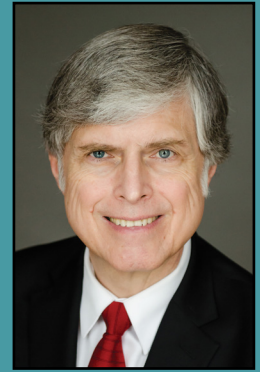


# South Carolina Legislature Amends Medical Assisting Law



Donald A. Balasa, JD, MBA  
AAMA CEO and Legal Counsel

The 2024 South Carolina General Assembly enacted legislation amending the statutory language delineating the scope of practice for medical assistants. The provisions of the new law went into effect May 21, 2024, and establish definitions of “certified medical assistants” and “unlicensed assistive personnel” and specify different scopes of practices for these two categories of personnel. The following is an explanation of the key provisions of the new law.

## Definition of Certified Medical Assistant

The legislation defines *certified medical assistant* as follows:

“Certified medical assistant” or “CMA” means a person who:

(1) has completed:

(a) a medical assisting education program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor, by the Accrediting Bureau of Health Education Schools or its successor, or by any accrediting agency recognized by the United States Department of Education, and which must include courses or components in anatomy and physiology, medical terminology, pharmacology, medical laboratory techniques, and clinical experience, provided the clinical experience component may be satisfied through an individual’s work experience with a health care employer;

(b) a Career and Technical Education Health Sciences Program approved by the South Carolina Department of Education;

(c) a medical assisting program provided by a branch of the United States military;

(d) a medical assisting United States Department of Labor-approved Registered Apprenticeship program; or

(e) a training program that is delivered, in whole or in part, by a health care employer that aligns to a nationally accredited certification exam; and

(2) a person who ... maintains current certification from a certifying body offering a certification program that is:

(a) approved by the [South Carolina] Board of Medical Examiners and the [South Carolina] Board of Nursing; and

(b) is accredited by the National Commission for Certifying Agencies or other accreditation body recognized by the [South Carolina] Board of Medical Examiners and the [South Carolina] Board of Nursing.<sup>1</sup>

## Grandfathering and Grace Period Provisions

The legislation establishes a grandfathering provision for medical assistants who, since January 1, 2020, were certified by an approved and accredited certification program. Note that the following language does not require these grandfathered certified medical assistants to have completed medical assisting education. The law also provides that medical assistants employed as of May 21, 2024, who do not meet the requirements of the new law have until July 15, 2026, to do so. This may be characterized as a grace period. The following is the language from the law:

The term “certified medical assistant” or “CMA” also includes medical assistants who have maintained certification from one of the certifying entities in item (2)

of this section since January 1, 2020, and individuals employed as certified medical assistants as of the effective date of this act who do not meet the education or training requirements required in this item, but who meet those requirements no later than July 15, 2026.<sup>1</sup>

## Definition of Unlicensed Assistive Personnel

The law defines *unlicensed assistive personnel* (UAP), distinguishes this category of personnel from certified medical assistants, and specifies that UAP are not to administer medications:

“Unlicensed assistive personnel” or “UAP” means persons not currently licensed by the Board of Nursing as nurses, or persons who are not certified medical assistants as defined [above], who perform routine nursing tasks that do not require a specialized knowledge base or the judgment and skill of a licensed nurse. Nursing tasks performed by a [UAP] must be performed under the supervision of a physician, physician assistant, [advanced practice registered nurse], registered nurse, or selected licensed practical nurse. [UAP] must not administer medications. [Emphasis added.]<sup>1</sup>

## Conditions for Delegating Tasks to Certified Medical Assistants

Note the following section of the new law:

(B) A physician, physician assistant, or advanced practice registered nurse may delegate specified tasks to a CMA pursuant to the following requirements:

(1) the task must be delegated directly to the CMA by the physician, physician assistant, or advanced practice registered nurse, and not through another licensed practitioner;

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(2) the task must be performed when the physician, physician assistant, or advanced practice registered nurse delegating the task is in such close proximity as to be immediately available to the CMA if needed;

(3) the physician, physician assistant, or advanced practice registered nurse delegating the task must determine that the task is within the training and competency of the CMA and will not pose a significant risk to the patient if improperly performed;

(4) the task must not involve the verbal transmission of an order or prescription to a licensed person if the licensed person requires the order or prescription to be in writing; and

(5) the CMA must wear an appropriate badge identifying the CMA's status, which must be clearly visible to the patient at all times.<sup>1</sup>

## Tasks Not Delegable to Certified Medical Assistants

The new statute lists tasks not delegable to these certified medical assistants:

Specific tasks may be delegated to a CMA by a physician, physician assistant if authorized to do so in [their] scope of practice guidelines, or advanced practice registered nurse if authorized to do so in [their] practice agreement ... The following tasks must not be delegated to a CMA ... :

- (1) administering controlled medications, intravenous medications, contrast agents, or chemotherapy agents;
- (2) injecting neurotoxin products, neuromodulatory agents, or tissue fillers;
- (3) using lasers or instruments that result in tissue destruction;
- (4) placing sutures;

(5) taking radiographs or using any ionizing radiation unless the CMA is also a certified limited practice radiographer;

(6) analyzing, interpreting, or diagnosing symptoms or tests;

(7) triaging patients; and

(8) performing a clinical decision-making task by means of telemedicine.<sup>1</sup>

## Tasks Delegable to UAP

The law also contains a list of tasks delegable to UAP:

A physician, physician assistant, [or advanced practice registered nurse] may delegate nursing tasks to UAP under the supervision of the physician, physician assistant, [or advanced practice registered nurse]. Such nursing tasks include, but are not limited to, the following:

- (a) meeting patients' needs for personal hygiene;
- (b) meeting patients' needs relating to nutrition;
- (c) meeting patients' needs relating to ambulation;
- (d) meeting patients' needs relating to elimination;
- (e) taking vital signs;
- (f) maintaining asepsis;
- (g) collecting specimens (urine, stool, sputum);
- (h) point of care testing and screening tests;
- (i) recording information;
- (j) performing non-clinical tasks via telemedicine; and

(k) observing, recording, or reporting any of the nursing tasks enumerated in this subsection.<sup>1</sup>

## Certified Medical Assistants May Be Delegated Medication Administration

The following language from the law allows certified medical assistants to be delegated the administration of medication:

Nurse Practice Act, delegation of tasks

SECTION 3. Section 40-33-42(C) of the 1976 Code is amended to read:

“(C) Subject to the rights of licensed physicians and dentists under state law, and except as provided [above] regarding the delegation of tasks to certified medical assistants, the administration of medications is the responsibility of a licensed nurse as prescribed by the licensed physician, dentist, other authorized licensed provider or as authorized in an approved written protocol or guidelines. Unlicensed assistive personnel must not administer medications, except as otherwise provided by law.”<sup>2</sup> ♦

Questions may be directed to CEO and Legal Counsel Donald A. Balasa, JD, MBA, at [DBalasa@aama-ntl.org](mailto:DBalasa@aama-ntl.org).

## References

1. SC Code of Laws ch 47, §40 (2023). <https://www.scstatehouse.gov/code/t40c047.php#40-47-20>
2. *South Carolina Statutes as of July 2024*. American Association of Medical Assistants. Accessed December 15, 2024. [https://www.aama-ntl.org/docs/default-source/state-sop-laws/south-carolina-statutes-\(july-2024\).pdf](https://www.aama-ntl.org/docs/default-source/state-sop-laws/south-carolina-statutes-(july-2024).pdf)