

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 55

(Delegate Cullison)

Health and Government Operations

Education, Health, and Environmental Affairs

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Health Occupations - Nurse Anesthetists - Drug Authority

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This bill authorizes a nurse anesthetist to prescribe, order, and administer drugs, including specified controlled dangerous substances (CDS). The bill designates a licensed nurse anesthetist as an “authorized prescriber” under the Maryland Pharmacy Act. A nurse anesthetist may prescribe drugs (1) only in an amount that does not exceed a 10-day supply; (2) only for an individual with whom the nurse anesthetist has, at the time of prescription, established a client or patient record; and (3) only in connection with the delivery of anesthesia services.

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Fiscal Summary

**State Effect:** None. Expanding the scope of practice for a nurse anesthetist does not substantively change governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** A nurse anesthetist must be licensed by the State Board of Nursing to practice registered nursing and certified to practice as a nurse anesthetist. A nurse anesthetist may perform the following functions: (1) perioperative assessment and management of patients requiring anesthesia services; (2) administration of anesthetic agents; (3) management of fluids in intravenous therapy; and (4) respiratory care. These authorizations may not be construed to authorize a nurse anesthetist to diagnose a medical

condition, provide care that is not consistent with the scope of practice of a nurse anesthetist, or provide care for which the nurse anesthetist does not have proper education and experience. A nurse anesthetist has the right and obligation to refuse to perform a delegated act if, in the nurse anesthetist's judgement, the act is unsafe, an invalidly prescribed medical act, or beyond the clinical skills of the nurse anesthetist.

An anesthesiologist, a licensed physician, or a dentist must be physically available to the nurse anesthetist for consultation during the administration of, and recovery from, anesthesia. An anesthesiologist, or if an anesthesiologist is unavailable, a licensed physician or dentist, must also be available for consultation for other aspects of the practice of nurse anesthesia. A written collaboration agreement is not required.

A nurse anesthetist must ensure that a qualified anesthesia provider performs a thorough and complete preanesthetic assessment, obtains informed consent for the planned anesthetic intervention from the patient or individual responsible for the patient, and formulates a patient-specific plan for anesthesia care.

An "authorized prescriber" is any licensed dentist, licensed dental hygienist with prescriptive authority, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

CDS are listed on one of five schedules (Scheduled I through V) set forth in statute depending on their potential for abuse and acceptance for medical use. The federal Controlled Substance Act and the Maryland Controlled Dangerous Substances Act contain parallel eligibility criteria for each of the schedules.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 312 (Senator Reilly) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - January 27, 2022  
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