

8331

2015-2016 Regular Sessions

I N A S S E M B L Y

August 5, 2015

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Higher Education

AN ACT to amend the education law, in relation to requiring clinical
medical assistance to be certified by and registered with the educa-
tion department

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article
2 131-A-1 to read as follows:

3 ARTICLE 131-A-1

4 CLINICAL MEDICAL ASSISTANTS

5 SECTION 6533. DEFINITIONS.

6 6534. SCOPE OF PRACTICE.

7 6535. REQUIREMENTS FOR REGISTRATION.

8 S 6533. DEFINITIONS. AS USED IN THIS SECTION:

9 1. "CLINICAL MEDICAL ASSISTANT" MEANS A PERSON, WHO ACTS AS A MEDICAL
10 SUPPORT PROFESSIONAL, WHO IS NOT OTHERWISE LICENSED, REGISTERED OR
11 CERTIFIED PURSUANT TO THIS TITLE OR THE PUBLIC HEALTH LAW, AND WHO
12 PERFORMS A VARIETY OF TASKS AS LICENSED HEALTH CARE PRACTITIONERS IN
13 ADMINISTERING PREVENTIVE, CURATIVE, REHABILITATIVE OR PROMOTIONAL CARE
14 SERVICES IN A HEALTH CARE FACILITY OR MEDICAL PRACTICE.

15 2. "LICENSED HEALTH CARE PRACTITIONER" MEANS ANY PERSON LICENSED
16 REGISTERED OR CERTIFIED PURSUANT TO THIS TITLE TO PROVIDE HEALTH CARE
17 INCLUDING, BUT NOT LIMITED TO, PHYSICIANS, PHYSICIAN ASSISTANTS, CERTI-
18 FIED NURSE PRACTITIONERS, REGISTERED PROFESSIONAL NURSES AND LICENSED
19 PRACTICAL NURSES.

20 3. "PRACTICE AS A CLINICAL MEDICAL ASSISTANT" MEANS TO ASSIST A
21 LICENSED HEALTH CARE PRACTITIONER IN PROVIDING SERVICES DIRECTLY RELATED
22 TO HEALTH CARE OF PATIENTS.

23 4. "SUPERVISION" MEANS THE PROVISIONS OF DIRECTION BY A LICENSED
24 HEALTH CARE PRACTITIONER TO A CLINICAL MEDICAL ASSISTANT IN THE PERFORM-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD11553-02-5

ANCE OF HEALTH CARE INCLUDING, BUT NOT LIMITED TO, MEASURING VITAL SIGNS, APPLYING OR CHANGING WOUND DRESSINGS, PERFORMING ELECTROCARDIOGRAMS, TAKING LABORATORY SPECIMENS (INCLUDING BLOOD), AND PROVIDING ASSISTANCE TO SUCH PRACTITIONER, WHILE UNDER HIS OR HER DIRECT SUPERVISION, IN THE PERFORMANCE OF A SPECIFIC MEDICAL TASK.

S 6535. SCOPE OF PRACTICE. 1. ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, NO PERSON MAY PRACTICE AS A CLINICAL MEDICAL ASSISTANT UNLESS HE OR SHE IS REGISTERED PURSUANT TO THE PROVISION OF THIS ARTICLE.

2. CLINICAL MEDICAL ASSISTANTS ARE AUTHORIZED TO PERFORM THE FOLLOWING CLINICAL PRACTICES, WHILE UNDER THE SUPERVISION OF A LICENSED HEALTH CARE PRACTITIONER:

- A. MEASURING VITAL SIGNS;
- B. PREPARING PATIENTS FOR MEDICAL EXAMINATIONS;
- C. APPLYING AND CHANGING WOUND DRESSINGS;
- D. PERFORMING ELECTROCARDIOGRAMS;
- E. TAKING LABORATORY SPECIMENS (INCLUDING BLOOD);
- F. ASSISTING A LICENSED HEALTH CARE PRACTITIONER, WHILE UNDER SUCH PRACTITIONER'S DIRECT AND PERSONAL SUPERVISION, TO PERFORM A SPECIFIC MEDICAL TASK;
- G. ASSEMBLING AND MAINTAINING HEALTH CARE CHARTS, ENTERING DATA INTO ELECTRONIC HEALTH CARE RECORDS AND ASSISTING WITH BILLING; AND
- H. TAKING MEDICAL HISTORIES.

3. PERSONS PERFORMING ONLY NON-CLINICAL DUTIES, SUCH AS ASSEMBLING AND MAINTAINING HEALTH CARE CHARTS, ENTERING DATA INTO ELECTRONIC HEALTH CARE RECORDS AND/OR ASSISTING WITH BILLING; AND PERSONS HAVING SPECIALIZED TRAINING PERFORMING ONLY PHLEBOTOMY OR ELECTROCARDIOGRAMS, AND NO OTHER HEALTH CARE PRACTICES, SHALL NOT BE DEEMED TO BE ENGAGED IN PRACTICE AS A CLINICAL MEDICAL ASSISTANT AND SHALL NOT BE REQUIRED TO BE REGISTERED PURSUANT TO THIS ARTICLE.

4. NO PROVISIONS OF THIS ARTICLE SHALL BE DEEMED TO PROHIBIT ANY LICENSED HEALTH CARE PRACTITIONER FROM PERFORMING ANY TASK WITHIN THE SCOPE OF HIS OR HER PRACTICE.

S 6535. REQUIREMENTS FOR REGISTRATION. TO QUALIFY FOR A REGISTRATION AS A CLINICAL MEDICAL ASSISTANT, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
2. EDUCATION: MUST HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;
3. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;
4. TRAINING: MUST HAVE SUCCESSFULLY COMPLETED ONE OF THE FOLLOWING:
 - A. A POST SECONDARY OR UNDERGRADUATE CLINICAL MEDICAL ASSISTANT TRAINING PROGRAM ACCREDITED BY A REGIONAL OR NATIONAL ORGANIZATION RECOGNIZED BY THE FEDERAL DEPARTMENT OF EDUCATION;
 - B. A CLINICAL MEDICAL ASSISTANT TRAINING PROGRAM APPROVED BY THE DEPARTMENT OR THE DEPARTMENT OF LABOR, INCLUDING ANY AGENCY OR OFFICE OF EITHER SUCH DEPARTMENT;
 - C. TWELVE CONSECUTIVE MONTHS, AND NOT LESS THAN SEVEN HUNDRED HOURS DURING SUCH TWELVE MONTH PERIOD, OF EXPERIENTIAL TRAINING AS A CLINICAL MEDICAL ASSISTANT UNDER THE DIRECT SUPERVISION OF A LICENSED HEALTH CARE PRACTITIONER, AS AFFIRMED AND ATTESTED TO IN WRITING BY SUCH PRACTITIONER; OR
 - D. ANY CLINICAL MEDICAL ASSISTANT TRAINING PROGRAM PROVIDED BY THE ARMED FORCES OF THE UNITED STATES FOR WHICH THE APPLICANT POSSESSES A CERTIFICATE OF COMPLETION;
5. CERTIFICATION: MUST HAVE OBTAINED AND MAINTAIN A CLINICAL MEDICAL ASSISTANCE CREDENTIAL FROM A NATIONAL CERTIFYING BODY ACCREDITED BY THE NATIONAL COMMISSION FOR CERTIFYING AGENCY OR ANY OTHER NATIONALLY RECOG-

1 NIZED AND APPROVED ACCREDITOR OF CERTIFYING BODIES ACCEPTABLE TO THE
2 DEPARTMENT. ANY PERSON WHO HAS PRACTICED AS A CLINICAL MEDICAL ASSISTANT
3 FOR FIVE OR LESS YEARS ON THE EFFECTIVE DATE OF THIS ARTICLE, SHALL
4 COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION ON OR BEFORE JANUARY
5 FIRST, TWO THOUSAND SEVENTEEN; AND

6 6. FEES: PAY A FEE IN SUCH AN AMOUNT AS SHALL BE DETERMINED BY THE
7 DEPARTMENT.

8 S 2. This act shall take effect immediately.