

## **The Practice of Anesthesia** *Position Statement*

The practice of anesthesia has been a recognized nursing specialty for more than 100 years. State laws, rules and regulations, and court opinions recognize that healthcare professionals share overlapping areas and activities. Anesthesia is the practice of nursing when performed by nurse anesthetists and the practice of medicine when performed by physicians.<sup>1,2,3</sup> There is no defining line between the professions.<sup>1,3</sup>

Courts have long recognized the administration of anesthesia by nurses as the practice of nursing. As far back as *Frank v. South*, 194 S.W. 375 (Ky. 1917), the court determined that a nurse administering anesthesia was not engaging in the unauthorized practice of medicine.<sup>4</sup> Although *Frank v. South* is many years old, its finding that nurse anesthetists do not practice medicine is still relevant because it has never been overturned or contradicted by another court. In *Montana Society of Anesthesiologists v. Montana Board of Nursing*, 339 Mont. 472, 171 P.3d 704 (2007), the Supreme Court of Montana reaffirmed this legal principle, recognizing that anesthesia is a specialty within the field of nursing and that nurse anesthetists practice nursing.<sup>5</sup> More recently, in *California Society of Anesthesiologists v. Brown*, 204 Cal. App. 4th 390, 138 Cal. Rptr. 3d 745 (2012), the Court of Appeal of the State of California held that laws relating to the practice of medicine by physicians are not intended to, and therefore do not, limit the scope of practice of other licensed health care professionals, such as CRNAs.<sup>6</sup>

Anesthesia is not the exclusive practice of nursing or medicine, but falls within the scope of practice of both professions.<sup>2,3</sup>

### **References**

1. *Sermchief v. Gonzalez*, 660 S.W.2d 683, 688 (Mo. 1983). (The Supreme Court of Missouri refused to draw “the thin and elusive” line separating the practice of medicine and the practice of nursing and determined that services performed by professional nurses were within the scope of professional nursing and were not the unauthorized practice of medicine.)
2. American Association of Nurse Anesthetists. *Legal Issues in Nurse Anesthesia Practice*. Park Ridge, IL. 2010.
3. Blumenreich GA. The overlap between the practice of medicine and the practice of nursing. *AANA J.* Feb 1998;66(1):11-15.
4. *Frank v. South*, 194 S.W. 375 (Ky. 1917).
5. *Montana Society of Anesthesiologists v. Montana Board of Nursing*, 339 Mont. 472, 480, 171 P.3d 704, 710-11 (2007). (The Supreme Court of the State of Montana ruled that nurse anesthetists practice nursing, not delegated medicine. The Court found that nurses are exempt from Montana’s Medical Practice Act “as long as they render nursing services in the lawful discharge of their duties as nurses.” Montana’s Nurse Practice Act authorizes CRNAs to practice “in their specified field (anesthesia) as long as they meet the licensing and qualification requirements for a CRNA.”)
6. *California Society of Anesthesiologists v. Brown*, 204 Cal. App. 4th 390, 138 Cal. Rptr. 3d 745 (2012).

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