



THE STATE EDUCATION DEPARTMENT
THE UNIVERSITY OF THE STATE OF NEW YORK
89 WASHINGTON AVENUE,
OFFICE OF THE PROFESSIONS, ALBANY, NY 12234-1000

To: Interested Parties
From: Walter Ramos, Executive Secretary to the New York State Board for Medicine
Re: Utilization of Unlicensed Persons, such as Medical Assistants, in Clinical Settings and Private Medical Offices
Date: April, 2010

It has come to the attention of the Office of the Professions that a significant number of physicians' offices are utilizing medical assistants or other unlicensed persons to assist in the care of their patients. The Board for Medicine takes this opportunity to clarify the functions that can be performed by such unlicensed persons.

Section 6530 (11) of Education Law states that "permitting, aiding or abetting an unlicensed person to perform activities requiring a license" constitutes unprofessional conduct. Accordingly, medical tasks may only be delegated to persons who are authorized by law to perform the delegated task. The fact that an unlicensed person may be "competent" to perform the task does not confer the legal authorization to engage in an activity that is restricted to licensed persons. Licensed professionals, including physicians, who knowingly delegate a medical task to a person who is not legally authorized to perform such a task are guilty of professional misconduct.

Below is a list of tasks that can and cannot be performed by "medical assistants" or other unlicensed persons in New York State. The lists include those tasks that are frequently mentioned by practitioners in queries to the board offices. This of course, is not an exhaustive list. Practitioners may be called upon to make judgments about whether certain tasks, not mentioned in the list, may be delegated to an unlicensed person. In making those judgments practitioners with authority to order and/or delegate medical tasks should be guided by the principle that tasks that require the exercise of medical judgment and assessment, or tasks that are specifically restricted to licensed professionals, may not be delegated to "medical assistants" or otherwise unauthorized persons. Such tasks must be performed by licensed persons who, by virtue of their education and licensure, are presumed to possess the level of professional judgment and assessment skills that will ensure safe practice.

Tasks that can be performed by medical assistants or unlicensed persons include the following:

- secretarial work such as assembling charts or assisting with billing,
- measuring vital signs,
- performing ECGs,
- taking laboratory specimens including blood work,
- assisting an authorized practitioner, under the direct and personal supervision of said practitioner, to carry out a specific task, as a "second set of hands" (e.g. authorized practitioner, after positioning a limb, asks the medical assistant to maintain the limb in the position while a bandage is applied or sutures removed. Medical assistant could not independently position the patient.)

Tasks that cannot be performed by medical assistants or unlicensed persons include:

- triage,
- administering medications through any route,
- administering contrast dyes or injections of any kind,
- placing or removing sutures,
- taking x-rays or independently positioning patients for x-rays,
- applying casts,
- first assisting in surgical procedures.

The Board trusts that this information is helpful and urges you to assist your professional colleagues by disseminating this information. If we can be of assistance in any way, please do not hesitate to contact us at the above listed address, by e-mail medbd@mail.nysed.gov or by telephone at 518-474-3817 ext. 560