



NEW YORK SURGICAL TECHNOLOGIST LAW FREQUENTLY ASKED QUESTIONS

What does the New York surgical technologist law require?

The New York surgical technologist law requires graduation from 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. Certain individuals are grandfathered in. The legislation also requires 15 hours of continuing education for all practicing surgical technologists.

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

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 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.

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

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 education requirement in the law.

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

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



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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?

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 certification.

Are grandfathered individuals grandfathered into certification?

No. The word grandfathering generally means a person may continue to work as a surgical technologist even if a state law is in place. If a person is grandfathered under the New York law, it does not mean they are automatically certified. Grandfathered individuals may or may not be eligible for certification.

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

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. Please refer to the New York surgical technologist law.

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?

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 certification 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?

Yes, a person who completed a military surgical technology program is permitted to work as a surgical technologist under New York state law.



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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?

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.

Does the New York surgical technologist change the scope of practice for surgical technologists in New York?

No. While the New York surgical technologist defines surgical technology, this definition does not change the scope of practice for surgical technologists in New York. In the operating room, surgical technologists work under supervision of physicians and nurses. The New York surgical technologist law states that surgical technologists may perform any tasks incidental to surgery as long as it is directed by the surgeon, except for tasks limited to licensed professions such as:

- (A) retracting tissue to expose the operating field during a surgical procedure;
- (B) administering any medication by any route, including local and topical medications;
- (C) placing hemostatic instruments or devices or applying cautery or tying off bleeders;
- (D) applying sutures or assisting with or performing wound closure;
- (E) assisting the surgeon in identifying structures that should not be ligated; and
- (F) applying wound dressings.

The above tasks (A-F) are the same tasks set forth by the Department of Education in the late 1990's. Thus, the New York surgical technologist education and certification law passed in 2013 did not change the scope of practice for surgical technologists.

What does the New York surgical technology law require for continuing education?

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."



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What is the simplest way for a CST to meet the New York CE requirements?

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. You might have to catch up if earning 15 CE credits per year does not add up to 60 by your certification renewal date. You can view your certification cycle by [logging in](#) on the AST website.

Which New York surgical technologists must earn CE every year?

Everyone practicing as a surgical technologist in New York must earn 15 hours of continuing education (CE) each year, even if the individual maintains Certified Surgical Technologist (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 I hold CST certification and I work as a surgical technologist in New York, what are the CE requirements?

There are two separate CE standards that must be met to maintain CST certification and practice in New York:

- 1.) To maintain national CST certification, granted by the National Board of Surgical Technology and Surgical Assisting, a certificant is required to earn 60 credits of approved CE every four years or retake and repass the certification exam. To view your certification cycle dates, [login to the member area](#) of the AST website.
- 2.) To practice as a surgical technologist in New York, a surgical technologist must earn 15 hours of CE per year, which the employing facility oversees. All hospital-approved credits count toward the state requirement.

Does this mean I need to earn 120 credits every four years: 60 credits for national CST certification and 15 hours per year for the state requirement?

No. If a person holds the CST credential granted by the 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. You might have to catch up if earning 15 hours per year does not add up to 60 by your certification renewal date. You can view your certification cycle by logging in on the AST website.



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How can I as a member of AST demonstrate I have earned 15 hours of CE per year to my employer?

Anytime a member needs proof of CE for their employer, they can verify their CE credits online by logging in at www.ast.org and selecting "View your CE Credit History." Simply print it and give it to your employer.

When did the New York surgical technology law go into effect?

January 1, 2015.

When are the first 15 CE hours due?

Since the State of New York has not yet promulgated clarifying regulations, the facility is responsible for interpreting by which date the first 15 hours of CE must be complete. AST anticipates most facilities will make each "year" a calendar year with the first 15 hours due December 31, 2015.

Do I need to earn CE if I am not currently employed as a surgical technologist but I am seeking employment as a surgical technologist or may seek employment as a surgical technologist in the future?

There is not specific guidance from New York State about surgical technologists who are not currently working as a surgical technologist and whether or not they need to earn 15 hours of CE if they plan to seek a job as a surgical technologist in the future. If a person lives in New York and is not currently working but may seek employment as a surgical technologist in the future, AST recommends earning 15 credit hours per year to be on the safe side.

Where can the text of the law be found?

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