



AMERICAN ASSOCIATION
OF MEDICAL ASSISTANTS®

20 N. WACKER DR., STE. 1575
CHICAGO, ILLINOIS 60606

Thank you for your inquiry concerning what tasks are delegable legally to medical assistants according to New Mexico law.

Please note the following excerpt from the New Mexico statutes:

61-6-17. Exceptions to act. (Repealed effective July 1, 2016.)

The Medical Practice Act shall not apply to or affect:

H. an act, task or function of laboratory technicians or technologists, x-ray technicians, nurse practitioners, medical or surgical assistants or other technicians or qualified persons permitted by law or established by custom as part of the duties delegated to them by:

(1) a licensed physician or a hospital, clinic or institution licensed or approved by the public health division of the department of health or an agency of the federal government; or

(2) a health care program operated or financed by an agency of the state or federal government;

I. a properly trained medical or surgical assistant or technician or professional licensee performing under the physician's employment and direct supervision or a visiting physician or surgeon operating under the physician's direct supervision a medical act that a reasonable and prudent physician would find within the scope of sound medical judgment to delegate if, in the opinion of the delegating physician, the act can be properly and safely performed in its customary manner and if the person does not hold himself out to the public as being authorized to practice medicine in New Mexico. The delegating physician shall remain responsible for the medical acts of the person performing the delegated medical acts;

(Although the New Mexico statutory language excerpted above was repealed as of July 1, 2016, no new statutory language has been enacted. Therefore, the language in the attached is the most authoritative guidance on the medical assistant's scope of practice under New Mexico law.)

It is my legal opinion that this language permits physicians to delegate a reasonable scope of clinical and administrative tasks (including venipuncture and intramuscular, intradermal, and subcutaneous injections) to knowledgeable and competent unlicensed professionals such as medical assistants working under their direct/onsite supervision in outpatient settings.



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To my knowledge, there is nothing in New Mexico law which forbids supervising physicians from delegating tasks to medical assistants through licensed health professionals, such as physician assistants, nurse practitioners, or registered nurses. It is advisable to have the supervising physician authorize in writing which tasks are being delegated to medical assistants, and which health professionals are being assigned by the physician to oversee the medical assistants.

Tasks which constitute the practice of medicine, or which state law permits only certain health care professionals to perform, however, may not be delegated to unlicensed personnel such as medical assistants.



Donald A. Balasa, JD, MBA
CEO and Legal Counsel
dbalasa@aama-ntl.org