

OPINION 21

OFFICIAL OPINION NO. 21

October 6, 1975

Miss Emma Flinner
Executive Secretary
Indiana State Board of Nurses'
Registration and Nursing
Education
Room 1018 State Office Building
Indianapolis, Indiana 46204

Dear Miss Flinner:

This is in response to your request for my official opinion as to whether the State Board of Nurses' Registration and Nursing Education may license "Nurse Anesthetist" as a separate profession, or whether it may authorize qualified nurses to administer anesthesia and, if so, what kind of certificate or license should be issued.

ANALYSIS

Indiana Code of 1971, Section 25-23-1-7 authorizes the Indiana State Board of Nurses' Registration and Nursing Education, *inter alia*, to prescribe standards and approve curricula for educational programs for persons seeking to be licensed as nurses; to examine, license, and renew licenses of qualified applicants; and to adopt rules and regulations needed to carry into effect these provisions. However, Code sections 25-23-1-11 to 25-23-1-16 clearly indicate that the Board may issue only two classes of licenses: a license to practice as a registered nurse (R.N.) and a license to practice as a licensed practical nurse (L.P.N.). This statutory limitation clearly means that the Board may not issue a separate and distinct license to practice as a nurse anesthetist. But the Board, pursuant to Code section 25-23-1-1 (b), may approve the administering of anesthesia as one of the practices which may be performed by a registered nurse.

Whatever determination the Board makes in that respect must be made in conjunction with the provisions of the med-

1975 O. A. G.

ical practice law, Code sections 25-22.5-1-1 *et seq.*, as added by Acts 1975, P.L. 271. Code section 25-22.5-1-2 provides, in part, the following:

“this article insofar as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine shall not apply . . . to any nurse practicing his profession under IC 1971, 25-23; however, any registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of nurse anesthetists or a course approved by the board.”

CONCLUSION

It is, therefore, my Official Opinion that the Board of Nurses' Registration and Nursing Education may not certify or license nurse anesthetists as a separate and distinct profession from that of registered nurse as provided in Code Section 25-23-1-11. But the Board does have authority to provide, by regulations consistent with the medical practice law, that a registered nurse may also qualify to serve as a “nurse anesthetist” working as an auxiliary to a licensed physician.