

Note: This is a sample only, and the final language introduced in any state would vary somewhat from this model, and should be introduced to the legislature only after discussions with our AST State Assembly group in a state as well as all key stakeholders. AST State Assembly groups that are interested in the pursuit of legislation are advised to examine this sample, and to contact the AST Government Affairs Department for a more thorough explanation of the language and the process prior to communications with legislators.

An Act relating to the employment of persons to practice surgical technology and certain other operating room staff by certain healthcare facilities.

SECTION 1. “Surgical Technology” means intraoperative surgical patient care that involves:

- (a) preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;
- (b) preparing the operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;
- (c) anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient's surgical procedure; and
- (d) as directed in an operating room setting, performing tasks at the sterile field including:
 - (1) passing supplies, equipment, or instruments;
 - (2) sponging or suctioning an operative site;
 - (3) preparing and cutting suture material;
 - (4) transferring and irrigating with fluids;
 - (5) transferring but not administering drugs within the sterile field;
 - (6) handling specimens;
 - (7) holding retractors; and
 - (8) assisting in counting sponges, needles, supplies, and instruments with the RN circulator.

Section 2 (1) A person may not practice surgical technology in a healthcare facility unless the person meets one of the following:

- (a) has successfully completed an accredited educational program for surgical technologists and holds and maintains the Surgical Technologist Certification administered by the National Board of Surgical Technology and Surgical Assisting or its successor; or
- (b) has completed an appropriate training program for surgical technology in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States

or in the United States Public Health Service; or

(c) provides evidence that the person was employed to practice surgical technology in a healthcare facility prior to the effective date of this act; or

(d) is in the service of the federal government, to the extent the person is performing duties related to that service.

(2) A person may be employed to practice surgical technology during the twelve month period immediately following graduation from an accredited school of surgical technology, but may not continue to be employed beyond that period without documentation that the employee holds and maintains the certified surgical technologist certification required in Section 2 (1)(a).

Section 3.

- (a) A person who qualifies to be employed to practice surgical technology in a healthcare facility under Section 2 (a), (b), or (c) must annually complete 15 hours of continuing education to remain qualified for employment.
- (b) A healthcare facility that employs a person to practice surgical technology shall verify that the person meets the continuing education requirements of Subsection (a) and, where applicable, that the person has maintained the Surgical Technologist Certification.

Section 4. A healthcare facility shall supervise each person employed by the healthcare facility to practice surgical technology according to the healthcare facility's policies and procedures to ensure that the person competently performs delegated tasks intraoperatively and according to this Act or other law.

Section 5. Nothing in this Act shall prohibit any licensed practitioner from performing surgical technology tasks or functions if the person is acting within the scope of that practitioner's license.

Section 6. The Department of Healthcare Facilities Licensing [or applicable name of hospital or ambulatory surgical center regulatory agency] shall enforce the provisions of this Act.

Section 7. This Act shall take effect on (Month, Date, Year).