

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 352

**Introduced by Senator Pavley
(Principal coauthor: Senator Hernandez)**

February 20, 2013

An act to amend Section 2069 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 352, as amended, Pavley. Medical assistants: supervision.

Existing law authorizes a medical assistant to perform specified services relating to the administration of medication and performance of skin tests and simple routine medical tasks and procedures upon specific authorization from and under the supervision of a licensed physician and surgeon or podiatrist, or in a specified clinic upon specific authorization of a physician assistant, nurse practitioner, or nurse-midwife. Existing law requires the Board of Registered Nursing to issue a certificate to practice nurse-midwifery to a qualifying applicant who is licensed pursuant to the Nursing Practice Act.

This bill would delete the requirement that the services performed by the medical assistant be in a specified clinic when under the specific authorization of a physician assistant, nurse practitioner, or certified nurse-midwife. *The bill would prohibit a nurse practitioner, certified nurse-midwife, or physician assistant from authorizing a medical assistant to perform any clinical laboratory test or examination for which the medical assistant is not authorized, as specified, a violation of which would constitute unprofessional conduct.* The bill would also

delete several obsolete references and make other *clarifying*, conforming, technical, and nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2069 of the Business and Professions
2 Code is amended to read:

3 2069. (a) (1) Notwithstanding any other law, a medical
4 assistant may administer medication only by intradermal,
5 subcutaneous, or intramuscular injections and perform skin tests
6 and additional technical supportive services upon the specific
7 authorization and supervision of a licensed physician and surgeon
8 or a licensed podiatrist. A medical assistant may also perform all
9 these tasks and services upon the specific authorization of a
10 physician assistant, a nurse practitioner, or a certified
11 nurse-midwife.

12 (2) The supervising physician and surgeon may, at his or her
13 discretion, in consultation with the nurse practitioner, certified
14 nurse-midwife, or physician assistant, provide written instructions
15 to be followed by a medical assistant in the performance of tasks
16 or supportive services. These written instructions may provide that
17 the supervisory function for the medical assistant for these tasks
18 or supportive services may be delegated to the nurse practitioner,
19 certified nurse-midwife, or physician assistant within the
20 standardized procedures or protocol, and that tasks may be
21 performed when the supervising physician and surgeon is not
22 onsite, if either of the following apply:

23 (A) The nurse practitioner or certified nurse-midwife is
24 functioning pursuant to standardized procedures, as defined by
25 Section 2725, or protocol. The standardized procedures or protocol,
26 *including instructions for specific authorizations*, shall be
27 developed and approved by the supervising physician and surgeon
28 and the nurse practitioner or certified nurse-midwife.

29 (B) The physician assistant is functioning pursuant to regulated
30 services defined in Section 3502, *including instructions for specific*
31 *authorizations*, and is approved to do so by the supervising
32 physician and surgeon.

1 (b) As used in this section and Sections 2070 and 2071, the
2 following definitions apply:

3 (1) “Medical assistant” means a person who may be unlicensed,
4 who performs basic administrative, clerical, and technical
5 supportive services in compliance with this section and Section
6 2070 for a licensed physician and surgeon or a licensed podiatrist,
7 or group thereof, for a medical or podiatry corporation, for a
8 physician assistant, a nurse practitioner, or a certified
9 nurse-midwife as provided in subdivision (a), or for a health care
10 service plan, who is at least 18 years of age, and who has had at
11 least the minimum amount of hours of appropriate training pursuant
12 to standards established by the board. The medical assistant shall
13 be issued a certificate by the training institution or instructor
14 indicating satisfactory completion of the required training. A copy
15 of the certificate shall be retained as a record by each employer of
16 the medical assistant.

17 (2) “Specific authorization” means a specific written order
18 prepared by the supervising physician and surgeon or the
19 supervising podiatrist, or the physician assistant, the nurse
20 practitioner, or the certified nurse-midwife as provided in
21 subdivision (a), authorizing the procedures to be performed on a
22 patient, which shall be placed in the patient’s medical record, or
23 a standing order prepared by the supervising physician and surgeon
24 or the supervising podiatrist, or the physician assistant, the nurse
25 practitioner, or the certified nurse-midwife as provided in
26 subdivision (a), authorizing the procedures to be performed, the
27 duration of which shall be consistent with accepted medical
28 practice. A notation of the standing order shall be placed on the
29 patient’s medical record.

30 (3) “Supervision” means the supervision of procedures
31 authorized by this section by the following practitioners, within
32 the scope of their respective practices, who shall be physically
33 present in the treatment facility during the performance of those
34 procedures:

35 (A) A licensed physician and surgeon.

36 (B) A licensed podiatrist.

37 (C) A physician assistant, nurse practitioner, or certified
38 nurse-midwife as provided in subdivision (a).

39 (4) “Technical supportive services” means simple routine
40 medical tasks and procedures that may be safely performed by a

1 medical assistant who has limited training and who functions under
2 the supervision of a licensed physician and surgeon or a licensed
3 podiatrist, or a physician assistant, a nurse practitioner, or a
4 certified nurse-midwife as provided in subdivision (a).

5 (c) Nothing in this section shall be construed as authorizing any
6 of the following:

7 (1) The licensure of medical assistants.

8 (2) The administration of local anesthetic agents by a medical
9 assistant.

10 (3) The board to adopt any regulations that violate the
11 prohibitions on diagnosis or treatment in Section 2052.

12 (4) A medical assistant to perform any clinical laboratory test
13 or examination for which he or she is not authorized by Chapter
14 3 (commencing with Section 1200).

15 (5) A nurse practitioner, certified nurse-midwife, or physician
16 assistant to be a laboratory director of a clinical laboratory, as those
17 terms are defined in paragraph (8) of subdivision (a) of Section
18 1206 and subdivision (a) of Section 1209.

19 (d) *A nurse practitioner, certified nurse-midwife, or physician*
20 *assistant shall not authorize a medical assistant to perform any*
21 *clinical laboratory test or examination for which the medical*
22 *assistant is not authorized by Chapter 3 (commencing with Section*
23 *1200). A violation of this subdivision constitutes unprofessional*
24 *conduct.*

25 ~~(e)~~

26 (e) Notwithstanding any other law, a medical assistant shall not
27 be employed for inpatient care in a licensed general acute care
28 hospital, as defined in subdivision (a) of Section 1250 of the Health
29 and Safety Code.