

1 **Scope of Practice for Medical Assistants under Illinois Law**

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

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6 Medical assistants continue to be in high demand throughout the United States. Medical assisting
7 scope of practice is determined primarily by state law. This paper will explain the scope of practice
8 for medical assistants under Illinois law.

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10 As is the case under the laws of many states, Illinois law does not refer to “medical assistants” by
11 name. Medical assistants are classified as “unlicensed personnel” or “other personnel” under Illinois
12 law. Physicians, registered professional nurses, advanced practice nurses (including nurse
13 practitioners), and physician assistants are permitted under Illinois law to delegate certain tasks to
14 unlicensed professionals such as medical assistants as long as the provisions of the law are followed.

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16 **Illinois Medical Practice Act—delegation by physicians**

17 (225 ILCS 60/54.2)

18 Sec. 54.2. Physician delegation of authority.

19 (a) Nothing in this Act shall be construed to limit the delegation of patient care tasks or duties by a
20 physician, to a licensed practical nurse, a registered professional nurse, or other licensed person
21 practicing within the scope of his or her individual licensing Act. Delegation by a physician licensed
22 to practice medicine in all its branches to physician assistants or advanced practice registered nurses
23 is also addressed in Section 54.5 of this Act. No physician may delegate any patient care task or duty
24 that is statutorily or by rule mandated to be performed by a physician.

25 (b) In an office or practice setting and within a physician-patient relationship, a physician may
26 delegate patient care tasks or duties to an **unlicensed person** [such as a medical assistant] who
27 possesses appropriate training and experience provided a health care professional, who is practicing
28 within the scope of such licensed professional's individual licensing Act, is on site to provide
29 assistance.

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31 (f) Nothing in this Act shall be construed to limit the method of delegation that may be authorized
32 by any means, including, but not limited to, oral, written, electronic, standing orders, protocols,
33 guidelines, or verbal orders.

34 (Source: P.A. 100-513, eff. 1-1-18.)

35
36 **Illinois Nurse Practice Act—delegation by RNs and APNs (including nurse practitioners)**

37 (225 ILCS 65/65-30)

38 Sec. 65-30. APN [Advanced Practice Nurse] scope of practice.....

39 (c) The scope of practice of an advanced practice nurse includes, but is not limited to, each of the
40 following:...

41 (7) Delegating selected nursing activities or tasks to a licensed practical nurse, a registered
42 professional nurse, or **other personnel** [such as medical assistants].

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44 (225 ILCS 65/50-75)

45 Sec. 50-75. Nursing delegation by a registered professional nurse.

46 (a) For the purposes of this Section:

47 "Delegation" means transferring to a specific individual the authority to
48 perform a specific nursing intervention in a specific situation.

49 "Predictability of outcomes" means that a registered professional nurse or
50 advanced practice registered nurse has determined that the patient's or
51 individual's clinical status is stable and expected to improve or the patient's or
52 individual's deteriorating condition is expected to follow a known or expected
53 course.

54 "Stability" means a registered professional nurse or advanced practice
55 registered nurse has determined that the individual's clinical status and
56 nursing care needs are consistent.

57 (b) This Section authorizes a registered professional nurse or advanced
58 practice registered nurse to:

59 (1) delegate nursing interventions to other registered professional nurses, licensed practical nurses,
60 and **other unlicensed personnel** [such as medical assistants] based on the comprehensive nursing
61 assessment that includes, but is not limited to:

62 (A) the stability and condition of the patient;

63 (B) the potential for harm;

64 (C) the complexity of the nursing intervention to be delegated;

65 (D) the predictability of outcomes; and

66 (E) competency of the individual to whom the nursing intervention is delegated;

67 (2) **delegate medication administration to other licensed nurses;**

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69 **Illinois Physician Assistant Law—delegation by physician assistants**

70 Section 1350.90—Scope and Function

71 a) A physician assistant may provide medical/surgical services delegated to him/her by the
72 collaborating physicians when those services are within his/her education, training and
73 experience and within the current scope of practice of the collaborating physician and are
74 provided under the collaboration and direction of the collaborating physician.

75

76 It is my legal opinion that this section of the Illinois law permits physician assistants to delegate to
77 **unlicensed persons** [such as medical assistants] to the extent that such delegation is authorized by
78 the collaborating physician.

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80 **Making scope of service/practice determinations**

81 1. To formulate a legal opinion on whether a particular task is delegable to medical assistants when
82 state law does not address the legality or when state law is ambiguous, I often begin my analysis by
83 evaluating whether the task is *usually and customarily* delegated to medical assistants in the state and
84 in other states. I also determine whether the task is contained in the Core Curriculum of the current
85 CAAHEP *Standards and Guidelines for the Accreditation of Educational Programs in Medical*
86 *Assisting*. (The Core Curriculum of the CAAHEP *Standards* takes into account the results of the
87 most recent occupational analysis of the medical assisting profession.)

88 2. It may be prudent to ask the *malpractice insurance carrier* for the practice/clinic/health system
89 whether it would cover any negligence by a medical assistant in performing certain tasks. The
90 insurance carrier should be asked to put its opinion in writing.