Board of Medical Registration and
Examination of Indiana
538 K. of P. Building
Indianapolis, Indiana

Gentlemen:

Your letter of September 21, 1959, has been received and
reads as follows:

"The Board of Medical Registration and Examination of Indiana in executive session directed that we request from you an official opinion regarding the administration of anesthetics by nurses.

"May registered or licensed nurses legally administer anesthetics?"

The definition of the practice of medicine is found in Acts of 1897, Ch. 169, Sec. 8, as amended, as found in Burns' (1951 Repl.), Section 63-1311, and, in part, provides:

"To open an office for such purpose or to announce to the public in any way a readiness to practice medicine in any county of the state, or to prescribe for, or to give surgical assistance to, or to heal, cure or relieve, or to attempt to heal, cure or relieve those suffering from injury or deformity, or disease of mind or body, * * * And, provided, That this law shall not be construed to prevent any person who now holds or may hereafter obtain and hold a lawful license to practice any profession, calling or vocation from practicing such profession, calling or vocation in accordance with the terms of such license: And, provided, further, That this act shall not be construed to apply to nonitinerant optometrists who are at this time engaged in, or who may hereafter engage in the practice of optometry in this state, nor to professional or other nurses, nor first aid or pharmacists in their professional duties. * * *"

The practice of nursing is defined by Acts of 1949, Ch. 159, Sec. 1, as found in Burns' (1951 Repl.), Section 63-901, as follows:
"For the purposes of this act the phrase 'practice of nursing' shall mean and refer to any person who for compensation or personal profit (a) as a registered nurse performs any professional services requiring the application of principles of the biological, physical and social sciences, and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health or (b) as a licensed practical nurse performs such duties as are required in the physical care of a convalescent, a chronically ill or an aged or infirm patient and in carrying out of medical orders as prescribed by a licensed physician, requiring a knowledge of simple nursing procedures but not requiring the professional knowledge and skills required for professional nursing. * * *"

Two Official Opinions of this office, while not on this specific question, give some background to the matters to be considered in construing the foregoing statutes.

One of these is 1953 O. A. G., page 178, No. 39, wherein on page 183 of the Opinion it is stated:

"I am therefore of the opinion podiatrists under the Indiana Podiatry Law are not authorized to administer penicillin or any other antibiotic by injection or by any other procedure other than local application in connection with treatment of diseases or injury of the foot. Such local application would not include permitting injection of such drugs into the foot, as that would treat the entire body and would not be local treatment.

"From the tone of the restricted provisions of the Podiatry Act, I am of the opinion that any enlargement of its scope of authority, if desirable, to include the use of antibiotic injections for treating disease or injury of the foot, should not be made by judicial construction but would rather be a matter for consideration by the Legislature."

The last referred to Official Opinion quotes at length from an Official Opinion of this office found in 1943 O. A. G., page 347, holding that a registered podiatrist in the use of narcotic drugs is limited to those drugs which can be used as local anesthetics on the human foot.
The other Official Opinion is 1951 O. A. G., page 83, No. 32, and concerns whether or not a nurse may administer medication intravenously under the direct supervision of a duly licensed physician and surgeon. On page 84 of the Opinion it is stated:

"* * * There is no indication that administration of medication intravenously is of such a nature under this definition that it would be such a practice of medicine that it could not be engaged in by a nurse under the direct supervision of a duly licensed physician and surgeon; that is, there is no statute specifically making the administration of medication intravenously by a nurse under the direct supervision of a physician and surgeon the practice of medicine in and of itself. See in this regard Burns’ 63-901 defining the practice of nursing. There is nothing in this definition which would necessarily exclude the administration of intravenous medication."

An earlier Opinion of this office, found in 1934 O. A. G., page 389, is on the specific question presented by your letter. The question there under consideration and the answer given is as follows:

"For the guidance of this board may we have an official opinion as to the legality of registered nurses acting as anaesthetists? It is the understanding of this board that it is a violation of the Medical Practice Act of Indiana in that the administering of an anaesthetic is a duty to be performed by a licensed physician only.'

"Webster's New International Dictionary and also words and phrases define 'anaesthetist' as one who administers anaesthetics. An anaesthetic is an agent that produces insensibility to pain. It is general knowledge that an anaesthetist in rendering a person insensible to pain must, in the administering of this agent, continuously diagnose and keep a careful watch and supervision over the amount of the agent that is to be administered. That is, an insufficient amount of the agent does not produce insensibility to pain, or an over amount is liable to produce death. It is further observed, as a general proposition, that the duties of the
operator, in performing this operation, are so exacting in their nature that the operator has no time or opportunity to cease his duties and diagnose the physical condition of the subject upon whom the operation is being performed as to the condition of insensibility to pain, etc. In other words, it is impossible for the surgeon to perform his operation and also to assist in any way in the administering of an anaesthetic.

"In Section 12243, Burns Revised Statutes of 1926, the practice of medicine is defined: 'To open an office for such purpose, or to announce to the public in any way a readiness to practice medicine in any county of the state, or to prescribe for, or to give surgical assistance to, or to heal, cure or relieve, * * * shall be to engage in the practice of medicine within the meaning of this Act. * * *' (Our italics.) (As amended Acts 1901, page 475.)

"Your attention is further called to an opinion rendered by this office some time ago as to whether or not a person known as a diagnostician was one who came within the terms of the Medical Practice Act of Indiana.

"It follows from the above that in our opinion the administering of an anaesthetic is a duty to be performed by a licensed physician only."

The last referred to Opinion has been followed by the administrative agencies of the state for many years and such fact is entitled to a considerable weight.

State ex rel. Middleton v. Scott Circuit Court et al. (1938), 214 Ind. 643, 649, 17 N. E. (2d) 464;

Department of Insurance etc. v. Merchants' Fire Ins. Co. (1944), 222 Ind. 611, 615, 57 N. E. (2d) 62;


From the foregoing, I am of the opinion the 1934 Official Opinion, supra, is correct and that the administering of anesthetics is a duty to be performed by a licensed physician only and they may not be administered by registered or licensed nurses.