

13:35-6.4 DELEGATION OF ADMINISTRATION OF SUBCUTANEOUS AND INTRAMUSCULAR INJECTIONS AND PERFORMANCE OF VENIPUNCTURE TO CERTIFIED MEDICAL ASSISTANTS

- a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:
- 1) "Physician" means a doctor of medicine (M.D.), a doctor of osteopathic medicine (D.O.), or a doctor of podiatric medicine.
 - 2) "Certified medical assistant" means a graduate of a post-secondary medical assisting education program accredited by the National Healthcare Association (NHA), or its successor, The Committee on Allied Health Education and Accreditation of the American Medical Association (CAHEA), or its successor; Accrediting Bureau of Health Education Schools (ABHES), or its successor; or any accrediting agency recognized by the U.S. Department of Education. The educational program shall include, at a minimum, 330 clock hours of instruction and shall encompass training in the administration of intramuscular and subcutaneous injections and instruction and demonstration in: pertinent anatomy and physiology appropriate to injection procedures; choice of equipment; proper technique, including sterile technique; hazards and complications; and emergency procedures. The medical assistant must also maintain current certification from the Certifying Board of the American Association of Medical Assistants (AAMA), the National Center for Competency Testing (NCCT), the American Medical Certification Association (AMCA), the National Association for Health Professionals (NAHP), the National Certification Medical Association (NCMA), or registration from the American Medical Technologists (AMT), or any other recognized certifying body approved by the Board.
- b) A physician may direct a certified medical assistant employed in the medical practice in which the physician practices medicine, to administer to the physician's patients an intradermal, intramuscular or subcutaneous injection, or to perform venipuncture, in the limited circumstances set forth in this section, without being in violation of the pertinent professional practice act implemented by the Board, to the extent such conduct is permissible under any other pertinent law or rule administered by the Board or any other State agency.
- c) A physician may direct the administration of an injection by a certified medical assistant only where the following conditions are satisfied:
- 1) The physician has determined and documented that the certified medical assistant has the qualifications set forth in (a)2 above and has attained a satisfactory level of comprehension and experience in the administration of intramuscular and subcutaneous injection techniques and has completed training that demonstrates to

the physicians proficiency in the procedures to be performed, which shall include at least:

- i) Ten hours of training in administering injections; and
 - ii) Satisfactory performance of least 10 intramuscular injections, 10 subcutaneous injections, and 10 intradermal injections.
- 2) The physician shall examine the patient to ascertain the nature of the trauma, disease or condition of the patient; to determine the appropriate treatment of the patient including administration of an injection; to assess the risks of such injection for a given patient and the diagnosed injury, disease or condition; and to determine that the anticipated benefits are likely to outweigh those risks.
 - 3) The physician shall determine all components of the precise treatment to be given, including the type of injection to be utilized, dosage, method and area of administration, and any other factors peculiar to the risks, such as avoidance of administration sites on certain parts of the body. The physician shall assure that this information shall be written on the patient's record and made available at all times to the medical assistant carrying out the treatment instructions, who shall also be identified by name and credentials in the patient record on each occasion that an injection is administered.
 - 4) The physician shall remain on the premises at all times that treatment orders for injections are being carried out by the assistant and shall be within reasonable proximity to the treatment room and available to observe, assess and take any necessary action regarding effectiveness, adverse reaction or any emergency.
 - 5) The certified medical assistant shall wear a clearly visible identification badge indicating his or her name and credentials.
- d) The physician shall not direct the administration by a certified medical assistant of an injection which includes any of the following: any substance related to allergenic testing or treatment, local anesthetics, controlled dangerous substances, experimental drugs including any drug not having approval of the Food and Drug Administration (FDA), or any substance used as an antineoplastic chemotherapeutic agent with the exception of corticosteroids.
 - e) A physician may direct a certified medical assistant to perform venipuncture only where the following conditions are satisfied:

- 1) The physician has determined and documented that the certified medical assistant has the qualifications set forth in (a)2 above, has attained a satisfactory level of comprehension and experience in the performance of venipuncture, and has completed training that demonstrates to the physician proficiency in the procedures to be performed which shall include at least:
 - i) Ten hours of training in venipuncture and skin puncture for the purpose of withdrawing blood; and
 - ii) Satisfactory performance of at least 10 venipunctures.
- 2) The certified medical assistant shall wear a clearly visible identification badge indicating his or her name and credentials.

13:35-6.5 PREPARATION OF PATIENT RECORDS, COMPUTERIZED RECORDS, ACCESS TO OR RELEASE OF INFORMATION; CONFIDENTIALITY, TRANSFER OR DISPOSAL OF RECORDS

- a) The following terms shall have the following meanings unless the context in which they appear indicates otherwise:

"Authorized representative" means, but is not necessarily limited to, a person who has been designated by the patient or a court to exercise rights under this section. An authorized representative may be the patient's attorney or an employee of an insurance carrier with whom the patient has a contract which provides that the carrier be given access to records to assess a claim for monetary benefits or reimbursement. If the patient is a minor, a parent or guardian who has custody (whether sole or joint) will be deemed to be an authorized representative, except where the condition being treated relates to pregnancy, sexually transmitted disease or substance abuse.

"Examinee" means a person who is the subject of professional examination where the purpose of that examination is unrelated to treatment and where a report of the examination is to be supplied to a third party.

"Licensee" means any person licensed or authorized to engage in a health care profession regulated by the Board of Medical Examiners.

"Patient" means any person who is the recipient of a professional service rendered by a licensee for purposes of treatment or a consultation relating to treatment.

- b) Licensees shall prepare contemporaneous, permanent professional treatment records. Licensees shall also maintain records relating to billings made to patients and third-party