

## North Carolina Supreme Court Denies Appeal of Physician Supervision Ruling

On October 6, 2005, the North Carolina Supreme Court issued an order denying an appeal of the North Carolina Board of Nursing to review the decision that unanimously affirmed physician supervision as the standard of anesthesia care and reaffirmed the Medical Board's authority to issue guidelines for physicians performing office-based surgery in the interest of public safety. The Court of Appeals' ruling concluded that "physician supervision of nurse anesthetists providing anesthesia care, when that care includes prescribing medical treatment regimens and making medical diagnoses, is a fundamental patient safety standard required by North Carolina law."

The rulings clearly convey that physician supervision is the rule of law in North Carolina. The Nursing Board argued that the office-based surgery position statement requiring physician supervision violated a 1994 Consent Order entered between the Medical Board, North Carolina Society of Anesthesiologists, and North Carolina Medical Society ("petitioners") because the parties consented to a collaboration standard of care. The Court of Appeals rejected their argument and held that the petitioners did not acquiesce to collaboration and therefore, the office-based surgery position statement did not violate the 1994 Consent Order. The full opinion of the Court of Appeals can be found at <http://www.aoc.state.nc.us/www/public/coa/opinions/2005/040682-1.htm>

Congratulations to the North Carolina Society of Anesthesiologists!