



# Nevada State Board of Medical Examiners

## MEDICAL ASSISTANTS AND ADMINISTRATION OF PRESCRIPTION DRUGS

Recent events have resulted in questions regarding what medical assistants (MAs) may or may not do related to the administration of prescription drugs. The short and correct answer is that MAs may **NOT** administer any prescription drugs. This document is intended: (1) to explain the law at issue, and (2) to explain the practical application of this law.

### THE LAWS AT ISSUE

Nevada Administrative Code (NAC) 630.230(2)(d) defines a “medical assistant” to be a person who:

- (1) Is employed by a physician or physician assistant;
- (2) Is under the direction and supervision of the physician or physician assistant;
- (3) Assists in the care of a patient; and
- (4) Is not required to be certified or licensed by an administrative agency to provide that assistance.

Because NAC 630.230(2)(d) is conjunctive, all four conditions must be met for a person to lawfully be acting as an MA.

Nevada Revised Statutes (NRS) 454.191 defines the act of administering a dangerous drug<sup>i</sup> to be “the direct application of a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject.” NRS 453.021 contains a similar definition related to the administration of controlled substances.<sup>ii</sup>

In NRS 454.213<sup>iii</sup>, the Legislature has defined a list of people who may lawfully administer a dangerous drug. In NRS 453.375<sup>iv</sup>, the Legislature has defined a list of people who may lawfully administer a controlled substance. MAs are not on the list in NRS 454.213 or the list in NRS 453.375. Because MAs are not on the lists in NRS 454.213 or 453.375, as a matter of law they may not administer any prescription drugs.

The penalties for violation of these laws may include disciplinary action by this Board (*see* NRS 630.306(3) and NAC 630.230(1)(i)) and criminal prosecution (*see* NRS 454.356 and NRS 453.421).

## PRACTICAL APPLICATION OF THE LAWS

The Board is aware that most physicians and physician assistants in Nevada were allowing their MAs to administer prescription drugs. Our intent is to make clear that such practices must cease immediately. The practical application of the Nevada law includes the following points:

- MAs may not administer any prescription drugs. MAs may not give injections. MAs may not administer an inhaled drug. MAs may not apply any prescription cream, ointment, or salve. MAs may not apply prescription ophthalmic or otic drops. MAs may not insert prescription suppositories. MAs may not start IVs (because doing so usually involves the use of saline or another product that is a prescription drug). MAs may not apply or provide prescription drugs to the body of a patient by any other means.
- MAs may continue to perform any other services that comply with NAC 630.230(2)(d) listed above. This means:
  - The MA must be employed by the physician or physician assistant, so independent contractors or employees of somebody other than the physician or physician assistant may not act as MAs.
  - The MA must be directed and supervised by the physician or physician assistant in assistance to him or her, so MAs may not act independently of a physician or physician assistant.
  - The MA may not perform any task for which licensure would otherwise be required, so an MA may not perform an act that is within the scope of practice of any licensed or registered profession such as medicine, nursing, pharmacy, optometry, dentistry, physical therapy, a mental health profession, and any other similar profession.
- Physicians and physician assistants may employ people on the lists found in NRS 454.213 and 453.375 to administer prescription drugs. This means, for example, that a physician or physician assistant may employ an RN or LPN to administer prescription drugs subject to the applicable statutes and regulations of the Board of Nursing.

---

<sup>i</sup> **NRS 454.201 “Dangerous drug” defined.** “Dangerous drug” means any drug, other than a controlled substance, unsafe for self-medication or unsupervised use, and includes the following:

1. Any drug which has been approved by the Food and Drug Administration for general distribution and bears the legend: “Caution: Federal law prohibits dispensing without prescription.” . . .

<sup>ii</sup> **NRS 453.021 “Administer” defined.** “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

1. A practitioner or, in the practitioner’s presence, by the practitioner’s authorized agent; or
2. The patient or research subject at the direction and in the presence of the practitioner.

<sup>iii</sup> **NRS 454.213 Authority to possess and administer dangerous drug.** A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.
2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his supervising physician or a licensed dental hygienist acting in the office of any under the supervision of a dentist.
3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.
4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:
  - (a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and
  - (b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

- (a) The State Board of Health in a county whose population is less than 100,000;
- (b) A county board of health in a county whose population is 100,000 or more; or
- (c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

7. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

8. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

- (a) In the presence of a physician or a registered nurse; or
- (b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

9. Any person designated by the head of a correctional institution.

10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

11. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

12. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

14. A physical therapist, but only if the drug or medicine is a topical drug which is:

- (a) Used for cooling and stretching external tissue during therapeutic treatments; and
- (b) Prescribed by a licensed physician for:
  - (1) Iontophoresis; or
  - (2) The transmission of drugs through the skin using ultrasound.

15. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

16. A veterinary technician at the direction of his supervising veterinarian.

17. In accordance with applicable regulations of the Board, a registered pharmacist who:

- (a) Is trained in and certified to carry out standards and practices for immunization programs;
- (b) Is authorized to administer immunizations pursuant to written protocols from a physician; and
- (c) Administers immunizations in compliance with the Standards of Immunization Practices<sup>7</sup> recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

18. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person license or registered to perform the respective medical art or a supervisor of such a person.

<sup>iv</sup> **NRS 453.375 Authority to possess and administer controlled substances.** A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

- (1) The State Board of Health in a county whose population is less than 100,000; or
- (2) A county or district board of health in a county whose population is 100,000 or more; or
- (3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician or physician assistant and:

- (a) In the presence of a physician, physician assistant or a registered nurse; or
- (b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

---

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substances in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.