



AMERICAN ASSOCIATION
OF MEDICAL ASSISTANTS®

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

My research has revealed that language authorizing medical assisting practice is found in the Nebraska Medical Practice Act. Note the following excerpt:

38-2025.

Medicine and surgery; practice; persons excepted.

The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine: ...

(21) Persons who are not licensed, certified, or registered under the Uniform Credentialing Act, to whom are assigned tasks by a physician or osteopathic physician licensed under the Medicine and Surgery Practice Act, if such assignment of tasks is in a manner consistent with accepted medical standards and appropriate to the skill and training, on the job or otherwise, of the persons to whom the tasks are assigned. For purposes of this subdivision, assignment of tasks means the routine care, activities, and procedures that (a) are part of the routine functions of such persons who are not so licensed, certified, or registered, (b) reoccur frequently in the care of a patient or group of patients, (c) do not require such persons who are not so licensed, certified, or registered to exercise independent clinical judgment, (d) do not require the performance of any complex task, (e) have results which are predictable and have minimal potential risk, and (f) utilize a standard and unchanging procedure;

It is my legal opinion that this statutory language and common law principles inherent in state licensure authorize physicians to delegate a reasonable scope of clinical and administrative tasks (including venipuncture, measuring vital signs, and entering data into the electronic health record as authorized by the delegating/supervising 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 professionals to perform, however, may not be delegated to unlicensed professionals such as medical assistants.

The Nebraska Department of Health and Human Services (NDHHS) has taken the position that



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medical assistants must meet certain requirements and register with the NDHHS as medication aides in order to be delegated by physicians in outpatient settings the administration of medication. Medical assistants working under direct/onsite physician supervision in outpatient settings are required to pass a competency assessment conducted by a licensed health care professional (such as a physician). Such medical assistants are not required to take a course or pass an examination in order to be registered as medication aides.

To my knowledge, there is nothing in Nebraska law that forbids supervising physicians from delegating tasks to medical assistants through licensed professionals such as physician assistants, nurse practitioners, registered nurses.

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

Sincerely,



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