

6751

I N S E N A T E

February 16, 2016

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring 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 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. "MEDICAL ASSISTANT" MEANS A PERSON, WHO ACTS AS A MEDICAL SUPPORT
10 PROFESSIONAL, WHO IS NOT OTHERWISE LICENSED, REGISTERED OR CERTIFIED
11 PURSUANT TO THIS TITLE OR THE PUBLIC HEALTH LAW, AND WHO PERFORMS A
12 VARIETY OF TASKS UNDER THE DIRECT SUPERVISION OF ONSITE LICENSED HEALTH
13 CARE PRACTITIONERS IN ADMINISTERING PREVENTIVE, CURATIVE, REHABILITATIVE
14 OR PROMOTIONAL CARE SERVICES IN A HEALTH CARE FACILITY OR MEDICAL PRAC-
15 TICE.

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

24 4. "DIRECT SUPERVISION" MEANS A LICENSED HEALTH CARE PRACTITIONER, WHO
25 IS ON THE PREMISES AND READILY AVAILABLE, DELEGATING TO AND SUPERVISING
26 A MEDICAL ASSISTANT IN AN OUTPATIENT SETTING IN THE PERFORMANCE OF
27 HEALTH CARE INCLUDING, BUT NOT LIMITED TO, MEASURING VITAL SIGNS, APPLY-

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

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1 ING OR CHANGING WOUND DRESSINGS, PERFORMING ELECTROCARDIOGRAMS, TAKING
2 LABORATORY SPECIMENS (INCLUDING BLOOD), AND PROVIDING ASSISTANCE TO SUCH
3 PRACTITIONER, WHILE UNDER HIS OR HER DIRECT SUPERVISION, IN THE PERFORM-
4 ANCE OF A SPECIFIC MEDICAL TASK.

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

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

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

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

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

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

- 34 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
- 35 2. EDUCATION: MUST HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;
- 36 3. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;
- 37 4. TRAINING: MUST HAVE SUCCESSFULLY COMPLETED ONE OF THE FOLLOWING:
 - 38 A. A POST SECONDARY OR UNDERGRADUATE MEDICAL ASSISTANT TRAINING
39 PROGRAM ACCREDITED BY A REGIONAL OR NATIONAL ORGANIZATION RECOGNIZED BY
40 THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS OR
41 THE ACCREDITING BUREAU OF HEALTH EDUCATION SCHOOLS, OR OFFERED BY AN
42 EDUCATIONAL INSTITUTION ACCREDITED BY THE FEDERAL DEPARTMENT OF EDUCA-
43 TION, OR OTHERWISE APPROVED BY THE DEPARTMENT;
 - 44 B. A MEDICAL ASSISTANT TRAINING PROGRAM APPROVED BY THE DEPARTMENT OR
45 THE DEPARTMENT OF LABOR, INCLUDING ANY AGENCY OR OFFICE OF EITHER SUCH
46 DEPARTMENT;
 - 47 C. TWELVE CONSECUTIVE MONTHS, AND NOT LESS THAN SEVEN HUNDRED HOURS
48 DURING SUCH TWELVE MONTH PERIOD, OF EXPERIENTIAL TRAINING AS A MEDICAL
49 ASSISTANT UNDER THE DIRECT SUPERVISION OF A LICENSED HEALTH CARE PRACTI-
50 TIONER, AS AFFIRMED AND ATTESTED TO IN WRITING BY SUCH PRACTITIONER; OR
 - 51 D. ANY MEDICAL ASSISTANT TRAINING PROGRAM PROVIDED BY THE ARMED FORCES
52 OF THE UNITED STATES FOR WHICH THE APPLICANT POSSESSES A CERTIFICATE OF
53 COMPLETION;
- 54 5. CERTIFICATION: MUST HAVE OBTAINED AND MAINTAIN A MEDICAL ASSISTANCE
55 CREDENTIAL FROM A NATIONAL CERTIFYING BODY WITH A MEDICAL ASSISTANT
56 PROGRAM ACCREDITED BY THE NATIONAL COMMISSION FOR CERTIFYING AGENCY OR

1 ANY OTHER NATIONALLY RECOGNIZED AND APPROVED ACCREDITOR OF CERTIFYING
2 PROGRAMS ACCEPTABLE TO THE DEPARTMENT;
3 6. REGISTRATION: A. ANY PERSON WHO PRACTICES AS A MEDICAL ASSISTANT ON
4 OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, SHALL COMPLY WITH THE
5 PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION AND REGISTER WITH THE
6 DEPARTMENT ON OR BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN.
7 B. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION,
8 ANY PERSON WHO HAS PRACTICED AS A MEDICAL ASSISTANT FOR FIVE OR MORE
9 YEARS BEFORE THE EFFECTIVE DATE OF THIS ARTICLE, SHALL BE EXEMPT FROM
10 THE CERTIFICATION REQUIREMENT OF SUBDIVISION FIVE OF THIS SECTION; AND
11 7. FEES: PAY A FEE IN SUCH AN AMOUNT AS SHALL BE DETERMINED BY THE
12 DEPARTMENT.
13 S 2. This act shall take effect immediately.