

## Texas Medical Board

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RQ-0278-KP

Via Email: [Opinion.committee@texasattorneygeneral.gov](mailto:Opinion.committee@texasattorneygeneral.gov)

The Honorable Ken Paxton  
Attorney General of Texas  
Attn: Opinions Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # ML-48522-19

I.D. # 48522

Dear Attorney General Paxton:

The Texas Medical Board ("TMB") is seeking an Attorney General Opinion regarding the following issue:

- 1(a). *Is providing anesthesia the practice of medicine?*
- 1(b). *When a physician delegates the providing and administration of anesthesia to a Certified Registered Nurse Anesthetists (CRNAs) does the Texas Medical Board, via the Medical Practice Act, have continuing regulatory authority over the physician's decision and process for delegating that authority to a CRNA?*
2. *Does the CRNA have independent authority to administer anesthesia without delegation by a physician?*

Section 157.001, of the Medical Practice Act states:

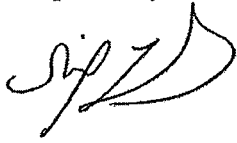
- (a) A physician may delegate to a qualified and properly trained person acting under the physician's supervision any medical act that a reasonable and prudent physician would find within the scope of sound medical judgment to delegate if, in the opinion of the delegating physician:
  - (1) the act:
    - (A) can be properly and safely performed by the person to whom the medical act is delegated;
    - (B) is performed in its customary manner; and
    - (C) is not in violation of any other statute; and
  - (2) the person to whom the delegation is made does not represent to the public that the person is authorized to practice medicine.
- (b) The delegating physician remains responsible for the medical acts of the person performing the delegated medical acts.
- (c) The board may determine whether:

(1) an act constitutes the practice of medicine, not inconsistent with this chapter; and

(2) a medical act may be properly or safely delegated by physicians.

In order to be able to issue proper guidance to the physicians, CRNAs, and patients of Texas, the TMB requests an opinion from the Attorney General.

Respectfully,



Sherif Zaafran, M.D.  
President  
Texas Medical Board