

*Question: What does the New York surgical technologist law require?*

**Answer:** The New York surgical technologist law requires graduation from a CAAHEP- or ABHES- accredited surgical technology program and maintenance of the Certified Surgical Technologist (CST) credential from the National Board of Surgical Technology and Surgical Assisting (NBSTSA). Certain individuals are grandfathered in. The legislation also requires 15 hours of continuing education for all practicing surgical technologists.

*Question: Who may health care facilities hire to practice surgical technology in New York?*

**Answer:** To practice as a surgical technologist in New York, a surgical technologist must provide evidence to his or her employer of meeting one of following requirements:

- (1) Graduated from a CAAHEP- or ABHES- accredited program and holds and maintains Certified Surgical Technologist certification (“has successfully completed a nationally accredited educational program for surgical technologists and holds and maintains a certified surgical technologist credential administered by a nationally-accredited surgical technologist credentialing organization”);
- (2) Completed a military surgical technology program;
- (3) Provides evidence he or she was employed as a surgical technologist in a healthcare facility for a cumulative period of one year, occurring within the four years immediately prior to January 1, 2015;
- (4) Is the in the service of the federal government, to the extent the person is performing duties related to that service.

*Questions: Which credential is administered by a nationally-accredited surgical technology credentialing organization?*

**Answer:** As of August 2013, the National Board of Surgical Technology and Surgical Assisting’s CST credential is the only surgical technologist credential accredited by the National Commission for Certifying Agencies.

*Question: How does a person determine if a surgical technologist educational program is nationally accredited?*

**Answer:** Two national organizations accredit surgical technology programs: the [Commission on Accreditation of Health Education Programs \(CAAHEP\)](#) and the [Accrediting Bureau of Health Education Schools \(ABHES\)](#). The [CAAHEP](#) and [ABHES](#) websites list which programs currently hold accreditation. A surgical technology program may hold dual accreditation from both CAAHEP and ABHES; however, the program needs only to be accredited by one of these entities for a graduate to meet the requirements of the law.

*Question: May health care facilities require the CST credential as a condition of employment, even if an individual is grandfathered in?*

**Answer:** Yes. Health care facilities may require the CST credential for all individuals practicing surgical technology.

*Question: May a health care facility hire a person who is not certified, but was practicing as a surgical technologist in a health care facility for a one-year period during the four years immediately prior to the effective date?*

**Answer:** Yes. The New York law states a health care facility may hire someone to practice surgical technology if he or she was employed *as a surgical technologist* in a health care facility for a one-year period during the four years immediately prior to January 1, 2015. However, the law does not prohibit health care facilities from requiring all surgical technologists to hold the CST credential. Health care facilities may require all surgical technologists graduate from an accredited surgical technology program and hold CST certification.

*Question: Are grandfathered individuals grandfathered into certification?*

**Answer:** Not necessarily. To qualify to take Certified Surgical Technologist certification exam from the National Board of Surgical Technology and Surgical Assisting a person must graduate from a [CAAHEP](#)- or [ABHES](#)-accredited education program in surgical technology or military program. Once the person graduates from a qualifying program and passes the CST exam, he or she earns CST certification. To maintain certification, it must be renewed every four years.

*Question: Does the requirement for surgical technologist education and certification apply to OB Technicians?*

**Answer:** Yes, if the OB technician performs tasks as listed in the law, such as during a cesarean section, hysterectomy, tubal ligation or D&C. A person must meet the requirements of the law if he or she performs any of the tasks listed in the law (and is not otherwise licensed in New York as a health care provider acting within the scope of such person's license) such as: preparing the operating room and sterile field for surgical procedures; setting up sterile supplies, instruments and equipment; holding a retractor after placement by a healthcare professional; and other tasks incidental to surgery.

*Question: May a health care facility hire a person who recently graduated from an accredited surgical technology program but has not passed the certification exam yet?*

**Answer:** Yes. If a person recently graduated from an accredited surgical technology program, a health care facility may employ that person from the date of his or her graduation until 12 months after his or her graduation. By the one-year anniversary of the individual's graduation date, he or she must obtain the Certified Surgical Technologist credential to continue to work as a surgical technologist.

*Question: May a health care facility hire a person who is not certified, but was trained as a surgical technologist in the U.S. Armed Forces?*

**Answer:** Yes, a person who completed a military surgical technology program is permitted to work as a surgical technologist under New York state law. Many graduates of military programs are eligible for CST certification. Visit the [National Board of Surgical Technology and Surgical Assisting](#) website for more information.

*Question: May a person who was employed during the one-year period during the four years immediately prior to January 1, 2015, but does not meet the other qualifications in the law, switch facilities?*

**Answer:** To be grandfathered as a surgical technologist in New York, a surgical technologist must provide evidence to his or her employer that he or she was *employed as a surgical technologist* in a surgical facility for a period of one year during the four years immediately prior to January 1, 2015. Therefore, individuals who had a different job title, such as perioperative assistant or OB technician, may not switch facilities by being grandfathered in as a surgical technologist. He or she must graduate from an accredited program and be appropriately certified as a CST to switch facilities and work as a surgical technologist.

*Question: How does a person earn the Certified Surgical Technologist (CST) credential?*

**Answer:** The pathway for earning the CST is attending a [CAAHEP](#)- or [ABHES](#)- accredited surgical technology program and taking the CST exam administered by the [National Board for Surgical Technology and Surgical Assisting](#). Visit [www.nbtsa.org](http://www.nbtsa.org) for more information.

*Question: Are accelerated surgical technology educational programs available to individuals with on-the-job training who would like to achieve education and certification?*

**Answer:** Yes. Visit [www.arcstsa.org](http://www.arcstsa.org) for a list of accredited, accelerated, alternate delivery programs. Distance learning programs are available.

*Question: What are the continuing education requirements?*

**Answer:** The law states, “A person who qualifies to function as a surgical technologist in a healthcare facility must annually complete 15 hours of continuing education to remain qualified to practice as a surgical technologist. A healthcare facility that employs or contracts with a person to practice surgical technology shall verify that the person meets the continuing education requirements of this subdivision.”

Everyone practicing as a surgical technologist in New York must earn 15 hours of continuing education (CE) each year, even if the individual maintains CST certification. The only individuals exempt are individuals employed by a federal facility and individuals who receive an extension for medical leave or active duty.

If a person holds the CST credential granted by the National Board of Surgical Technology and Surgical Assisting (NBSTSA), the most streamlined way for the person to meet the requirements of both state law and NBSTSA certification, is to earn 15 hours of approved continuing education each year. (cont'd)

## NEW YORK SURGICAL TECHNOLOGIST LAW FREQUENTLY ASKED QUESTIONS

There are two separate CE standards that must be met to maintain certification and practice in New York: 1.) The first requirement, to maintain national CST certification, granted by the NBSTSA, is for 60 hours of approved CE every four years. 2.) The second requirement is the state law requiring 15 hours of continuing education per year, which the hospital oversees.

The simplest way to comply with the law and simultaneously build credits toward national CST certification is to earn 15 hours of approved CE credits per year and submit them to AST on an ongoing basis. Anytime you need a proof for your employer, just call or email AST Member Services and AST can provide a report for you to give to your employer. Then, the 15 hours of continuing education you earn each year for the state law may apply toward the 60 continuing education credits every four years for the national certification renewal. A person does not need to hold the CST to join AST to have AST track your credits.

Any credits taken during the year will count towards the state's minimum requirement for 15 continuing education hours per year, regardless of the national certification cycle.

The continuing education requirement becomes effective January 1, 2015. Since the State of New York has not yet promulgated clarifying regulations, it is up to facility to interpret by which date the first 15 hours of CE must be complete, *e.g.*, by January 1, 2015.

*Question: Where can the text of the law be found?*

**Answer:** The law can be found at this link: <http://assembly.state.ny.us/>

\*\*\*Please note: The Association of Surgical Technologists provides this information on an educational basis and does not offer legal advice. AST recommends that individuals or health care facilities consult with their attorneys for answers to legal questions\*\*\*