

ASSEMBLY BILL

No. 876

Introduced by Assembly Member Flora

February 19, 2025

An act to amend Sections 2826, 2827, and 2828 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 876, as introduced, Flora. Nurse anesthetists: scope of practice.

Existing law, the Nurse Anesthetists Act, provides for the certification and regulation of nurse anesthetists by the Board of Registered Nursing. Existing law requires the utilization of a nurse anesthetist to provide anesthesia services in an acute care facility to be approved by the acute care facility administration and the appropriate committee, and at the discretion of the physician, dentist, or podiatrist. Existing law makes a nurse anesthetist who is not an employee of an acute care facility subject to the bylaws of the facility.

This bill would provide that, in an acute care facility, outpatient setting, or dental office where the nurse anesthetist has been credentialed to provide anesthesia, the anesthesia services include preoperative, intraoperative, and postoperative care and pain management for patients receiving anesthesia requested by a physician, dentist, or podiatrist. The bill would authorize a nurse anesthetist to provide direct and indirect patient care services that include the administration of medications and therapeutic agents, as specified. The bill would provide that an order entered on the chart or medical record of a patient constitutes authorization for the nurse anesthetist to select the modality of anesthesia and to abort or modify the modality during the course of care. The bill would state that ordering and administering controlled substances and

other drugs pursuant to those provisions does not constitute a prescription. The bill would also provide that, in an acute care facility, outpatient setting, or dental office, anesthesia services may also include services performed outside of the perioperative setting, including, among others, ordering, evaluating, and interpreting diagnostic laboratory and radiological studies, and initiating orders to registered nurses and other appropriate staff, as specified. The bill would require a trainee, as defined, to satisfy specified requirements to provide anesthesia services in an acute care facility, outpatient setting, or dental office, including being enrolled in an accredited doctoral program of nurse anesthesia. The bill would provide that a nurse anesthetist is not limited to the scope of practice of a registered nurse while performing anesthesia services and is not required to, among other things, perform nurse anesthesia services pursuant to standardized procedures. The bill would revise the definition of “nurse anesthetist” and would define the terms “acute care facility,” “outpatient setting,” and “dental office” for purposes of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2826 of the Business and Professions
2 Code is amended to read:
3 2826. As used in this article:
4 (a) “Nurse anesthetist” means ~~a person~~ *a certified registered*
5 *nurse anesthetist, CRNA, nurse anesthesiologist, or anesthetist*
6 who is a registered nurse licensed by the board who has met
7 standards for certification from the board. In the certification and
8 recertification process, the board shall consider the standards of
9 the National Board of Certification and Recertification for Nurse
10 Anesthetists, or a successor national professional organization
11 approved by the board, and may develop new standards if there is
12 a public safety need for standards more stringent than the councils’
13 standards. In determining the adequacy for public safety of the
14 councils’ standards or in developing board standards, the board
15 shall comply with the provisions of Chapter 3.5 (commencing with
16 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
17 Code.

(b) “Accredited Program” means a program for the education of nurse anesthetists that has received approval from the board. In the approval process, the board shall consider the standards of the Council on Accreditation of Nurse Anesthesia Education Programs and Schools and may develop new standards if the councils’ standards are determined to be inadequate for public safety. In determining the adequacy for public safety of the councils’ standards or in developing board standards, the board shall comply with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) “Appropriate committee” means the committee responsible for anesthesia practice that is responsible to the executive committee of the medical staff.

(d) “Trainee” means a registered nurse enrolled in an accredited program of nurse anesthesia.

(e) “Graduate” means a nurse anesthetist who is a graduate of an accredited program of nurse anesthesia awaiting initial certification results for not more than one year from the date of graduation.

(f) “Acute care facility” means a general acute care hospital, acute psychiatric hospital, or other setting that is licensed and accredited pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

(g) “Outpatient setting” means an ambulatory surgery center, clinic, facility, office, or other setting that is licensed and accredited pursuant to Chapter 1.3 (commencing with Section 1248) of Division 2 of the Health and Safety Code.

(h) “Dental office” means the office of a dentist holding a permit pursuant to Section 2827.

SEC. 2. Section 2827 of the Business and Professions Code is amended to read:

2827. (a) The utilization of a nurse anesthetist to provide anesthesia services in an acute care facility shall be approved by the acute care facility administration and the appropriate committee, and at the discretion of the physician, dentist or podiatrist. If a general anesthetic agent is administered in a dental office, the dentist shall hold a permit authorized by ~~Article 2.7 (commencing with Section 1646) of Chapter 4 or, commencing January 1, 2022, Article 2.75 (commencing with Section 1646) of Chapter 4.~~

(b) *In an acute care facility, outpatient setting, or dental office where the nurse anesthetist has been credentialed to provide anesthesia, the anesthesia services shall include preoperative, intraoperative, and postoperative care and pain management for patients receiving anesthesia requested by a physician, dentist, or podiatrist that are provided within the scope of practice of the nurse anesthetist. A nurse anesthetist is authorized to provide direct and indirect patient care services, including administration of medications and therapeutic agents necessary to implement a treatment, for disease prevention, or a rehabilitative regimen ordered by, and within the scope of practice of, a physician, dentist, podiatrist, or clinical psychologist. An order entered on the chart or medical record of a patient shall be the authorization for the nurse anesthetist to select the modality of anesthesia for the patient and to abort or modify the modality of anesthesia for the patient during the course of care. Ordering and administering controlled substances and other drugs preoperatively, intraoperatively, and postoperatively shall not constitute a prescription, as that term is defined in Section 1300.01 of Title 21 of the Code of Federal Regulations.*

(c) *In an acute care facility, outpatient setting, or dental office where the nurse anesthetist has been credentialed to provide anesthesia, anesthesia services may also encompass services performed outside of the perioperative setting, including, but not limited to:*

(1) *Selecting and administering medication, therapeutic treatment, medication-assisted treatment, and adjuvants to psychotherapy.*

(2) *Providing emergency, critical care, and resuscitation services.*

(3) *Performing advanced airway management.*

(4) *Performing point-of-care testing.*

(5) *Ordering, evaluating, and interpreting diagnostic laboratory and radiological studies.*

(6) *Using and supervising the use of ultrasound, fluoroscopy, and other technologies for diagnosis and care delivery.*

(7) *Providing sedation and pain management for palliative care.*

(8) *In accordance with the policies of the facility or office, initiating orders to registered nurses and other appropriate staff,*

1 *as required, to provide preoperative and postoperative care related*
2 *to the anesthesia service.*

3 *(9) Ordering consults, treatments, or services relating to the*
4 *patient's care.*

5 *(d) To provide anesthesia services in an acute care facility,*
6 *outpatient setting, or dental office, a trainee, including a nurse*
7 *anesthesiology resident, resident registered nurse anesthetist, or*
8 *student registered nurse anesthetist, shall satisfy both of the*
9 *following requirements:*

10 *(1) Be enrolled in an accredited doctoral program of nurse*
11 *anesthesia.*

12 *(2) Practice under the supervision of a nurse anesthetist or*
13 *physician anesthesiologist.*

14 SEC. 3. Section 2828 of the Business and Professions Code is
15 amended to read:

16 2828. (a) In an acute care facility, a nurse anesthetist who is
17 not an employee of the facility shall, nonetheless, be subject to the
18 bylaws of the facility and may be required by the facility to provide
19 proof of current professional liability insurance coverage.
20 Notwithstanding any other provision of law, a nurse anesthetist
21 shall be responsible for their own professional conduct and may
22 be held liable for those professional acts.

23 *(b) A nurse anesthetist is an advanced practice registered nurse*
24 *who is authorized to perform independent anesthesia services and*
25 *is not limited to the scope of practice of a registered nurse while*
26 *performing anesthesia services. A nurse anesthetist shall not be*
27 *required to do any of the following:*

28 *(1) Perform the duties of a perioperative registered nurse or*
29 *nurse circulator while engaged in the role of anesthesia provider*
30 *in the perioperative setting.*

31 *(2) Perform nurse anesthesia services pursuant to standardized*
32 *procedures.*

33 *(3) Perform anesthesia services under the supervision of the*
34 *physician, podiatrist, or dentist who requested the anesthesia to*
35 *be administered.*

36 *(c) By virtue of being in the same location as a nurse anesthetist*
37 *performing anesthesia services, a physician, podiatrist, dentist,*

- 1 *or other health care provider shall not assume supervision of the*
- 2 *nurse anesthetist.*

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