May 8, 2012

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Anti-Competitive Limitations in Legislation and Regulation

Dear Chairman Leibowitz:

On behalf of AARP, the 46 undersigned organizations of the Nursing Community, and their millions of members, we would like to express our support of the Federal Trade Commission’s (FTC) recent efforts to promote competition, access, and choice in healthcare.

Over the past year and a half, the FTC has expressed opinions on proposed regulation and legislation affecting the use of Advanced Practice Registered Nurses (APRNs), which are Certified Registered Nurse Anesthetists, Certified Nurse-Midwives, Clinical Nurse Specialists and Nurse Practitioners (CRNAs, CNMs, CNSs, and NPs). Some of these measures would allow APRNs to provide services under their full scope of practice, while other measures would have restricted the use of APRNs and patient access to their services. Such anticompetitive restrictions on patient access to care diminish competition, impair free markets for healthcare services, risk cost increases to our already expensive health system, and fail to improve patient safety. By responding to state-based requests to evaluate regulatory and legislative proposals that risk patient access to quality healthcare, the FTC is fulfilling its duty to promote market competition and its benefits. Ensuring competition in health care is more important than ever as the U.S. spends twice as much on healthcare services as our industrialized competitors, without enjoying twice the beneficial outcomes. Restraint of trade and anticompetitive initiatives promoted through legislation and regulation cannot be allowed to be implemented because such measures preclude registered nurses and APRNs from performing the full range of services that they are educated and clinically prepared to deliver.

These actions by the Commission support the most recent scholarly research by the National Academy of Sciences, whose landmark 2010 Institute of Medicine report *The Future of Nursing: Leading Change, Advancing Health*, specifically encourages the FTC to:

“Review existing and proposed state regulations concerning advanced practice registered nurses to identify those that have anticompetitive effects without contributing to the health and safety of the public. States with unduly restrictive regulations should be urged to amend them to allow advanced practice registered nurses to provide care to patients in all circumstances in which they are qualified to do so.”
As Baby Boomers retire and demand increases for primary care, maternity care, and anesthesia care, healthcare professionals such as RNs and APRNs must be utilized to the fullest extent of their education and training to advance patient safety, promote competition, ensure access to care, and lower cost. We applaud the agency’s efforts to review regulations and legislation and to express views from the standpoint of the marketplace when the effect of these actions would lower or eliminate competition, and we urge the agency to continue its efforts in this area.

Sincerely,

AARP
Academy of Medical-Surgical Nurses
American Academy of Ambulatory Care Nursing
American Academy of Nurse Practitioners
American Academy of Nursing
American Assembly for Men in Nursing
American Association of Colleges of Nursing
American Association of Critical-Care Nurses
American Association of Nurse Anesthetists
American Association of Nurse Assessment Coordination
American College of Nurse Practitioners
American College of Nurse-Midwives
American Nurses Association
American Organization of Nurse Executives
American Psychiatric Nurses Association
American Society for Pain Management Nursing
American Society of PeriAnesthesia Nurses
Asian American and Pacific Islander Nurses Association
Association of Community Health Nursing Educators
Association of periOperative Registered Nurses
Association of Rehabilitation Nurses
Association of State and Territorial Directors of Nursing
Association of Women's Health, Obstetric and Neonatal Nurses
Dermatology Nurses' Association
Gerontological Advanced Practice Nurses Association
Hospice and Palliative Nurses Association
Infusion Nurses Society
International Association of Forensic Nurses
International Nurses Society on Addictions
International Society of Nurses in Genetics
International Society of Psychiatric Nursing
National American Arab Nurses Association
National Association of Clinical Nurse Specialists
National Association of Hispanic Nurses
National Association of Nurse Practitioners in Women's Health
National Association of Pediatric Nurse Practitioners
National Black Nurses Association
National Gerontological Nursing Association
National Nursing Centers Consortium
National Organization of Associate Degree Nurses
National Organization of Nurse Practitioner Faculties
Nurses Organization of Veterans Affairs
Oncology Nursing Society
Preventive Cardiovascular Nurses Association
Public Health Nursing Section, American Public Health Association
Society of Urologic Nurses and Associates
Wound, Ostomy and Continence Nurses Society

cc: J. Thomas Rosch, Commissioner, Federal Trade Commission
    Edith Ramirez, Commissioner, Federal Trade Commission
    Julie Brill, Commissioner, Federal Trade Commission
    Maureen Ohlhausen, Commissioner, Federal Trade Commission