



Association of Physician Assistants in Cardiovascular Surgery

April 25, 2017

Ms. Jacqueline Lincer
California Department of Public Health
Licensing and Certification Division
681 Parker St., Suite 200
Orange, CA 92868

Dear Ms. Lincer:

On behalf of the Association of PAs in Cardiovascular Surgery (APACVS), we would like to express our support for PAs being authorized to first assist during procedures when patients are on extracorporeal bypass. At the request of Dr. Steven Otto, we have previously shared information with the California Department of Public Health on this topic. It appears, though, that this is still a barrier for PAs in California.

Since 1967, PAs have provided surgical first assistance during cardiac surgery, as well as providing care in all areas of adult and congenital cardiac surgery. PAs as first assistants during cardiac surgery is nationally accepted and has become the standard of care in 49 states, the District of Columbia and the Federal Government. Oddly, California is the only state that has any regulatory restriction for the use of PAs as surgical first assistants during procedures where the patient is on extracorporeal bypass. APACVS regularly surveys our members from across the U.S. on a range of services they perform and 88 percent report that they regularly first assist during cardiac surgical procedures. This number has remained consistent for over 10 years.

California's regulatory requirement that surgical teams for extracorporeal bypass procedures be comprised of three surgeons is a major barrier to patient access to care. The requirement prevents individual cardiac surgeons from determining the level of surgical assistance needed to safely perform a particular cardiac surgical procedure.

To date, the APACVS has received multiple contacts from surgical groups throughout the State of California that would like to utilize PAs as first assistants during procedures where the patient is on extracorporeal bypass. These groups are comprised of surgeons in California who understand the capabilities and skills of PAs. We routinely hear from PAs who have relocated to California from other states and have a long career first assisting during cardiac surgery and are now unable to do so because of the requirement in Title 22 Section 70435(b)(2) of California's Code of Regulations.

Without any data indicating there is a patient safety risk, and considering that PAs are first assisting during procedures where the patient is on extracorporeal bypass daily around the country, APACVS is concerned with the appearance of

anti-competitive underpinnings in refusing to grant waivers to PAs. Under California law, PAs could not legally perform in this role if they were not competent to do so.

APACVS is committed to safe, reliable surgical first assistance by PAs that will increase access to these critical procedures for patients entrusted to our care. As such, APACVS is willing to assist the California Department of Public Health in developing a regulatory change that would authorize PAs to first assist in procedures when the patient is on extracorporeal bypass. In the meantime, we encourage the approval of waivers for clearly qualified applicants to first assist during these procedures until permanent or temporary rules are adopted.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Lizotte, Jr.', with a long horizontal flourish extending to the right.

David E. Lizotte, Jr. MPAS, PA-C, FAPACVS

President, APACVS