

Utilization of Medical Assistants

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To: Interested Parties

From: The Executive Secretary to the New York State Board for Medicine

Re: Utilization of Unlicensed Persons in Clinical Settings and Private Medical Offices

Date: April 2010, revised December 2019

It has come to the attention of the Office of the Professions that a significant number of physicians' offices are utilizing unlicensed persons to assist in the care of their patients. The Board for Medicine takes this opportunity to clarify the functions that can be performed by such unlicensed persons.

Section 6530 (11) of Education Law states that "permitting, aiding or abetting an unlicensed person to perform activities requiring a license" constitutes unprofessional conduct. Accordingly, medical tasks may only be delegated to persons who are *authorized by law to perform the delegated task. The fact that an unlicensed person may be "capable" of performing the task does not confer legal authorization for him/her to engage in an activity that is restricted to licensed persons. Licensed professionals, including physicians, who knowingly delegate a medical task to a person who is not legally authorized to perform such a task are guilty of professional misconduct.* Below are lists of tasks that can and cannot be performed by unlicensed persons in New York State. These lists include those tasks that the board offices most frequently receive questions about from practitioners. However, they are **not** exhaustive lists. Thus, practitioners may be called upon to make determinations as to whether tasks that are not mentioned in these lists may be delegated to an unlicensed person. In making those determinations, practitioners with authority to order and/or delegate medical tasks should be guided by the principle that tasks that require the exercise of medical judgment and assessment, or tasks that are specifically restricted to licensed professionals, may not be delegated to unauthorized persons. Such tasks must be performed by licensed persons who, by virtue of their education and licensure, are presumed to possess the level of professional judgment and assessment skills that will ensure safe practice¹. Unlicensed persons may not perform any tasks protected or restricted under the scope of practice of any other licensed profession. This document specifically refers to unlicensed persons assisting in medical procedures.

33 ¹ It should be noted that, pursuant to 8 NYCRR §29.1(b)(9), unprofessional conduct
34 includes practicing or offering to practice beyond the scope permitted by law, or
35 accepting and performing professional responsibilities which the licensee knows or has
36 reason to know that he/she is not competent to perform, or performing without
37 adequate supervision professional services which the licensee is authorized to perform
38 only under the supervision of a licensed professional, except in an emergency situation
39 where a person's life or health is in danger.

40 Please note that "Medical Assistant" is not a title that is licensed or otherwise recognized
41 in New York State. Persons who have obtained certification as Certified Medical
42 Assistants, through a national organization, may present that credential to employers.
43 But that does **not** afford them any additional privileges to perform extra tasks in New
44 York State because they are still unlicensed persons. It is good practice for practitioners
45 to identify unlicensed persons and their role to patients.

46 Tasks that may be performed by unlicensed persons must be performed after
47 appropriate training and the supervising physician is responsible for determining if the
48 unlicensed person is capable of performing such task or tasks. Tasks that **may** be
49 performed by unlicensed persons include the following:

- 50 • Secretarial work such as assembling charts or assisting with billing
- 51 • Measuring vital signs
- 52 • Performing ECGs
- 53 • Assisting an authorized practitioner, under the direct and personal supervision of
54 said practitioner, to carry out a specific task that does not require medical
55 judgment or decision making
- 56 • Removing sutures or staples under the supervision of a physician or other
57 appropriately licensed person, provide that the patient is evaluated, at a
58 minimum, immediately before the procedure by an appropriately licensed
59 professional
- 60 • Act as scribe and enter History and Physical information, chief complaint,
61 medications, allergies, and family history into a chart or Electronic Medical Record
62 and assisting patient in filling out self-report questionnaire
- 63 • Collecting and preparing laboratory specimens and transcribing results without
64 interpreting or assessing the following:
 - 65 ○ Urine dipsticks
 - 66 ○ Phlebotomy, if properly trained and in a CLIA-waived facility
 - 67 ○ Finger Sticks
 - 68 ○ Cheek Swabs
 - 69 ○ Throat Swabs
 - 70 ○ Superficial cultures

- 71 • Performing basic hearing and vision tests
- 72 • Providing prepared family education and instruction
- 73 • Changing or applying wound dressings (not casts)
- 74 • Applying allergen patch test but not interpreting it

75 Tasks that **cannot** be performed by unlicensed persons include:

- 76 • Triage
- 77 • Drawing up or administering vaccinations or immunizations, including preparing
- 78 and administering allergens
- 79 • Drawing up any medication in syringes
- 80 • Administering medications through any route
- 81 • Administering contrast dyes or injections of any kind
- 82 • Placing sutures and other forms of wound closure
- 83 • Taking x-rays or independently positioning patients for x-rays
- 84 • Applying or removing casts
- 85 • First assisting in surgical procedures
- 86 • Inserting or removing IVs or catheters of any kind
- 87 • Relaying positive test results to patients
- 88 • Teaching patients self-injection of medications or self-catheterization
- 89 • Performing EMGs or other nerve conduction studies

90 The Board trusts that this information is helpful and urges you to assist your
91 professional colleagues by disseminating this information. If we can be of assistance in
92 any way, please do not hesitate to contact us by e-mail medbd@nysed.gov or by
93 telephone at 518-474-3817 ext. 560

94 Utilization of Medical Assistants in Patient 95 Recovery

96 Breadcrumb

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101 **To:** New York State Licensed Health Care Professionals and Other Interested Parties

102 **From:** Richard M. Cook, Deputy Commissioner, NYS Department of Health, Office of
103 Health Systems Management and Barbara Zittel, RN, PhD, Executive Secretary, State
104 Board for Nursing

105 **Re:** Medical Assistants and Other Unlicensed Persons/ Recovery of Patients from an
106 Invasive and/or Surgical Procedure Involving Anesthesia and/or Sedation in Clinical
107 Settings and Private Medical Offices

108 **Date:** August 15, 2011

109 Questions continue to arise regarding appropriate utilization of medical assistants and
110 other unlicensed persons in clinical settings and private medical offices. This memo
111 supplements the April 2010 State Education Department (SED) [memo regarding](#)
112 [utilization of medical assistants](#) posted on this site.

113 It is the opinion of the NYSDOH, SED and the State Board for Nursing (SBFN) that
114 emergence from anesthesia/sedation requires extreme vigilance and constant, total care
115 provided by physicians and/or registered nurses. Staffing in recovery areas should
116 minimally include a physician or registered nurse competent in the care of patients
117 recovering from anesthesia/sedation plus at least one other caregiver to provide
118 assistance with delegated tasks and/or seek assistance if required. Access to anesthesia
119 and surgical care should be available at all times.

120 Responsibilities assigned to medical assistants and other competent unlicensed
121 personnel should be limited to activities not requiring licensure such as vital signs,
122 provision of comfort measures, assistance with moving patients and getting them out of
123 bed upon the direction of the registered nurse or physician, etc.

124 Patient readiness for discharge must be authorized by a physician or other licensed
125 independent practitioner.

126 If you have any questions about this memo, feel free to call the State Education
127 Department's Board for Nursing by phone at 518-474-3817, ext. 120 or
128 email: nursebd@nysed.gov or the Department of Health Patient Safety Center by phone
129 at 518-408-1219 or email: obs@health.state.ny.us