

Medical Assistant's Scope of Practice

In September 2012, the Department of Health and Human Services published a rule that allows credentialed medical assistants to enter orders into certified electronic health record technology (CEHRT) to get credit for computerized physician order entries (CPOE). Medicare and Medicaid Programs; Electronic Health Record Incentive Program—Stage 2, 77 Fed. Reg. 53,968, 53,986 (Sept. 4, 2012). HHS defines “credentialed medical assistants” as those who have received their credentialing from an *organization other than the employing organization*. Id. To be prudent, Maryland physicians should require that their medical assistants receive their credentialing from a *nationally recognized organization*.

The federal government further explains in 42 C.F.R. § 495.6(f)(1)(i) that while any licensed health care professional may enter orders into the medical record, *state* guidelines must be observed. 42 C.F.R. § 495.6(f)(1)(i) (2014).

Maryland states that only a physician may “practice medicine,” unless an exception applies. MD. CODE ANN., HEALTH OCC. § 14-101(m) (West 2014). To “practice medicine” means “to engage, with or without compensation, in medical diagnosis, healing, treatment, or surgery.” MD. CODE ANN., HEALTH OCC. § 14-101(o)(1) (West 2014). Entering orders into CEHRT (i.e. simply checking off the boxes to order labs) at the request of the physician would not fall under Maryland’s definition of the “practice” of medicine. However, only credentialed medical assistants in Maryland may enter orders into CEHRT to get credit for CPOE.

Regarding prescriptions: Because ordering prescriptions would fall under the “practice of medicine,” credentialed medical assistants may only enter orders for a prescription at a physician’s request. In other words, a credentialed medical assistant may not ask the patient if the patient requires a refill, but a credentialed medical assistant may order the refill if the physician directs him or her to do so.