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April 10, 1980

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ATTORNEY GENERAL OPINION NO. 80-90

The Honorable Karen L. Griffiths
State Representative, 72nd District
725 Westhaven Dr.
Newton, Kansas 67114

Re: Public Health--Examination, Licensure
and Regulation of Nursing--Certified
Registered Nurse Anesthetists

Synopsis: A certified registered nurse anesthetist
has no independent statutory authority
to prescribe the administration of medica-
tions and treatments to be performed by
other registered professional nurses.

Cited herein: K.S.A. 65-1114 and K.S.A.
1979 Supp. 65-1113(d)(1), 65-1113(g),
65-1115, 65-1115(d), 65-1128, 65-2865,
65-2869, and 65-2899. K.A.R. 60-10-104,
effective May 1, 1980.

* * *

Dear Representative Griffiths:

You have asked for our opinion whether a certified registered nurse anesthetist may prescribe medications and treatments to be administered by a professional nurse. As you have correctly noted, former Attorney General Curt Schneider concluded that a physician's assistant, who by law "acts in behalf of [a] supervising physician" may prescribe the administration of medications and treatments to be performed by a professional nurse. Attorney General Opinion No. 77-186, pp. 3-4. You inquire whether a certified registered nurse anesthetist has similar authority to make such prescriptions.

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In our opinion, certified registered nurse anesthetists (CRNA's) have no such authority. We are aware of no provision in Kansas law which presently makes any mention of the "certification" or authority of CRNA's, and can find no statute which authorizes CRNA's to prescribe the administration of medications and treatments.

We are informed, and their title certainly so implies, that CRNA's are "registered nurses," and are licensed as registered professional nurses pursuant to K.S.A. 1979 Supp. 65-1115. Indeed, only persons licensed pursuant to the latter statute have the right to use the title "registered nurse" or the abbreviation "R.N." or to use "any other words, letters, signs or figures to indicate that the person using the same is a registered professional nurse." K.S.A. 1979 Supp. 65-1115(d). A registered professional nurse has no independent statutory authority to prescribe the administration of medications or treatments to patients. Significantly, K.S.A. 1979 Supp. 65-1113(d)(1) defines the practice of nursing by a registered professional nurse, in pertinent part, to include "the execution of the medical regimen as prescribed by a person licensed to practice medicine or surgery or a person licensed to practice dentistry." (Emphasis added.) Thus, absent any other express statutory provision, a registered professional nurse who also functions as a CRNA has no independent authority to prescribe medications or treatments.

Further, it is important to note that the Kansas State Board of Nursing has adopted new rules and regulations which are to become effective on May 1, 1980, and which, inter alia, include certified registered nurse anesthetists within the definition of "advanced registered nurse practitioner (ARNP)." The Board of Nursing adopted said rules and regulations pursuant to K.S.A. 1979 Supp. 65-1128 and thereby established standards and requirements for certification of registered professional nurses as ARNP's to enable such nurses "to function in an expanded role." See K.S.A. 1979 Supp. 65-1113(g). The regulation defining the expanded role of the certified registered nurse anesthetist provides, in pertinent part, that

"the advanced registered nurse practitioner functioning in the expanded role of certified registered nurse anesthetist works under the direction and supervision of a physician or dentist who is licensed under the laws of the state of Kansas." K.A.R. 60-10-104. (Emphasis added.)

The Honorable Karen L. Griffiths

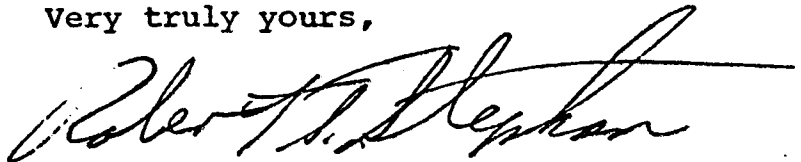
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The above-quoted provision is, in our judgment, consistent with existing law which authorizes only licensed physicians and dentists to prescribe the administration of medications and treatments. See K.S.A. 65-1444, and K.S.A. 1979 Supp. 65-2865, 65-2869, and 65-2899.

In summary, we conclude that a certified registered nurse anesthetist has no independent statutory authority to prescribe the administration of medications and treatments to be performed by other registered professional nurses.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Steven Carr
Assistant Attorney General

RTS:WRA:SC:gk