



AMERICAN ASSOCIATION
OF MEDICAL ASSISTANTS®

20 N. WACKER DR., STE. 1575
CHICAGO, ILLINOIS 60606

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

My research has not revealed any language in West Virginia statutes or regulations that addresses what physicians can delegate to medical assistants. Nevertheless, it is my legal opinion that common law principles inherent in state licensure permit physicians to delegate a reasonable scope of clinical and administrative tasks (such as performing venipuncture; measuring vital signs; and performing intramuscular, intradermal, and subcutaneous injections—including vaccinations/immunizations) to knowledgeable and competent unlicensed professionals such as medical assistants working under their direct/onsite supervision in outpatient settings.

Tasks which constitute the practice of medicine, or which state law permits only certain health care professionals to perform, however, may not be delegated to unlicensed professionals such as medical assistants.

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.

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

Donald A. Balasa, JD, MBA
CEO and Legal Counsel
dbalasa@aama-ntl.org



CMA (AAMA)® | SETS THE BAR FOR EXCELLENCE IN MEDICAL ASSISTING
TELEPHONE • 800/228-2262 | FAX • 312/899-1259 | WEBSITE • WWW.AAMA-NTL.ORG