

SENATE BILL REPORT

ESHB 1515

As Reported by Senate Committee On:
Health Care, March 28, 2013

Title: An act relating to medical assistants.

Brief Description: Concerning medical assistants.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Green, Morrell and Ryu).

Brief History: Passed House: 3/11/13, 97-0.

Committee Activity: Health Care: 3/26/13, 3/28/13 [DP].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Keiser, Ranking Member; Bailey, Cleveland, Ericksen, Frockt, Parlette and Schlicher.

Staff: Mich'l Needham (786-7442)

Background: Four new professions were created last year: medical assistant-certified (MA-Certified), medical assistant-registered (MA-Registered), medical assistant-hemodialysis technician (MA-Hemodialysis Technician), and medical assistant-phlebotomist (MA-Phlebotomist). The existing health care assistant credential will be eliminated on July 1, 2016. Persons certified as a health care assistant will be automatically converted to medical assistants upon renewal of their certifications. The new medical assistant professions must be implemented by July 1, 2013.

A person meets the qualifications for certification as an MA-Certified if that person satisfactorily completes a medical assistant training program approved by the secretary of the Department of Health (Secretary), passes an examination approved by the Secretary, and meets any additional qualifications established by the Secretary in rule. A person who did not pass the examination may practice as an MA-Certified under an interim permit. The permit expires upon passage of the examination or after one year, whichever occurs first, and may not be renewed.

A person meets the qualifications for registration as an MA-Registered if that person:

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- is endorsed by a health care practitioner, clinic, or group practice that meets qualifications established by the Secretary; and
- has a current attestation of personal endorsement to perform specific medical tasks signed by a supervising health care practitioner filed with the Department of Health (DOH). An MA-Registered may only perform the medical tasks listed on the attestation.

A person meets the qualifications for certification as an MA-Hemodialysis Technician if that person meets qualifications adopted by the Secretary in rule. The qualifications must be equivalent to the current qualifications for hemodialysis technicians certified as health care assistants.

A person meets the qualifications for certification as an MA-Phlebotomist if that person meets qualifications adopted by the Secretary in rule.

The specific scope of practice for each profession and the ability to perform certain delegated tasks are detailed in statute.

The following health care practitioners are authorized to delegate to, and supervise, a medical assistant:

- a physician or an osteopathic physician;
- a podiatric physician and surgeon;
- a registered nurse;
- an advanced registered nurse practitioner;
- a naturopath;
- an optometrist;
- a physician assistant; and
- an osteopathic physician assistant.

Summary of Bill: The Legislature intends that individuals performing specialized functions be trained and supervised in a manner that will not pose an undue risk to patient safety.

An applicant for an MA-Registered credential who applies for registration within seven days of employment by the endorsing health care practitioner, clinic, or group practice may work as an MA-Registered for up to 60 days while the application is processed. The applicant must stop working on the 60th day of employment if the registration is not granted for any reason. A certified health care assistant's credential must be in good standing before it can automatically be converted to a medical assistant credential

The scope of practice of an MA-Certified is expanded to include the following:

- the administration of multi-dose vaccines;
- urethral catheterization when properly trained; and
- moderate complexity tests if the MA-Certified meets standards for personnel qualifications and responsibilities in compliance with federal regulations for nonwaived testing.

An MA-Certified may not administer experimental drugs or hemodialysis agents. An MA-Certified must be under direct visual supervision while administering intravenous drugs.

The scope of practice of an MA-Registered is expanded to include the following:

- the administration of multi-dose vaccines;
- urethral catheterization when properly trained;
- moderate complexity tests if the MA-Registered meets standards for personnel qualifications and responsibilities in compliance with federal regulations for nonwaived testing;
- the administration of eye drops and topical ointments; and
- preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries utilizing no more than local anesthetic. DOH may, by rule, prohibit any of these duties if performance of those duties by an MA-Registered would pose an unreasonable risk to patient safety.

A task may be only be delegated to a MA-Hemodialysis Technician if it is not likely to present life-threatening consequences or serious harm to the patient when performed improperly.

DOH may delay the implementation of the MA-Registered credential as necessary to comply with the requirements described above.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect July 1, 2013.

Staff Summary of Public Testimony: PRO: This is a cleanup from the bill we passed last year. As rulemaking began we discovered some challenges and discovered a lot of activities out there are happening outside the law. We had hosts of meetings with casts of thousands to work through these issues and we reached an agreement. These changes will help ensure the activities out there are legal. As we prepare to replace the health care assistants with medical assistants we identified some issues that need to be addressed. One area that needs to be addressed is the application of eye drops. It is the first thing that happens in the eye doctor's office and without this change the entire practice will be thrown upside down to have the doctor provide the drops instead of the medical assistant. The nurses supervise the medical assistants and we worked through the clarifications on supervision and delegation with additional safeguards so this is cooked and ready to go. We are very enthusiastic about this agreement and hope this can pass.

OTHER: We have some concerns about the training and expertise for catheterization since it is not a requirement of all the education programs. Some of the programs do include training but it is not required and there may be a safety concern especially with children or the elderly.

Persons Testifying: PRO: Representative Cody, prime sponsor; Susie Tracy, WA Academy of Eye Physicians and Surgeons, WA State Medical Assn.; Carl Nelson, WA State Medical

Assn.; Melissa Johnson, WA State Nurses Assn.; Gail McGaffick, WA State Podiatric Medical Assn., Fresenius Medical Care North America.

OTHER: Patricia Hightower, WA State Society of Medical Assistants.