



CRNA Liability: Is a delegating physician liable for the acts of a CRNA?

Texas law protects physicians from liability when they delegate an act to another provider. When a physician delegates to a Certified Registered Nurse Anesthetist (CRNA), the physician does not automatically become liable for the acts of the CRNA simply because they delegated. The CRNA remains completely liable for his or her actions and maintains separate liability insurance from the physician.

Occupations Code §157.060 states:

Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED ACT. Unless the physician has reason to believe the physician assistant or advanced practice registered nurse lacked the competency to perform the act, a physician is not liable for an act of a physician assistant or advanced practice registered nurse solely because the physician signed a standing medical order, a standing delegation order, or another order or protocol, or entered into a prescriptive authority agreement, authorizing the physician assistant or advanced practice registered nurse to administer, provide, prescribe, or order a drug or device.

Physicians can become liable for the actions of a CRNA if they choose to extend their involvement beyond the "solely" delegating standard stated above.

Typically, a physician's delegation order will simply state "Anesthesia per CRNA." This allows the physician to focus on providing care in their specialty, while leaving the provision of anesthesia to a trained professional. The CRNA selects, obtains, and administers the drugs and applies the medical devices appropriate to accomplish the order. If the physician is involved in selecting the drug, dose, or administration technique, the physician will be vicariously liable for the actions of the CRNA insofar as the physician's direction was the cause of the injury.

In other words, physicians are vicariously liable when they require the CRNA to perform specific tasks. Physicians can insulate themselves from liability by "solely" delegating the provision of anesthesia services to the CRNA and then allowing the CRNA to administer the anesthesia autonomously.