

RI Association of Nurse Anesthetist
Jerry Felix - President

February 3, 2024

Lynda D'Alessio, Director
RI Department of Health
Board of Nursing
3 Capitol Hill
Providence, RI 02908

Dear Ms. D'Alessio:

The Rhode Island Association of Nurse Anesthetists has become aware of a new policy that will be implemented at Lifespan facilities that is against current Rhode Island statutes and Regulations, and will endanger the safety, health, life and well being of patients seeking care at these facilities. As the professional association representing over 190 Certified Registered Nurse Anesthetists who work and live in this state, we feel that we have an obligation to report this to you, and ask for your intervention in this matter.

The new policy, written by the chief of anesthesiology at Lifespan, Dr. Gildasio De Oliveira, and approved by the Lifespan Board, will permit Nurse Practitioners the ability to order and administer Diprivan (propofol), an induction intravenous general anesthetic drug, to patients undergoing Gastrointestinal procedures such as colonoscopies and endoscopies independently and without supervision by a licensed anesthesia provider.

The impetus of this new policy is due to the lack of licensed anesthesia providers, physician anesthesiologists and Certified Registered Nurse Anesthetists (CRNA), within the anesthesia department to meet the needs of the facility. In lieu of filling these vacant positions with the proper personnel, Lifespan anesthesia department has created a position called Anesthesia Sedation Nurse Practitioner, which is not a recognized sub specialty of our nurse practitioner colleagues, and was actively recruiting for this position (<https://www.indeed.com/viewjob?ik=48eb3a61dc274515>). The Lifespan anesthesia Department had contacted various anesthesia staffing companies which had recruited licensed providers available to send to Lifespan and they elected not to accept them.

Rhode Island Nursing regulation 216-RICR-40-05-3 defines a nurse anesthetist and a nurse practitioner as such:

11. "Certified registered nurse anesthetist" or "CRNA" means an Advanced Practice Registered Nurse as defined in R.I. Gen. Laws Chapter 5-34.2.
12. "Certified nurse practitioner" means an Advanced Practice Registered Nurse utilizing independent knowledge of physical assessment, diagnosis and management of health care and illnesses. The practice includes prescriptive privileges. Certified nurse practitioners are members of the

health care delivery system practicing in areas including, but not limited to, family practice, pediatrics, adult health care, geriatrics and women's health care in primary, acute, long-term and critical care settings in health care facilities and the community. Certified nurse practitioners may be recognized as the primary care provider or acute care provider of record.

The new policy, as previously stated, will also permit these Anesthesia Sedation Nurse Practitioners the ability to administer Diprivan (propofol), an induction intravenous general anesthetic drug, which is not within their current scope of practice. Although Diprivan (propofol) can be used for deep sedation, it still remains a very potent anesthetic that can cause severe and sudden hemodynamic changes, periods of apnea (not breathing), as well as other complications, and there is no reversal drug for it. These events can be so catastrophic that the FDA enforced that the product insert carry the following warning:

"For general anesthesia or monitored anesthesia care (MAC) sedation, DIPRIVAN Injectable Emulsion should be administered only by persons trained in the administration of general anesthesia and not involved in the conduct of the surgical/diagnostic procedure."

https://www.accessdata.fda.gov/drugsatfda_docs/label/2014/019627s062lbl.pdf

To emphasize the importance of who should be administering this very powerful anesthetic both the American Association of Nurse Anesthesiology, and the American Society of Anesthesiologists collaborated on a joint statement adopted April 14, 2004 and amended October 23, 2019:

"Whenever propofol is used for sedation/anesthesia, it should be administered only by persons trained in the administration of general anesthesia, who are not simultaneously involved in these surgical or diagnostic procedures. This restriction is concordant with specific language in the propofol package insert, and failure to follow these recommendations could put patients at increased risk of significant injury or death."

The American Society of Anesthesiologists have a released a "Statement on Granting Privileges for Administration of Moderate Sedation to Practitioners Who are Not Anesthesia Professionals" adopted October 18, 2006 and amended October 13, 2021:

The ASA... " has genuine concern that individuals, however well intentioned, who are not anesthesia professionals may not recognize that sedation and general anesthesia are on a continuum and thus deliver levels of sedation that are, in fact, general anesthesia without having the training and experience to recognize this state and respond appropriately".

What the Lifespan is attempting to do is exploit this section of the RI Hospital Regulations 216-RICR-40-10-4, which states:

E. Anesthesia shall only be administered by:

1. a qualified anesthesiologist;
2. a doctor of medicine or osteopathy (other than an anesthesiologist);
3. a dentist, oral surgeon, or podiatrist who is qualified to administer anesthesia under state law or regulation;
4. a certified registered nurse anesthetist (CRNA) acting within his/her scope of practice and as authorized by the governing body;
5. a physician assistant acting within his/her scope of practice and as authorized by the governing body;
6. a certified nurse-midwife acting within his/her scope of practice and as authorized by the governing body;
7. **a certified registered nurse practitioner acting within his/her scope of practice and as authorized by the governing body.**

When this was written, Mr. Keith Macksoud, CRNA in his role as President of RIANA did provide oral and written testimony, the intent was to allow Physician Assistants, Nurse Midwives and Nurse Practitioners to administer local anesthetics within their scope of practice, and as authorized by the governing body of the facility. At no time was it to mean that they could administer those agents and medications that are restricted by the FDA to only be administered by those trained and licensed to provide general anesthetics. That is one of the reasons why the FDA and both professional anesthesia associations have strict warnings regarding the administration of Diprivan (propofol).

Additionally, the timing of this new policy at Lifespan also has to be taken into consideration. Prior to the staffing problems encountered by Lifespan Anesthesiology, all of the sedation provided for the GI procedures that utilized Diprivan (propofol) was administered by licensed anesthesia providers. Now, because of staffing, this standard is being lowered to the point where non licensed anesthesia providers can now perform the same function. This is illegal and puts the public at risk.

Why is it that only Lifespan will allow this? No other hospital or endoscopy center in the State of Rhode Island allows for the administration of Diprivan (propofol) for sedation for GI procedures by non licensed anesthesia providers? This is unconscionable.

The Rhode Island Association of Nurse Anesthetists respectfully request that the RI Department of Health and RI Board of Nursing schedule a meeting for the next business day upon receiving this letter to address this concern.

It is the position of the Rhode Island Association of Nurse Anesthetists that this proposal be brought to an immediate halt to ensure patient safety and welfare. If it is not, then the public needs to know the risks they are taking when consenting for sedation at a Lifespan facility.

Very truly yours,

Jerry P. Felix

Jerry P. Felix MS, CRNA, APRN
President of Rhode Island Association of Nurse Anesthetists (RIANA)

cc. Attorney General Peter Neronha (RI Attorney General)
Dr. Utpala Brandy (Acting Director RI Dept. of Health)
John Fernandez (President/CEO Lifespan)
Cynthia Danner (CNO, Lifespan)
Stacy Paterno (RI Medical Society)
Teresa Paiva Weed (President, RI Hospital Association)
Donna Policastro (RI State Nurses Association/Nurse Practitioners Alliance of RI)
The Honorable K. Joseph Shekarchi (RI Speaker of the House)
The Honorable Dominick Ruggerio (RI Senate President)
The Honorable Robert Craven, Chairman House Judiciary Committee
The Honorable Susan R. Donovan, Chairman House Health & Human Services Committee
The Honorable Joshua Miller, Chairman Senate Health & Human Services Committee
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