

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

February 20, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 352, as introduced, 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.

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 nurse-midwife. The bill would also delete several obsolete references and make other technical, 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 ~~provision of law,~~ a
- 4 medical assistant may administer medication only by intradermal,

1 subcutaneous, or intramuscular injections and perform skin tests  
2 and additional technical supportive services upon the specific  
3 authorization and supervision of a licensed physician and surgeon  
4 or a licensed podiatrist. A medical assistant may also perform all  
5 these tasks and services ~~in a clinic licensed pursuant to subdivision~~  
6 ~~(a) of Section 1204 of the Health and Safety Code~~ upon the specific  
7 authorization of a physician assistant, a nurse practitioner, or a  
8 nurse-midwife.

9 (2) The supervising physician and surgeon ~~at a clinic described~~  
10 ~~in paragraph (1)~~ may, at his or her discretion, in consultation with  
11 the nurse practitioner, nurse-midwife, or physician assistant,  
12 provide written instructions to be followed by a medical assistant  
13 in the performance of tasks or supportive services. These written  
14 instructions may provide that the supervisory function for the  
15 medical assistant for these tasks or supportive services may be  
16 delegated to the nurse practitioner, nurse-midwife, or physician  
17 assistant within the standardized procedures or protocol, and that  
18 tasks may be performed when the supervising physician and  
19 surgeon is not onsite, ~~so long as if either of the following apply:~~

20 (A) The nurse practitioner or nurse-midwife is functioning  
21 pursuant to standardized procedures, as defined by Section 2725,  
22 or protocol. The standardized procedures or protocol shall be  
23 developed and approved by the supervising physician and surgeon,  
24 the nurse practitioner or nurse-midwife, and the facility  
25 administrator or his or her designee.

26 (B) The physician assistant is functioning pursuant to regulated  
27 services defined in Section 3502 and is approved to do so by the  
28 supervising physician ~~or~~ and surgeon.

29 (b) As used in this section and Sections 2070 and 2071, the  
30 following definitions ~~shall~~ apply:

31 (1) “Medical assistant” means a person who may be unlicensed,  
32 who performs basic administrative, clerical, and technical  
33 supportive services in compliance with this section and Section  
34 2070 for a licensed physician and surgeon or a licensed podiatrist,  
35 or group thereof, for a medical or podiatry corporation, for a  
36 physician assistant, a nurse practitioner, or a nurse-midwife as  
37 provided in subdivision (a), or for a health care service plan, who  
38 is at least 18 years of age, and who has had at least the minimum  
39 amount of hours of appropriate training pursuant to standards  
40 established by the ~~Division of Licensing~~ board. The medical

1 assistant shall be issued a certificate by the training institution or  
2 instructor indicating satisfactory completion of the required  
3 training. A copy of the certificate shall be retained as a record by  
4 each employer of the medical assistant.

5 (2) “Specific authorization” means a specific written order  
6 prepared by the supervising physician and surgeon or the  
7 supervising podiatrist, or the physician assistant, the nurse  
8 practitioner, or the nurse-midwife as provided in subdivision (a),  
9 authorizing the procedures to be performed on a patient, which  
10 shall be placed in the patient’s medical record, or a standing order  
11 prepared by the supervising physician and surgeon or the  
12 supervising podiatrist, or the physician assistant, the nurse  
13 practitioner, or the nurse-midwife as provided in subdivision (a),  
14 authorizing the procedures to be performed, the duration of which  
15 shall be consistent with accepted medical practice. A notation of  
16 the standing order shall be placed on the patient’s medical record.

17 (3) “Supervision” means the supervision of procedures  
18 authorized by this section by the following practitioners, within  
19 the scope of their respective practices, who shall be physically  
20 present in the treatment facility during the performance of those  
21 procedures:

22 (A) A licensed physician and surgeon.

23 (B) A licensed podiatrist.

24 (C) A physician assistant, nurse practitioner, or nurse-midwife  
25 as provided in subdivision (a).

26 (4) “Technical supportive services” means simple routine  
27 medical tasks and procedures that may be safely performed by a  
28 medical assistant who has limited training and who functions under  
29 the supervision of a licensed physician and surgeon or a licensed  
30 podiatrist, or a physician assistant, a nurse practitioner, or a  
31 nurse-midwife as provided in subdivision (a).

32 (c) Nothing in this section shall be construed as authorizing ~~the~~  
33 *any of the following*:

34 (1) ~~The licensure of medical assistants. Nothing in this section~~  
35 ~~shall be construed as authorizing the~~

36 (2) ~~The administration of local anesthetic agents by a medical~~  
37 ~~assistant. Nothing in this section shall be construed as authorizing~~  
38 ~~the division to~~

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

1 (e) Nothing in this section shall be construed as authorizing a  
2 medical assistant to perform any clinical laboratory test or  
3 examination for which he or she is not authorized by Chapter 3  
4 (commencing with Section 1206.5). Nothing in this section shall  
5 be construed as authorizing a nurse practitioner, nurse-midwife,  
6 or physician assistant to be a laboratory director of a clinical  
7 laboratory, as those terms are defined in paragraph (8) of  
8 subdivision (a) of Section 1206 and subdivision (a) of Section  
9 1209.

10 (d) Notwithstanding any other ~~provision of~~ law, a medical  
11 assistant ~~may~~ shall not be employed for inpatient care in a licensed  
12 general acute care hospital, as defined in subdivision (a) of Section  
13 1250 of the Health and Safety Code.

14 (4) *A medical assistant to perform any clinical laboratory test*  
15 *or examination for which he or she is not authorized by Chapter*  
16 *3 (commencing with Section 1200).*

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