



AMERICAN ASSOCIATION
OF MEDICAL ASSISTANTS®

20 N. WACKER DR., STE. 1575
CHICAGO, ILLINOIS 60606

Thank you for your inquiry concerning what tasks are delegable legally to medical assistants according to South Carolina law.

Section 40-47-30(5) of the Medical Practice Laws of South Carolina states that the statute does not prohibit a licensed physician from delegating tasks to unlicensed personnel in his employ and on his premises if:

(a) the task is delegated directly to unlicensed personnel by the physician and not through another licensed practitioner; (b) the task is of a routine nature involving neither the special skill of a licensed person nor significant risk to the patient if improperly done; (c) the task is performed while the physician is present on the premises and in such close proximity as to be readily available to the unlicensed person if needed; (d) the task does not involve the verbal transmission of a physician's order or prescription to a licensed person if the licensed person requires the order or prescription to be in writing; and (e) the unlicensed person wears an appropriate badge denoting to any patient his status. The unlicensed person shall wear a clearly legible identification badge or other adornment at least one inch by three inches in size bearing the person's first name at a minimum and staff position. The identification badge must be worn in a manner so that it is clearly visible to patients at all times.

In October of 2017 the South Carolina State Board of Medical Examiners issued a position statement entitled *The Supervision of Unlicensed Personnel and the Corporate Practice of Medicine*. It is attached.

It is my legal opinion that South Carolina law permits physicians to delegate a reasonable scope of clinical and administrative tasks (including performing venipuncture; administering intramuscular, intradermal, and subcutaneous injections—including immunizations/vaccinations; measuring vital signs; and verbatim transmitting of the physician's orders [as specifically directed by the physician]) to knowledgeable and competent unlicensed professionals such as medical assistants working under their direct/onsite supervision in outpatient settings. Tasks that constitute the practice of medicine, or which state law permits only certain health care professionals to perform, however, may not be delegated to unlicensed professionals such as medical assistants.

I define triage as a communication process with a patient (or patient representative) during which a health care professional is required to exercise independent clinical judgment and/or to make clinical assessments or evaluations. It is my legal opinion that it is not permissible for medical assistants to be delegated triage (as I define the term). I define non-triage communication as a process during which a non-provider health care professional follows provider-approved protocols or decision trees in verbatim receiving and verbatim conveying of information. In non-triage communication, the health professional does not exercise independent clinical judgment. It is my legal opinion that it is permissible for knowledgeable and competent unlicensed professionals such as medical assistants to be delegated non-triage communication.



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To my knowledge, there is nothing in South Carolina law that forbids supervising physicians from assigning to licensed professionals such as nurse practitioners, physician assistants, and registered nurses supervisory responsibility for medical assistants carrying out the tasks delegated to them by the overseeing/delegating physician.



Donald A. Balasa, JD, MBA
CEO and Legal Counsel
dbalasa@aama-ntl.org