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TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION

SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 37 – Administration of Anesthetic Agents for Sedation

37.1 Authority and Purpose

A. This Part is promulgated pursuant to the authority conferred by R.I. Gen. Laws §§ 5-34-7(1) and 5-37-1.3(1) and is established for the purpose of defining prevailing standards for use of anesthetic agents for moderate sedation in Rhode Island.

37.2 Definitions

A. Wherever used in this Part the following terms shall be construed as follows:

1. “Anesthetic agents used for sedation” means, for the purposes of this Part, medications categorized by the FDA as intravenous medications used for general anesthesia or monitored anesthesia care that may be administered off-label for the purposes of providing moderate or deep sedation for patients undergoing various invasive, non-surgical procedures.
2. “Deep sedation” means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.
3. “Emergency situation” means a medical situation of sufficient severity, which may include severe pain or other acute symptoms, such that, in the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the health of a patient, serious impairment of bodily functions and/or serious dysfunction of any bodily organ or part.
4. “Facility” means any location where anesthetic agents used for sedation are provided including, but not limited to, licensed facilities and practitioner run practices.
5. “Immediately available” means a licensed practitioner who is located in the same clinical area where the sedation is taking place, and who is

privileged by the facility to provide intubation. The immediately available practitioner shall not oversee more than two (2) concurrent procedures in the clinical area.

6. "Intubation" means the insertion of a tube into the trachea to maintain an open airway, facilitate breathing, and allow for the delivery of medications.
7. "Moderate sedation" means a drug-induced depression of consciousness during which patients respond to purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate.
8. "Privileged" means the formal process of the facility verifying a healthcare provider's qualifications, including education, training, licensure, and professional history to ensure competence in a given service or procedure.
9. "Protected airway" means an airway that is protected from aspiration of gastric contents once endotracheal intubation has been accomplished.
10. "Training and experience" means possessing the training and experience needed to safely perform a specific procedure independently, including in emergency situations.
11. "Unprotected airway" means an airway that is being managed with adjuncts that are not directly introduced into the trachea, such as supraglottic, oropharyngeal, or nasopharyngeal airway adjuncts.

### **37.3 Administration of Anesthetic Agents for Sedation (Anesthetic Agents)**

- A. Physicians Privileged to Intubate (includes but is not limited to anesthesiologists)
  1. A physician with training and experience in anesthesia administration leading to certification and licensure may provide anesthetic agents used for sedation to any patient in any setting.
  2. A physician privileged by the facility to intubate patients with training and experience in anesthesia administration may provide anesthetic agents used for sedation to any patient in any setting.
- B. Certified Registered Nurse Anesthetists (CRNA)
  1. A CRNA working in collaboration with licensed anesthesiologists, licensed physicians, or licensed dentists may provide anesthetic agents used for sedation to any patient in any setting in accordance with R.I. Gen. Laws §§ 5-34.2-2(c) and 5-31.1-1(17), and any corresponding regulations.

### C. Certified Nurse Practitioners (CNP)

1. CNPs with training and experience in administration of anesthetic agents used for sedation and acting within their population foci, may administer and titrate anesthetic agents used for sedation to any patient with a protected airway, including those who are intubated/ventilated, in any setting.
2. CNPs with training and experience in administration of anesthetic agents used for sedation and acting within their population foci, may administer anesthetic agents used for sedation to a patient without a protected airway (i.e., not intubated and ventilated):
  - a. During rapid sequence intubation,
  - b. When there is an imminent threat to the patient's life or limb, including during cardiac arrest or respiratory failure, or
  - c. When administering moderate to deep sedation only when practitioners privileged by the facility to intubate patients are present at the bedside or immediately available.

### D. Registered Nurses

1. Registered Nurses with training and experience in administration of anesthetic agents used for sedation may administer and titrate an anesthetic agent used for sedation as ordered by a licensed practitioner to any patient with a protected airway, including those who are intubated/ventilated, in any setting.
2. Registered Nurses with training and experience in administration of anesthetic agents used for sedation may only administer an anesthetic agent used for sedation as ordered by a licensed practitioner to a patient without a protected airway (i.e., not intubated and ventilated):
  - a. During rapid sequence intubation,
  - b. When there is an imminent threat to the patient's life or limb, including during cardiac arrest or respiratory failure,
  - c. When serving as a third hand (with a physician and a CNP present at the bedside, at least one (1) of which is privileged by the facility in intubation) during any procedure or patient care.

## 37.4 Violations and Penalties

- A. Any violations of the provisions of the Act and this Part, pursuant to R.I. Gen. Laws §§ 5-37-5.1(24), 5-34-24(7), and 5-34-40, shall be cause for the Board of

Medical Licensure and Discipline or the Board of Nurse Registration and Nursing Education to impose such sanctions as denial, revocation or suspension of an individual's license or imposing such other disciplinary action.

### **37.5 Rules Governing Practices and Procedures**

A. All hearings and reviews required under the provisions of R.I. Gen. Laws Chapter 5-60, shall be held in accordance with the provisions of Practices and Procedures Before the Department of Health (Part 10-05-4 of this Title) and Access to Public Records (Part 10-05-1 of this Title).