



MISSISSIPPI ASSOCIATION OF NURSE ANESTHETISTS, INC

MEMBER ALERT

On Saturday, April 6, your Board of Directors met and deliberated for several hours on the issue of the rule amendments recently promulgated by the Board of Medical Licensure (“BoML”). The Board’s unanimous decision was to authorize our legal counsel, Taggart, Rimes & Graham, PLLC, to draft and file a complaint for injunctive relief against the BoML, seeking to enjoin the April 25 effective date of the new rule. Our attorneys will also have to work to obtain a hearing on our complaint before the April 25 effective date, so this matter is on a very short fuse.

We need your help as soon as possible in two specific ways:

- 1) In order to make out a claim for injunctive relief, one of the key elements we must prove is “irreparable injury” unless the injunction is granted. Loss of money alone is not a sufficient basis to prove irreparable injury in the eyes of the law, since the recovery of money damages could theoretically make whole someone who simply lost money. Rather, irreparable injury means some substantial change in circumstances that will occur if the injunction is not granted, and that can’t simply be “fixed” after the fact. An example might be, that in the absence of the injunction, one or more of you or your groups might lose existing collaborative relationships with physicians who fear the effect of the rules. Or you might lose existing professional relationships with healthcare facilities. These are just potential examples, but we will need for some of you to describe for us the “irreparable injury” that you or your colleagues would likely suffer in the absence of an injunction as to the new rule. Please contact one of our attorneys, Jeff Rimes (jeff@tru-law.com; 601-707-3802), who is partners with our regular attorney, Andy Taggart, with examples from your own practice or knowledge.
- 2) Those of you who have been or can be in contact with other professional associations, facilities (hospitals or clinics?) or individual healthcare professionals or groups who might be willing to be added as plaintiffs, please also let Jeff Rimes know who they are as soon as possible. Obviously, CRNAs are not the only professionals whose scope of practice will be affected by the new rule amendments, and having others who are willing to help us challenge the rule would strengthen our position with the court.

Jeff, along with Mona Graham and Jim Martin, will all be working on this matter, and Jeff will have the point on the litigation itself. You will find him a pleasure to deal with (and his brother in law is a CRNA, to boot!).