

55 N.J.R. 2566(a)

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PUBLIC NOTICES

Reporter

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AFFAIRS*

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > BOARD OF
MEDICAL EXAMINERS

Administrative Code Citation

N.J.A.C. 13:35-6.4

Text

Notice of Action on Receipt of Petition for Rulemaking

**Delegation of Administration of Subcutaneous and
Intramuscular Injections and Performance of Venipuncture to
Certified Medical Assistants**

Authority: N.J.S.A. 45:9-2.

Petitioner: Joshua M. Bengal, Director of Government Relations &
Staff Counsel, Medical Society of New Jersey.

Take notice that on October 12, 2023, the Board of
Medical Examiners (Board) received a petition for rulemaking
from Joshua M. Bengal, on behalf of the Medical Society of New
Jersey (petitioner). The petition requested that the Board amend
N.J.A.C. 13:35-6.4 to end a prohibition on physicians directing
the administration by a certified medical assistant of an
injection of any substance related to allergenic testing or
treatment.

The petitioner contends that the prohibition at N.J.A.C.
13:35-6.4 means that immunotherapy must be administered by a

nurse, physician assistant, or physician. This imposes difficulties as there is, according to the petitioner, an ongoing shortage of healthcare workers, including nurses and physician assistants. The petitioner contends that amending the rule to remove the prohibition would increase access to immunotherapy as it would allow physicians to hire more staff and serve more patients who seek immunotherapy. The petitioner also contends that multiple other states allow certified medical assistants to administer allergy shots and that ending the prohibition would be consistent with standards from the American Academy of Allergy, Asthma & Immunology (AAAAI), and the American College of Allergy, Asthma & Immunology (ACAAI).

The petitioner recommends that the phrase "any substance related to allergenic testing or treatment" be deleted from N.J.A.C. 13:35-6.4(d). In the alternative, the petitioner recommends that the Board amend the rule to establish specific education, training, skills demonstration, supervision, and other requirements for certified medical assistants to qualify to administer an injection of any substance related to allergenic testing or treatment pursuant to the direction of a physician. The petitioner provided examples of such requirements, including the physical presence of the physician when such substances are administered, training in recognizing the symptoms of anaphylaxis, the immediate availability of emergency medication and treatments, cardio-pulmonary resuscitation certification, patient monitoring post-administration, and the observation of the injection site by a licensed healthcare professional before a patient leaves an office.

The Board reviewed the petitioner's request at its November 8, 2023 meeting. The Board will not amend N.J.A.C. 13:35-6.4 as the petitioner requests. The Board is concerned that certified medical assistants do not have the ability to react to an adverse reaction that can occur when allergenic testing or treatment is provided. At a minimum, a practitioner must be certified in Advanced Cardiac Life Support (ACLS) by the American Heart Association, or a certification of comparable scope and rigor, to safely and effectively administer an injection of any substance related to allergenic testing or treatment. A certified medical assistant does not have the requisite education to qualify to obtain this certification. Even if an appropriately ACLS certified practitioner is readily available when testing or treatment is provided, such practitioner would not be able to provide the necessary responses to adverse reactions which can arise virtually instantaneously for some patients. The Board is also concerned that responses to adverse reactions entail the ability to diagnose which is outside the education and training of a certified medical assistant.

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-4.2.

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