

8331--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 TASKS.

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 UNDER THE DIRECT SUPERVISION OF LICENSED
13 HEALTH CARE PRACTITIONERS IN ADMINISTERING PREVENTIVE, CURATIVE, REHABI-
14 LITATIVE OR PROMOTIONAL CARE SERVICES IN A HEALTH CARE FACILITY OR
15 MEDICAL PRACTICE.

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

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

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

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1 4. "SUPERVISION" MEANS THE PROVISIONS OF DIRECTION BY A LICENSED
2 HEALTH CARE PRACTITIONER TO A CLINICAL MEDICAL ASSISTANT IN THE PERFORM-
3 ANCE OF HEALTH CARE INCLUDING, BUT NOT LIMITED TO, MEASURING VITAL
4 SIGNS, APPLYING OR CHANGING WOUND DRESSINGS, PERFORMING ELECTROCARDIO-
5 GRAMS, TAKING LABORATORY SPECIMENS (INCLUDING BLOOD), AND PROVIDING
6 ASSISTANCE TO SUCH PRACTITIONER, WHILE UNDER HIS OR HER DIRECT SUPER-
7 VISION, IN THE PERFORMANCE OF A SPECIFIC MEDICAL TASK.

8 S 6534. SCOPE OF TASKS. 1. ON AND AFTER JANUARY FIRST, TWO THOUSAND
9 SIXTEEN, NO PERSON MAY PRACTICE AS A CLINICAL MEDICAL ASSISTANT UNLESS
10 HE OR SHE IS REGISTERED PURSUANT TO THE PROVISION OF THIS ARTICLE.

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

14 A. MEASURING VITAL SIGNS;

15 B. PREPARING PATIENTS FOR MEDICAL EXAMINATIONS;

16 C. APPLYING AND CHANGING WOUND DRESSINGS;

17 D. PERFORMING ELECTROCARDIOGRAMS;

18 E. TAKING LABORATORY SPECIMENS (INCLUDING BLOOD);

19 F. ASSISTING A LICENSED HEALTH CARE PRACTITIONER, WHILE UNDER SUCH
20 PRACTITIONER'S DIRECT AND PERSONAL SUPERVISION, TO PERFORM A SPECIFIC
21 MEDICAL TASK;

22 G. ASSEMBLING AND MAINTAINING HEALTH CARE CHARTS, ENTERING DATA INTO
23 ELECTRONIC HEALTH CARE RECORDS AND ASSISTING WITH BILLING; AND

24 H. TAKING MEDICAL HISTORIES.

25 3. PERSONS PERFORMING ONLY NON-CLINICAL DUTIES, SUCH AS ASSEMBLING AND
26 MAINTAINING HEALTH CARE CHARTS, ENTERING DATA INTO ELECTRONIC HEALTH
27 CARE RECORDS AND/OR ASSISTING WITH BILLING; AND PERSONS HAVING SPECIAL-
28 IZED TRAINING PERFORMING ONLY PHLEBOTOMY OR ELECTROCARDIOGRAMS, AND NO
29 OTHER HEALTH CARE PRACTICES, SHALL NOT BE DEEMED TO BE ENGAGED IN PRAC-
30 TICE AS A CLINICAL MEDICAL ASSISTANT AND SHALL NOT BE REQUIRED TO BE
31 REGISTERED PURSUANT TO THIS ARTICLE.

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

35 S 6535. REQUIREMENTS FOR REGISTRATION. TO QUALIFY FOR A REGISTRATION
36 AS A CLINICAL MEDICAL ASSISTANT, AN APPLICANT SHALL FULFILL THE FOLLOW-
37 ING REQUIREMENTS:

38 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

39 2. EDUCATION: MUST HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;

40 3. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;

41 4. TRAINING: MUST HAVE SUCCESSFULLY COMPLETED ONE OF THE FOLLOWING:

42 A. A POST SECONDARY OR UNDERGRADUATE CLINICAL MEDICAL ASSISTANT TRAIN-
43 ING PROGRAM ACCREDITED BY A REGIONAL OR NATIONAL ORGANIZATION RECOGNIZED
44 BY THE FEDERAL DEPARTMENT OF EDUCATION;

45 B. A CLINICAL MEDICAL ASSISTANT TRAINING PROGRAM APPROVED BY THE
46 DEPARTMENT OR THE DEPARTMENT OF LABOR, INCLUDING ANY AGENCY OR OFFICE OF
47 EITHER SUCH DEPARTMENT;

48 C. TWELVE CONSECUTIVE MONTHS, AND NOT LESS THAN SEVEN HUNDRED HOURS
49 DURING SUCH TWELVE MONTH PERIOD, OF EXPERIENTIAL TRAINING AS A CLINICAL
50 MEDICAL ASSISTANT UNDER THE DIRECT SUPERVISION OF A LICENSED HEALTH CARE
51 PRACTITIONER, AS AFFIRMED AND ATTESTED TO IN WRITING BY SUCH PRACTITION-
52 ER; OR

53 D. ANY CLINICAL MEDICAL ASSISTANT TRAINING PROGRAM PROVIDED BY THE
54 ARMED FORCES OF THE UNITED STATES FOR WHICH THE APPLICANT POSSESSES A
55 CERTIFICATE OF COMPLETION;

1 5. CERTIFICATION: MUST HAVE OBTAINED AND MAINTAIN A CLINICAL MEDICAL
2 ASSISTANCE CREDENTIAL FROM A NATIONAL CERTIFYING BODY ACCREDITED BY THE
3 NATIONAL COMMISSION FOR CERTIFYING AGENCY OR ANY OTHER NATIONALLY RECOG-
4 NIZED AND APPROVED ACCREDITOR OF CERTIFYING BODIES ACCEPTABLE TO THE
5 DEPARTMENT. ANY PERSON WHO HAS PRACTICED AS A CLINICAL MEDICAL ASSISTANT
6 FOR FIVE OR LESS YEARS ON THE EFFECTIVE DATE OF THIS ARTICLE, SHALL
7 COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION ON OR BEFORE JANUARY
8 FIRST, TWO THOUSAND SEVENTEEN; AND
9 6. FEES: PAY A FEE IN SUCH AN AMOUNT AS SHALL BE DETERMINED BY THE
10 DEPARTMENT.
11 S 2. This act shall take effect immediately.