STATE OF NEW YORK

9802--A

IN ASSEMBLY

April 9, 2024

Introduced by M. of A. FAHY -- 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 establishing registered medical assistants

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-D to read as follows:

ARTICLE 131-D
MEDICAL ASSISTANTS

Section 6549-aa. Definitions.
6549-bb. Registration.
6549-cc. Performance of medical assistant services.
6549-dd. Construction.
6549-ee. Regulations.

§ 6549-aa. Definitions. As used in this article:

1. "Medical assistant" means a person who is registered pursuant to this article as a medical assistant.

2. "Health care practitioner" means a physician, physician assistant, nurse practitioner, podiatrist, or midwife licensed or certified pursuant to this title.

3. "Basic administrative and clerical tasks" means those non-clinical services related to medical office operations, including but not limited to: updating and filing patient records and insurance forms; billing and coding; completing hospital admissions forms; and assigning referrals and laboratory services.

4. "Advanced clinical tasks" means preparing and administering vaccinations or immunizations.

5. "Approved program" means a post-secondary medical assisting education program that is accredited by the Commission on Accreditation of Allied Health Education Programs or the American Medical Association or its successor, the Accrediting Bureau of Health Education Schools or its

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

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successor, or another certificate program for the education of medical assistants approved by the department.

§ 6549-bb. Registration. 1. To qualify for registration as a medical assistant, each person shall pay a fee of one hundred fifteen dollars to the department and shall also submit satisfactory evidence, verified by oath or affirmation, that such person:

(a) at the time of application is at least eighteen years of age;

(b) is of good moral character; and

(c) has successfully completed an approved program.

2. The department shall furnish to each person applying for registration hereunder an application form calling for such information as the department deems necessary and shall issue to each applicant who satisfies the requirements of subdivision one of this section a certificate of registration as medical assistant for the period expiring December thirty-first of the first odd-numbered year terminating subsequent to such registration.

3. Every registrant shall apply to the department for a certificate of registration. The department shall mail to every registered medical assistant an application form for registration, addressed to the registrant's post office address on file with the department. Upon receipt of such application properly executed, together with evidence of satisfactory completion of such continuing education requirements as may be established by the commissioner in consultation with the commissioner of health, the department shall issue a certificate of registration. Registration periods shall be triennial and the registration fee shall be forty-five dollars.

§ 6549-cc. Performance of medical assistant services. 1. (a) Notwithstanding any other provision of law, a medical assistant may perform basic administrative and clerical tasks.

(b) In addition to those tasks described in paragraph (a) of this subdivision and in addition to regulations promulgated by the department, a medical assistant may perform advanced clinical tasks, but only when assigned by a health care practitioner and subject to such health care practitioner's supervision. Such supervision shall be continuous but shall not be construed as necessarily requiring the physical presence of the supervising health care practitioner at the time and place where such services are performed.

2. Notwithstanding any other provision of law, a medical assistant trainee in an approved program may perform medical assistant services, provided that any advanced clinical tasks must be subject to direct supervision by a supervising health care practitioner, when such services are performed within the scope of such supervising health care practitioner.

§ 6549-dd. Construction. Only a person registered as a medical assistant by the department may use the title "registered medical assistant" or the letters "M.A.-R" after the individual's name.

§ 6549-ee. Regulations. The commissioner, in consultation with the commissioner of health, shall promulgate regulations regarding education and continuing education requirements for a medical assistant and such other rules and regulations as may be necessary or appropriate to carry out the purposes of this article.

§ 2. Section 6908 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-a. This article shall not be construed as prohibiting advanced tasks provided by a registered medical assistant pursuant to article one hundred thirty-one-D of this title.

§ 3. The amendments to the education law enacted by this act shall not be construed to expand or contract the scope of practice of any health care professional under title 8 of the education law, nor shall this act limit the ability of any unregistered or unlicensed person to perform tasks not otherwise regulated by such title.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.