California's Scope of Practice Laws: Highlights for Select Clinics

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CENTER
FOR THE HEALTH PROFESSIONS

Please note:
I am not your legal counsel

This presentation is for informational and discussion purposes only. It is a summary based on California codes, regulations and published interpretations such as "Frequently Asked Questions" made available on websites administered by the California Board of Medicine and the California Podiatric Medicine Board. It does not cover MAs in ophthalmology/ optometry settings in detail. The information contained herein is not intended to be considered legal advice or counsel about any particular clinical or health care question, issue or practice. For specific questions, inquiries can and should be made to the California Board of Medicine , Board of Podiatric Medicine, Board of Registered Nursing and/or your own legal counsel.

CA Medical Assistants Laws, Regulations and Governance

- CA Business and Professions (B&P) Code § § (Sections) 2069-2071
- CA Code of Regulations Title 16 § § 1366–1366.4; 1366.31-33
- Medical Board of California (www.mbc.ca.gov/allied)
- California Board of Registered Nursing

MA Legal Scope of Practice
Other resources

- **American Association of Medical Assistants**: http://www.aama-ntl.org/employers/laws.aspx
- ***California MA Scope of Practice Outline http://futurehealth.ucsf.edu/Public/Center-Research/Resources.aspx?pid=539***

California Medical Assistants (MAs)

- Unlicensed
- Work in MD, podiatrist or optometrist offices; and clinics
  - (not for inpatient care in licensed general acute care hospitals)
- Regulated by CA Board of Medicine
- Must be over 18
- Must be trained
- May be certified

Generally, unlicensed individuals (incl MAs) in California may not:

*Are shots invasive? Can MAs give them?

- Diagnose
- Treat
- Perform any task that is invasive*
- Perform any task that requires assessment

California MAs may not:

- Perform invasive procedures such as placing the needle or starting and disconnecting the infusion tube of an IV;
- Administer medications or injections into the IV line;
- Chart the pupillary responses;
- Insert a urine catheter;
- Independently perform triage
- Inject collagen…

California MAs may not (continued):

- Use lasers to remove hair, wrinkles, scars, moles or other blemishes;
- Administer chemotherapy;
- Interpret the results of skin tests (although they may measure and describe test reaction and make a record in the patient's chart);
- Perform any test involving penetration of human tissues except skin tests in B&P section 2069
- Interpret test findings or results.

CA Medical Assistants Can Perform Basic:

- Administrative;
- Clerical; and
- Technical support services

A California Medical Assistant may:

- Administer medication only by intradermal, subcutaneous, or intramuscular injections;
- Perform skin tests; and
- Additional technical support services …

…Upon the specific authorization and supervision of a licensed physician and surgeon or a licensed podiatrist.

In a community clinic (H&S § 1204), CA Medical Assistants may:

- Administer medication only by intradermal, subcutaneous, or intramuscular injections;
- Perform skin tests; and
- Additional technical support services …

…Upon the specific authorization ~~and supervision of a licensed physician and surgeon or a licensed podiatrist.~~ of a physician assistant, a nurse practitioner, or a nurse-midwife.

- Physician maintains supervisory function unless delegated in standardized procedure or protocol.

“Technical Support Services”

- **Simple routine** medical tasks and procedures that
- May be **safely** performed by a medical assistant
- Who has limited **training** and
- Who functions under the **supervision** of a licensed physician and surgeon or a licensed podiatrist (or, in certain clinics only, a physician assistant, nurse practitioner or nurse-midwife

CA B&P § 2069(b)(4)

Technical Support Services may be provided by MA in California, provided:

- Not prohibited by another law
- Is a usual and customary part of the practice
- Supervising MD/podiatrist authorizes MA to perform service & is responsible for patient care
- MA has completed specified training & demonstrated competence
- Record made in patient chart
- Supervising MD/podiatrist may provide in writing that RN or PA assign MD-authorized task to MA

Technical Support Services CA MAs may perform

if training, supervision, specific authorization, and records requirements met

- Administer medication by intradermal, subcutaneous, or ctions
- A lly, topically, v le dose to a
- A ns are p utinely a .
- I PM or o ation, dosage.

Including f pneumon at a loca private that rec from st no charg administi shall be pe MD, RN or LV

NO anesthetic agent administration by MA

Technical Support Services CA MAs may perform

if training, supervision, specific authorization, and records requirements met

- Electrocardiogram, electroencephalogram, or plethysomography tests (except full body plethysomography)
- Fit prescription lenses or use any optical device in connection with ocular exercises, visual training, vision training, or orthoptics according to B&P § § 2544, 3042

Technical Support Services CA MAs may perform

if training, supervision, specific authorization, and records requirements met

- Apply and remove bandages and dressings
- Apply orthopedic appliances such as knee immobilizers, envelope slings, orthotics
- Remove casts, splints and other external devices
- Obtain impressions for orthotics, padding and custom molded shoes
- Select and adjust crutches for patients
- Instruct patient in proper use of crutches

Technical Support Services CA MAs may perform

if training, supervision, specific authorization, and records requirements met

- Remove sutures or staples from superficial incisions or lacerations
- Perform ear lavage
- Collect by non-invasive techniques, and preserve specimens for testing
- Assist patients in ambulation and transfers
- Prepare patients for and assist the physician, podi-atrist, PA or RN in exams or procedures including positioning, draping, shaving, disinfecting treatment sites, prepare patients for gait analysis testing

Technical Support Services CA MAs may perform

if training, supervision, specific authorization, and records requirements met

- As authorized by physician or podiatrist, provide patient information and instructions
- Collect an record patient data including height, weight, temperature, pulse, respiration rate and blood pressure, and basic information about the presenting and previous conditions
- Perform simple laboratory and screening tests customarily performed in a medical office.
- Cut the nails of otherwise healthy patients.

The STAR Analysis
A guide to CA MA scope of practice

- Supervision
- Training
- Authorization
- Records

Supervision of California MAs means the…

- Supervision
  - Of: procedures authorized by CA code
  - By: MDs/podiatrists/ODs generally or PAs, NPs or CNMs in 1204 clinics

within the scope of their respective practices

- Who shall be physically present in the treatment facility
- During the performance of the procedures.

MA Training Required Prior to Performing

	Training	Trainer	Sign off	
Venipuncture, Injections and Inhalation of medication • Administer medication by injection • Perform skin tests • Draw blood	To proficiency, but no less than: Specified # hours in training in administering and performing plus specified # of injections, skin tests venipunctures and skin punctures	MD/podiatrist or credentialed instructor. Admin of medication by inhalation must be by MD or respiratory care practitioner	MD/pod or credentialed instructor. Certificate req'd	16 CCR 1366.1, 1366.3
Other technical support services	MD or podiatrist determines content	MD/podiatrist, RN, LVN, PA, qualified MA *or* credentialed instructor in accredited school	MD/pod or credl'ed instructor. Certificate req'd	16 CCR 1366.3
Work as MA	Training in Infection Control		Supervising MD, DPM or instructor	16 CCR 1366.4

Specific Authorization is one of two types of order

B&P § 2069

1. Specific written order
   - Prepared by the supervising MD or podiatrist or prepared by PA, NP or CNM in § 1204 clinic
   - Authorizing procedure to be performed on a patient
   - Placed in the patient's medical record
2. Standing order
   - Prepared by the supervising MD/pod or by PA, NP or CNM in § 1204 clinic
   - Authorizing the procedure to be performed, the duration of which shall be consistent with accepted medical practice.
   - Notation of standing order placed on patient's record.

Not necessarily supervising

Record Shall be made in Patient Chart
or other record, including computerized record

- Of each technical support service performed by MA, including:
- Name or identifier of MA;
- Date and Time;
- Description of service performed;
- Name of MD or podiatrist who gave the MA patient-specific authorization to perform the task or who authorized performance under patient-specific standing order

16 CCR 1366(a)

A Guide To Using MAs: Question Areas

1. The service
2. The MA
3. The non-MAs: other people involved
4. Records

MA Legal Scope: Questions about the service

- Is it administrative or clinical? If yes, probably ok to assign to MA
- Is it prohibited? If yes, do not assign to MA.
- Is it on the “such as” list: If yes, go to next Q.
- Is it usual and customary? If yes, go to next Q.
- Is it a basic technical support service? If yes, go to next Q.
- Was it specifically authorized? If yes, next Q.
- Where are services being provided? Answer determines follow up questions.

MA Legal Scope: Questions about the MA

- Is the MA 18 or older?
- Is the MA trained on the service being asked to do?
- Is the MA competent to perform the service?
- Is the MA supervised?

MA Legal Scope: Questions about Other People

- Is the supervisor a physician or podiatrist?
- Did a physician or podiatrist specifically authorize the MA to do perform the service?
- In a clinic, what role is NP or PA playing?
- In clinic or elsewhere, did supervising MD/podiatrist authorize in writing that the service could be assigned by a PA or RN?
- Was training provided by approved person?

MA Legal Scope: Questions about Records

- Was a record made in the patient chart or other record, including computerized record of:
  - Each tech support service performed by MA by name/ID
  - Date and time, description of service, name of MD/pod who gave the MA
    - *Patient-specific authorization to perform the task or who*
    - *Authorized performance under a patient-specific standing order*
- Are required MA certificates of training on file?
- Are written instructions on file providing PA or RN may assign a task authorized by MD/pod to MA?

16 CCR 1366

Medical Assistant Certification

MA Certification

- Multiple national & state-based options
- Usually states don’t require certification
- CA requires certification of MAs who are training other MAs
  - (16 CA ADC § 1366.3)
- Employers may require certification

MA Certification options recognized by Medical Board of CA

Professional organizations

- The American Association of Medical Assistants (AAMA) awards the Certified Medical Assistant (CMA-AAMA) credential
- The American Medical Technologists (AMT) awards the Registered Medical Assistant (RMA) credential
- California Certifying Board for Medical Assistants (sponsored by the California Medical Assistants Association) awards the CCMA credential

Note: MA Certification options *not* recognized by the Medical Board of CA

National testing bodies

- National Center for Competency Testing awards the NCMA credential
- The National Healthcare Association awards the Certified Clinical Medical Assistant (CCMA) credential

CA MD Legal Scope of Practice

CA licensed physicians are authorized “to use drugs or devices in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, and other physical and mental conditions.”

(CA B&P § 2051)

CA MD Legal Scope of Practice (cont'd)

"… any person who practices… any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended [MD license] or [other authorization]… shall be guilty of a public offense…." (CA B&P § 2052)

CA Nurse Practitioner Legal Scope of Practice

- NP is RN with additional preparation and skills in physical diagnosis, psycho-social assessment, and management of health-illness needs in primary health care, who has been prepared in a program that conforms to nursing board standards. (BRN; Nursing Practice Act)
- Authorization to perform medical functions contained in written “standardized procedures.” (CCR 1485)
- “Supervision” requirements vary by Stan. Proc.

CA Nurse Practitioner Legal Scope of Practice

- "Furnishing"/Ordering
  - Standardized procedure
  - Drugs (incl Schedule II-V controlled substances
  - Devices
  - Physician supervision (physical presence not req'd)
    - *Collaboration on development of standardized procedure*
    - *Approval of standardized procedure*
    - *Availability by phone at time patient being examined*
    - *MD may supervise no more than 4 furnishing NPs at one time*

California Physician Assistants Legal Scope of Practice

PAs are supervised by MDs; scope of practice is described in a Delegation of Services agreement.

A PA may only provide medical services which:

- He or she is competent to perform, as determined by the supervising physician
- Are consistent with his/her education, training, and experience, and
- Are delegated in writing by the supervising physician responsible for the patients care for by the PA

- A physician may supervise no more than four PAs

RNs

- "A registered nurse is not authorized to supervise a medical assistant. This, however, should not be construed to affect the clinic's ability to provide nursing services."

California Department of Public Health AFL 12-47; 12/14/12 "Use of Medical Assistants in Hospital Outpatient Clinics"

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