

April 2009

Thank you for your inquiry concerning what duties are delegable legally to medical assistants according to Nebraska law.

My research has revealed that language authorizing medical assisting practice is found in the Nurse Practice Act. According to Section 38-2218(3) of the Nebraska statutes, the Nurse Practice Act does not prohibit:

Auxiliary patient care services provided by persons carrying out duties under the direction of a licensed practitioner;

It is my legal opinion that this statutory language and common law principles inherent in state licensure authorize physicians to delegate clinical procedures (including venipuncture and injections) to unlicensed allied health professionals such as medical assistants. Furthermore, the Nebraska Department of Health, Bureau of Examining Boards has issued an opinion letter (SEE enclosed) that “appropriately trained medical assistants can give injections in a physician’s office.” Procedures which constitute the practice of medicine, or which state law **specifically and unambiguously** permits only certain licensed allied health care professionals to perform, however, may not be delegated to unlicensed personnel such as medical assistants.

I hope this information is helpful. Please do not hesitate to contact me if you have further questions or need additional assistance.

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