

## AST Model Legislation

**Note: This is a sample only. The final language introduced in any state would vary from this model. Legislation should be introduced to the legislature only after discussions with the applicable AST State Assembly as well as all key stakeholders. AST State Assemblies that are interested in pursuing legislation are advised to examine this model and to contact the AST Government Affairs Department for a more information about the legislative process prior to communications with legislators.**

An Act relating to the practice of surgical technology and surgical technologists.

### SECTION 1.

- (1) “Health care facility” means a hospital, ambulatory surgical center, or freestanding surgical outpatient facility [as defined by applicable state law(s)].
- (2) “Surgical technologist” means a person who is employed or contracted by a health care facility to perform surgical technology tasks and functions.
- (3) “Surgical technology” means surgical patient care that includes, but is not limited to, the following tasks or functions:
  - a) preparing the operating room and the sterile field for surgical procedures by ensuring that surgical equipment is functioning properly and safely and preparing sterile supplies, instruments, and equipment using sterile technique; and
  - b) as directed, performing tasks at the sterile field including:
    - (1) maintaining asepsis and correcting breaks in the sterile field;
    - (2) passing supplies, equipment or instruments according to the needs of the surgical team;
    - (3) sponging or suctioning an operative site;
    - (4) preparing and cutting suture material;
    - (5) transferring and irrigating with fluids;
    - (6) transferring but not administering drugs within the sterile field;
    - (7) handling specimens;
    - (8) holding retractors and other instruments;
    - (9) applying electrocautery to clamps on bleeders;
    - (10) connecting drains to suction apparatus;

- (11) applying dressings to closed wounds; and
- (12) performing sponge, needle, supply, and instrument counts with the registered nurse circulator.

## **Section 2.**

(1) A health care facility shall not employ or otherwise contract for the services of a surgical technologist in a health care facility unless the person meets at least one of the following:

(a) has successfully completed a nationally accredited educational program for surgical technologists and holds and maintains the Certified Surgical Technologist credential administered by the National Board of Surgical Technology and Surgical Assisting or its successor; or

(b) provides evidence that the person was employed to practice surgical technology in a health care facility on the effective date of this Act or was employed to practice surgical technology during the two years immediately preceding the effective date of this Act; or

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

(2) A health care facility may employ or contract a person to practice surgical technology during the twelve month period immediately following successful completion of a surgical technology program, but may not continue to be employed or contracted with beyond that period without documentation that the employee or contractor holds and maintains the certified surgical technologist credential required in Section 2 (1)(a).

## **Section 3.**

(a) A person who qualifies to practice surgical technology in a health care facility under Section 2 (1)(b) or (c) must annually complete 15 hours of continuing education to remain qualified to practice as a surgical technologist.

(b) A health care facility that employs or contracts with a person to practice surgical technology shall verify that the person meets the continuing education requirements of Subsection (a) of Section 3 or, if applicable, that the person has holds and maintains the Certified Surgical Technologist credential as required in Section 1(a).

*(Optional) Section 4: A health care facility may employ or otherwise contract with a person who does not meet the requirements of Section 2 of this Act to practice surgical technology in a health care facility if:*

*(a) After a diligent and thorough effort has been made, the health care facility is unable to employ or contract with a sufficient number of qualified surgical technologists who meet the requirements of this section; and*  
*(b) The health care facility makes a written record of its efforts under Subdivision (a) and retains the record at the health facility.*

**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 his or her license.

**Section 6.** The Department of Health 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).