

December 2024

Thank you for your inquiry concerning what duties are delegable legally to medical assistants according to Minnesota law.

Note the following language from the Minnesota Statutes:

147A.08 EXEMPTIONS (a) This chapter does not apply to, control, prevent, or restrict the practice, service, or activities of...

...

(3) technicians, other assistants, or employees of physicians who perform delegated tasks in the office of a physician but who do not identify themselves as a physician assistant.

147.091 GROUNDS FOR DISCIPLINARY ACTION.

Subdivision 1. Grounds listed. The board may refuse to grant a license, may refuse to grant registration to perform interstate telemedicine services, or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

.....

(i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is not a violation of this paragraph for a physician to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority.

It is my legal opinion that this language permits licensed providers to delegate a reasonable scope of clinical and administrative tasks (including venipuncture and intramuscular, intradermal, and subcutaneous injections) to knowledgeable and competent unlicensed personnel such as medical assistants working under their direct/onsite supervision in outpatient settings.

The question of delegating triage responsibilities is also not specifically addressed in Minnesota law. It is my judgment that Minnesota law does not forbid a physician from delegating telephone screening to a competent and knowledgeable medical assistant if such screening: requires the medical assistant to follow set protocols/decision trees/algorithms established by the physician that do not require the exercise of independent professional judgment or the making of clinical assessments/evaluations by the medical assistant. Telephone screening is to be differentiated from telephone triage, which does require independent professional judgment.

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.

Procedures which constitute the practice of medicine or require the skill and judgment of a licensed health care practitioner, however, may not be delegated to unlicensed personnel such as medical assistants.

I hope this information is helpful. Please do not hesitate to contact me if you have further questions or need additional assistance.



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