

8331--B

2015-2016 Regular Sessions

I N   A S S E M B L Y

August 5, 2015

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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 -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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

4. "DIRECT SUPERVISION" MEANS A LICENSED HEALTH CARE PRACTITIONER, WHO IS ON THE PREMISES AND READILY AVAILABLE, DELEGATING TO AND SUPERVISING A MEDICAL ASSISTANT IN AN OUTPATIENT SETTING IN THE PERFORMANCE 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 6534. SCOPE OF TASKS. 1. ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, NO PERSON MAY PRACTICE AS A MEDICAL ASSISTANT UNLESS HE OR SHE IS REGISTERED PURSUANT TO THE PROVISION OF THIS ARTICLE.

2. MEDICAL ASSISTANTS ARE AUTHORIZED TO PERFORM THE FOLLOWING CLINICAL PRACTICES, WHILE UNDER THE DIRECT 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 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 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 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 MEDICAL ASSISTANT TRAINING PROGRAM ACCREDITED BY A REGIONAL OR NATIONAL ORGANIZATION RECOGNIZED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS OR THE ACCREDITING BUREAU OF HEALTH EDUCATION SCHOOLS, OR OFFERED BY AN EDUCATIONAL INSTITUTION ACCREDITED BY THE FEDERAL DEPARTMENT OF EDUCATION, OR OTHERWISE APPROVED BY THE DEPARTMENT;
  - B. A 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 MEDICAL

1 ASSISTANT UNDER THE DIRECT SUPERVISION OF A LICENSED HEALTH CARE PRACTI-  
2 TIONER, AS AFFIRMED AND ATTESTED TO IN WRITING BY SUCH PRACTITIONER; OR

3 D. ANY MEDICAL ASSISTANT TRAINING PROGRAM PROVIDED BY THE ARMED FORCES  
4 OF THE UNITED STATES FOR WHICH THE APPLICANT POSSESSES A CERTIFICATE OF  
5 COMPLETION;

6 5. CERTIFICATION: MUST HAVE OBTAINED AND MAINTAIN A MEDICAL ASSISTANCE  
7 CREDENTIAL FROM A NATIONAL CERTIFYING BODY WITH A MEDICAL ASSISTANT  
8 PROGRAM ACCREDITED BY THE NATIONAL COMMISSION FOR CERTIFYING AGENCY OR  
9 ANY OTHER NATIONALLY RECOGNIZED AND APPROVED ACCREDITOR OF CERTIFYING  
10 PROGRAMS ACCEPTABLE TO THE DEPARTMENT;

11 6. REGISTRATION: A. ANY PERSON WHO PRACTICES AS A MEDICAL ASSISTANT ON  
12 OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, SHALL COMPLY WITH THE  
13 PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION AND REGISTER WITH THE  
14 DEPARTMENT ON OR BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN.

15 B. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION,  
16 ANY PERSON WHO HAS PRACTICED AS A MEDICAL ASSISTANT FOR FIVE OR MORE  
17 YEARS BEFORE THE EFFECTIVE DATE OF THIS ARTICLE, SHALL BE EXEMPT FROM  
18 THE CERTIFICATION REQUIREMENT OF SUBDIVISION FIVE OF THIS SECTION; AND

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

21 S 2. This act shall take effect immediately.