

# STATE OF NEW YORK

1564

2019-2020 Regular Sessions

## IN SENATE

January 15, 2019

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:

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

### ARTICLE 131-A-1

#### MEDICAL ASSISTANTS

#### Section 6533. Definitions.

##### 6534. Scope of tasks.

##### 6535. Requirements for registration.

#### § 6533. Definitions. As used in this section:

1. "Medical assistant" means a person, who acts as a medical support professional, who is not otherwise licensed, registered or certified pursuant to this title or the public health law, and who performs a variety of tasks under the direct supervision of onsite licensed health care practitioners in administering preventive, curative, rehabilitative or promotional care services in a health care facility or medical practice.

2. "Licensed health care practitioner" means any person licensed registered or certified pursuant to this title to provide health care including, but not limited to, physicians, physician assistants, certified nurse practitioners, registered professional nurses and licensed practical nurses.

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.

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

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1 4. "Direct supervision" means a licensed health care practitioner, who  
2 is on the premises and readily available, delegating to and supervising  
3 a medical assistant in an outpatient setting in the performance of  
4 health care including, but not limited to, measuring vital signs, apply-  
5 ing or changing wound dressings, performing electrocardiograms, taking  
6 laboratory specimens (including blood), and providing assistance to such  
7 practitioner, while under his or her direct supervision, in the perform-  
8 ance of a specific medical task.

9 § 6534. Scope of tasks. 1. On and after January first, two thousand  
10 twenty, no person may practice as a medical assistant unless he or she  
11 is registered pursuant to the provision of this article.

12 2. Medical assistants are authorized to perform the following clinical  
13 practices, while under the direct supervision of a licensed health care  
14 practitioner:

- 15 a. measuring vital signs;
- 16 b. preparing patients for medical examinations;
- 17 c. applying and changing wound dressings;
- 18 d. performing electrocardiograms;
- 19 e. taking laboratory specimens (including blood);
- 20 f. assisting a licensed health care practitioner, while under such  
21 practitioner's direct supervision, to perform a specific 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 medical assistant and shall not be required to be registered  
31 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 § 6535. Requirements for registration. To qualify for a registration  
36 as a medical assistant, an applicant shall fulfill the following  
37 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 medical assistant training  
43 program accredited by a regional or national organization recognized by  
44 the Commission on Accreditation of Allied Health Education Programs or  
45 the Accrediting Bureau of Health Education Schools, or offered by an  
46 educational institution accredited by the federal Department of Educa-  
47 tion, or otherwise approved by the department;
  - 48 b. a medical assistant training program approved by the department or  
49 the department of labor, including any agency or office of either such  
50 department;
  - 51 c. twelve consecutive months, and not less than seven hundred hours  
52 during such twelve month period, of experiential training as a medical  
53 assistant under the direct supervision of a licensed health care practi-  
54 tioner, as affirmed and attested to in writing by such practitioner; or

1 d. any medical assistant training program provided by the armed forces  
2 of the United States for which the applicant possesses a certificate of  
3 completion;

4 5. Certification: must have obtained and maintain a medical assistance  
5 credential from a national certifying body with a medical assistant  
6 program accredited by the National Commission for Certifying Agency or  
7 any other nationally recognized and approved accreditor of certifying  
8 programs acceptable to the department;

9 6. Registration: a. Any person who practices as a medical assistant on  
10 or after the effective date of this article, shall comply with the  
11 provisions of subdivision five of this section and register with the  
12 department on or before January first, two thousand twenty.

13 b. Notwithstanding the provisions of paragraph a of this subdivision,  
14 any person who has practiced as a medical assistant for five or more  
15 years before the effective date of this article, shall be exempt from  
16 the certification requirement of subdivision five of this section; and

17 7. Fees: pay a fee in such an amount as shall be determined by the  
18 department.

19 § 2. This act shall take effect immediately.