assistant at surgery services provided by qualified and experienced operating room nurses. Transparency would also allow RNFAs and the hospitals and physician practices who use RNFAs to seek out credentialing from those plans that do pay for RNFA services.

Regulations prohibiting payer discrimination amongst well-qualified providers would enhance competition and advance patient safety in operating rooms. Price and plan coverage transparency in health care benefit plans would also improve patient choice and access to experienced operating room nurses with advanced education and training in assistant at surgery services. As it stands, lack of reimbursement for RNFA services is a scope of practice barrier wholly inconsistent with the IOM's *Future of Nursing* report.

Thank you for the opportunity to comment. AORN is also a member of the Coalition for Patients' Rights (CPR) and endorses the CPR comments as well. Should you have any questions regarding these matters, please feel free to contact me directly at (303) 755-6304 ext. 220.

Sincerely,

Linda K. Groah, MSN RN CNOR NEA-BC FAAN  
CEO/Executive Director