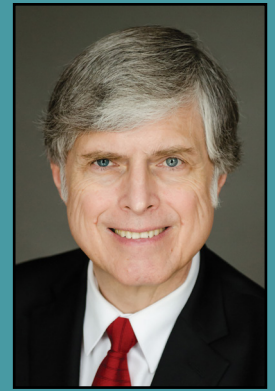


# Best Practices for Practices

## Protect Your Office by Employing Credentialed Medical Assistants



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Increasing numbers of employers prefer to hire, or insist on hiring, CMAs (AAMA)\* or, more specifically, medical assistants who have attained and maintained certification by the Certifying Board of the American Association of Medical Assistants. This article presents some of the legal reasons why employing CMAs (AAMA) is advantageous for all employers.

1. The delegating licensed independent provider (e.g., physician, nurse practitioner, physician assistant), the practice or clinic as a whole, and the medical assistant can be subject to disciplinary actions by the state if a medical assistant is delegated the following responsibilities:
  - a. Any tasks that constitute the practice of a licensed independent provider or require the skill and knowledge of a licensed independent provider
  - b. Tasks that require the exercise of independent clinical judgment, and/or the making of clinical assessments, evaluations, or interpretations
  - c. Tasks that are restricted in state law to other health professionals—often licensed health professionals
2. State disciplinary actions can result in fines and other criminal or quasi-criminal penalties for the delegating provider, the practice or clinic, and the medical assistant. Professional liability (malpractice) insurance policies, as a rule, do not provide coverage for violations of state or federal laws. These policies offer coverage in only civil matters, such as malpractice and wrongful death suits.
3. A medical assistant should never be referred to as a “nurse,” “office nurse,” or “doctor’s nurse.” In every state this is a violation of the Nurse Practice Act and can result in fines and penalties. All practice personnel should avoid referring to medical assistants as “nurses.” If a patient addresses a medical assistant as a nurse, the patient should be corrected politely and pleasantly.
4. The delegating provider, the practice or clinic, and the medical assistant can be sued for negligence if the medical assistant does not perform a duty up to the standard of care of a reasonably competent medical assistant. The provider is potentially liable under the legal doctrine of *respondeat superior* and can also be liable under the theory of negligent delegation.
5. The fact that a practice’s medical assistants are current CMAs (AAMA) is powerful evidence in a malpractice action. Having a staff of current CMAs (AAMA) can lessen the likelihood that providers will be held liable for negligent delegation.
6. The “standard of care of a reasonably competent medical assistant” is not necessarily the same in all parts of the United States. The standard may vary from state to state, or even from one region of a state to another. This is a compelling reason for employing CMAs (AAMA). The fact that the CMA (AAMA) credential is nationally accredited by the National Commission for Certifying Agencies (NCCA) can be used as evidence demonstrating that the CMA (AAMA) has met or exceeded the “reasonably competent medical assistant” standard in all regions of the

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United States. In addition, the fact that a CMA (AAMA) must maintain currency to use the credential attests to the validity of the CMA (AAMA) credential and the competence of its holders.

7. A court may hold a CMA (AAMA) to a higher standard of care than a medical assistant who does not have the CMA (AAMA) credential. This is another reason why continuing professional education is so important for CMAs (AAMA) and why more employers are supporting the continuing education of their CMAs (AAMA).
8. A delegating provider, however, can also be liable for the negligence of a licensed professional, such as a registered nurse (RN) or a licensed practical/vocational nurse (LP/VN). Contrary to common belief, the provider is not sheltered from civil liability when delegating to a licensed professional. A health professional—licensed or unlicensed—can be held civilly liable for negligent acts. Likewise, a supervising and overseeing provider is responsible for the negligent acts of professionals to whom the provider delegates—whether such professionals are licensed or unlicensed.
9. An increasing number of malpractice insurance carriers are requiring

medical assistants to have a professional credential, such as the CMA (AAMA).

10. The CMA (AAMA) is the only medical assisting credential that requires graduation from a postsecondary medical assisting academic program that is accredited by either the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or the Accrediting Bureau of Health Education Schools (ABHES), or that is offered by an institution accredited by an accrediting body recognized either by the U.S. Department of Education or the Council for Higher Education Accreditation.
11. The CMA (AAMA) certification/recertification program is accredited by the NCCA, a national accreditor of certification programs. Accreditation is an attestation of the high standards of the CMA (AAMA) credential. The proven quality of the CMA (AAMA) can be beneficial in many legal contexts, including malpractice actions.
12. The “CMA (AAMA)” initialism is registered as a certification mark by the U.S. Patent and Trademark Office. The Certifying Board of the AAMA receives complaints against medical assistants who are unlawfully using the CMA (AAMA) credential

and takes appropriate legal action.

13. Only those medical assistants who have earned and maintained the CMA (AAMA) may use the credential. Other medical assistants—such as Registered Medical Assistants (RMAs), National Certified Medical Assistants (NCMAs), Certified Clinical Medical Assistants (CCMAs), Clinical Medical Assistants-Certified (CMA-C), and National Registered Medical Assistants (NRMAs)—and their employers can be in legal jeopardy if they use the “CMA (AAMA)” initialism.

During this era of increasing litigation, all health care professionals should make sure that they and those they supervise have the education (initial and continuing) and credentials necessary to prevail against any type of legal challenge. Providers and other employers would be prudent to employ CMAs (AAMA), see to it that the CMA (AAMA) credential appears on name badges, and make sure CMAs (AAMA)—and only CMAs (AAMA)—are referred to as CMAs (AAMA). ♦

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