

Misuse of Medical Assisting Credentials May Have Legal Consequences

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The roles of medical assistants have expanded and diversified during the last ten years. So have the number and types of medical assisting credentials. This document will explain basic facts about medical assisting credentials and potential legal consequences from misusing them.

Licensing and certification

A *license* is a *mandatory* credential, usually issued by a state, without which an individual is not permitted by law to practice a profession. A *certification* is most frequently a *voluntary* credential, usually issued by a private-sector body, that provides evidence of an individual's knowledge and competence in a profession. A license is required by law; a certification is (with limited exceptions) not required by law.

Examples of medical assisting licenses are the “medical assistant-certified (MA-C)” and the “medical assistant-registered (MA-R)” issued by the Washington Department of Health.

Accreditation of certification programs

There are two accreditations available to American certification programs:

- Accreditation by the National Commission for Certifying Agencies (NCCA) under its *Standards for the Accreditation of Certification Programs*;
- Accreditation under International Standard *ISO/IEC 17024:2012(E), Conformity assessment—General requirements for bodies operating certification of persons (ISO 17024)*.

Accreditation of medical assisting certification programs

The CMA (AAMA) is a medical assisting certification issued by the Certifying Board of the American Association of Medical Assistants (AAMA). The CMA (AAMA) Certification Program is the only medical assisting certification program that is accredited both by the NCCA and under *ISO 17024*.

Use of the CMA (AAMA)

The only medical assistants permitted to use the CMA (AAMA) designation in connection with employment or seeking employment are those medical assistants whose CMA (AAMA) is current. A medical assistant who never held the CMA (AAMA), and a medical assistant who formerly held the CMA (AAMA) but whose CMA (AAMA) is not current, are forbidden from using the CMA (AAMA). A medical assistant who violates this policy is in jeopardy of:

- sanctions by the Certifying Board of the AAMA; and
- sanctions under federal trademark law

Registration of the “CMA (AAMA)”

The AAMA registered the “CMA (AAMA)” designation/initialism with the United States Patent and Trademark Office (USPTO) as a certification mark. This registration gives the AAMA intellectual property rights in this designation. According to the USPTO, a certification mark “is a type of trademark that is used to show consumers that particular goods and/or services, or their providers, have met certain standards.” (USPTO website)

Registration of the “certified medical assistant” phrase

The three-word-phrase “certified medical assistant” also has been registered by the AAMA with the USPTO. Consequently, this three-word-phrase should not be used as a generic reference to *all medical assistants*. It should also not be used as a generic reference to *all medical assistants who hold a credential*. It should only be used when referring to medical assistants who hold a current CMA (AAMA).

Legal status of the “CMA” initialism

The “CMA” initialism is not registered with the USPTO. This is because the official designation of the credential awarded by the Certifying Board of the AAMA was changed from “CMA” to “CMA (AAMA),” effective January 1, 2008. However, the AAMA retains common law rights in the initialism “CMA.” For example, if the initialism “CMA” were used in a way that would likely confuse employers or other parties into thinking that the reference to “CMA” was a reference to “CMA (AAMA),” the AAMA would likely have a cause of action against the misusing party.

State law authorizing use of “CMA” as an abbreviation of “Certified medication aide/assistant”

Statutes or regulations of some states permit or require the initialism “CMA” to be used as the designation for “certified medication aides (or assistants).” Such state laws do not infringe the AAMA’s common law rights in the “CMA” initialism because the authority of a government to define an initialism and restrict its use supersedes the authority of a private-sector body such as a certifying board to do so. In fact, in some states it is a violation of state law to use “CMAs” to refer to medical assistants rather than medication aides. This is another example of negative legal consequences resulting from the misuse of a credential.

State law requiring words or initials to be used on name tags of medical assistants

Laws of some states require words or initialisms to be on the name tags of medical assistants. These laws must be obeyed. If they are not, legal sanctions may result.

Display of medical assisting credentials in electronic health record (EHR) platforms

Employers will sometimes tell medical assistants that the EHR platform of the clinic/practice/health system will not permit the inclusion of medical assistants’ credentials. This is usually not the case. Most EHR platforms have this capability.

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