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CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

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FILING CAPTION: Education requirements for a surgical technologist in an ambulatory surgery center or hospital

EFFECTIVE DATE: 01/24/2023

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Filed By:

Public Health Division

Rules Coordinator

RULES:

333-076-0137, 333-520-0050

AMEND: 333-076-0137

RULE TITLE: ASC Surgery Services

NOTICE FILED DATE: 11/21/2022

RULE SUMMARY: Amend 333-076-0137 – Amends the education requirements for a surgical technologist to practice at an ASC. Adds certification by the National Center for Competency and Testing (NCCT) or the International Joint Commission on Allied Health Personnel in Ophthalmology (IJCAHPO) for a person who completes a surgical technologist education program accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or the Accrediting Bureau of Health Education Schools (ABHES). Allows an apprentice to practice surgical technology if the apprentice provides documentation of completing an educational program accredited by CAAHEP or ABHES and has completed and is certified by a registered surgical technology apprenticeship program that meets specified requirements. Requires the Authority to review registered apprenticeship programs and identifies requirements including whether 1) the surgical technologist apprenticeship program has a curriculum that meets or exceeds the Association of Surgical Technologists, Core Curriculum for Surgical Technology, 7th Edition, and 2) the program requires the apprentice be supervised at all times by a person who is currently certified by the National Board of Surgical Technology and Surgical Assisting (NBSTSA), National Center for Competency and Testing (NCCT), or the International Joint Commission on Allied Health Personnel in Ophthalmology (JCAHPO). The supervising surgical technologist must: 1) be assigned to, and present in, the operating or procedure room unless the supervising surgical technologist must leave the room, 2) while acting in supervisory role not be assigned to any other patient or procedure, and 3) personally direct delegated tasks and be available to respond to an emergency. Specifies the ASC must ensure an individual meets the qualifications prior to practicing surgical technology and document the qualifications in the personnel file. Allows an apprentice to practice surgical technology who does not hold a certification if certain requirements are met. Additional minor housekeeping changes for legibility.

RULE TEXT:

(1) For purposes of this rule:

- (a) "Circulating nurse" means a registered nurse who is responsible for coordinating the nursing care and safety needs of the patient in the operating room and who also meets the needs of the operating room team members during surgery.
- (b) "Rural or medically underserved community" means a geographic area of Oregon that is 10 or more miles from the geographic center of a population center of 40,000 or more individuals.
- (c) "Surgical technology" means intraoperative surgical patient care that involves:
- (A) Preparing an operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;
  - (B) Preparing an operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments and equipment using sterile techniques;
  - (C) Anticipating the needs of a surgical team based on knowledge of human anatomy and pathophysiology and how those fields relate to the surgical patient and the patient's surgical procedure; and
  - (D) Performing tasks as directed in an operating room, including:
    - (i) Passing instruments, equipment or supplies;
    - (ii) Sponging or suctioning of an operative site;
    - (iii) Preparing and cutting suture material;
    - (iv) Transferring fluids or drugs;
    - (v) Handling specimens;
    - (vi) Holding retractors and other equipment;
    - (vii) Applying electrocautery to clamps on bleeders;
    - (viii) Connecting drains to suction apparatus;
    - (ix) Applying dressings to closed wounds; and
    - (x) Assisting in counting supplies and instruments, including sponges and needles.
- (2) An ASC, regardless of classification, shall comply with this rule.
- (3) An ASC shall have operating rooms that conform to the applicable requirements in OAR 333-076-0185.
- (4) An ASC's operating rooms must be supervised by an experienced registered nurse or physician.
- (5) The duties of a circulating nurse performed in an operating room of an ASC shall be performed by a registered nurse licensed under ORS chapter 678. In all cases requiring general anesthesia, a circulating nurse shall be assigned to, and present in, an operating room for the duration of the surgical procedure unless it becomes necessary for the circulating nurse to leave the operating room as part of the surgical procedure. While assigned to a surgical procedure, a circulating nurse may not be assigned to any other patient or procedure.
- (6) Nothing in section (5) precludes a circulating nurse from being relieved during a surgical procedure by another circulating nurse assigned to continue the surgical procedure.
- (7) An ASC governing body may only permit individuals to practice surgical technology if they have satisfied the following requirements:
- (a) Completion of a training program for surgical technologists in a branch of the armed forces of the United States or in the United States Public Health Service Commissioned Corp and completion of 16 hours of continuing education as described in section (15) of this rule every two years; or
  - (b) Completion of a surgical technology education program accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or the Accrediting Bureau of Health Education Schools (ABHES) and certification as a surgical technologist or certification as a subspecialty surgical assistant or surgical technologist issued by the:
    - (A) National Board of Surgical Technology and Surgical Assisting (NBSTSA);
    - (B) National Center for Competency and Testing (NCCT); or
    - (C) International Joint Commission on Allied Health Personnel in Ophthalmology (JCAHPO); or
  - (c) Practice of surgical technology at least two years between January 1, 2014 and January 1, 2017 in a hospital, ambulatory surgical center or as an employee of a federal government agency or institution and completion of 16 hours of continuing education as described in section (15) of this rule every two years.
- (8) Notwithstanding section (7) of this rule, an ASC may allow an individual to practice surgical technology at the ASC if

the person:

- (a) Provides documentation showing that the person has completed an educational program for surgical technologists accredited by a national accreditation organization approved by CAAHEP or ABHES; and
- (b) Has completed and is certified by a registered surgical technology apprenticeship program that:
  - (A) Is approved under ORS 660.002 to 660.210;
  - (B) Meets the requirements for, and requires participants to receive, certification by the National Center for Competency Testing or its successor organization;
  - (C) Upon completion awards certification accredited by the National Commission for Certifying Agencies or its successor organization; and
  - (D) Is approved by the Authority in section (9) of this rule.
- (9) Authority approval of a registered apprenticeship program:
  - (a) For approving under this rule, the Authority shall review registered surgical technology apprenticeship programs that have been approved under ORS 660.002 to 660.210 and listed on the Bureau of Labor and Industries' (BOLI) website. The Authority shall review the occupational standards submitted to BOLI and available at <https://www.oregon.gov/boli/apprenticeship/Pages/apprenticeship-opportunities.aspx>.
  - (b) In reviewing the apprenticeship program, the Authority shall:
    - (A) Only approve a registered apprenticeship program that satisfies the requirements in paragraphs (8)(b)(A) through (C) of this rule.
    - (B) Consider whether the program's occupational standards submitted to BOLI implements satisfactory education and training curriculum and requirements to protect health and safety of apprentices and patients, including but not limited to:
      - (i) Whether the curriculum meets or exceeds the core curriculum standards established by the Association of Surgical Technologists in its Core Curriculum for Surgical Technology, Seventh Edition available at [www.ast.org/educators/core-curriculum](http://www.ast.org/educators/core-curriculum).
      - (ii) Whether the program requires that the apprentice be supervised when performing surgical technology duties by a surgical technologist who:
        - (I) Is certified by one of the certifying organizations specified in paragraphs (7)(b)(A) through (C) of this rule;
        - (II) Is assigned to, and present in, the operating room or procedure room for the duration of the surgical procedure unless it becomes necessary for the supervising surgical technologist to leave the room as part of the surgical procedure;
        - (III) While acting in a supervisory role, is not assigned to any other patient or procedure; and
        - (IV) Personally directs delegated tasks and is available to personally respond to any emergency until the patient is removed from the operating room or procedure room.
- (10) Prior to permitting any individual to practice surgical technology at the ASC, the ASC governing body must ensure that the individual's qualifications to practice surgical technology as required by this rule are documented in the individual's personnel file.
- (11) Notwithstanding subsection (7)(b), an ASC may allow a person who is not certified by the NBSTSA, NCCT, or JCAHPO to practice surgical technology at the ASC for 12 months after the person completes an educational program accredited by the CAAHEP or ABHES.
- (12) Notwithstanding section (7) of this rule, an ASC may allow an apprentice who does not hold a certification described in subsection (7)(b) of this rule to practice surgical technology at the ASC if it is a requirement of the surgical technologist apprenticeship program that the apprentice obtain training while on-the-job and the apprentice is at all times while performing surgical technology provided adequate direct supervision as required by the standards for the registered apprenticeship program in which the person is enrolled.
- (13) A person not meeting the requirements specified in subsection (7)(b) of this rule may work at an ASC in a rural or medically underserved community for three years from the date that the person began practicing at the ASC as long as the person is actively enrolled in a surgical technology educational program accredited by the CAAHEP or ABHES.

(14) These rules do not prohibit a licensed practitioner from performing surgical technology if the practitioner is acting within the scope of the practitioner's license and an ASC allows the practitioner to perform such duties.

(15)(a) The continuing education requirements described in subsections (7)(a) and (7)(c) shall:

(A) Consist of 16 hours every two years;

(B) Be tracked by the surgical technologist and is subject to audit by the ASC in which the person is practicing; and

(C) Be relevant to the medical-surgical practice of surgical technology.

(b) Continuing education may include but is not limited to:

(A) Continuing education credits approved by the Association for Surgical Technologist;

(B) Healthcare sponsored conferences, forums, seminars, symposiums or workshops;

(C) Online distance learning courses;

(D) Live lectures at national conferences; or

(E) College courses.

(16) An ASC shall conduct a random audit of a representative sample of the surgical technologists employed by the ASC every two years to verify compliance with educational requirements.

STATUTORY/OTHER AUTHORITY: ORS 441.025, ORS 676.890

STATUTES/OTHER IMPLEMENTED: ORS 441.025, 676.870 – 676.890, 678.362

AMEND: 333-520-0050

RULE TITLE: Surgery Services

NOTICE FILED DATE: 11/21/2022

RULE SUMMARY: Amend 333-520-0050 – Amends the education requirements for a surgical technologist to practice at a hospital. Adds certification by the National Center for Competency and Testing (NCCT) or the International Joint Commission on Allied Health Personnel in Ophthalmology (IJCAHPO) for a person who completes a surgical technologist education program accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or the Accrediting Bureau of Health Education Schools (ABHES). Allows an apprentice to practice surgical technology if the apprentice provides documentation of completing an educational program accredited by CAAHEP or ABHES and has completed and is certified by a registered surgical technology apprenticeship program that meets specified requirements. Requires the Authority to review registered apprenticeship programs and identifies requirements including whether 1) the surgical technologist apprenticeship program has a curriculum that meets or exceeds the Association of Surgical Technologists, Core Curriculum for Surgical Technology, 7th Edition, and 2) the program requires the apprentice be supervised at all times by a person who is currently certified by the National Board of Surgical Technology and Surgical Assisting (NBSTSA), National Center for Competency and Testing (NCCT), or the International Joint Commission on Allied Health Personnel in Ophthalmology (JCAHPO). The supervising surgical technologist must: 1) be assigned to, and present in, the operating or procedure room unless the supervising surgical technologist must leave the room, 2) while acting in supervisory role not be assigned to any other patient or procedure, and 3) personally direct delegated tasks and be available to respond to an emergency. Specifies the hospital must ensure an individual meets the qualifications prior to practicing surgical technology and document the qualifications in the personnel file. Allows an apprentice to practice surgical technology who does not hold a certification if certain requirements are met. Additional minor housekeeping changes for legibility.

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(c) "Surgical technology" means intraoperative surgical patient care that involves:

(A) Preparing an operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;

(B) Preparing an operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments and equipment using sterile techniques;

(C) Anticipating the needs of a surgical team based on knowledge of human anatomy and pathophysiology and how those fields relate to the surgical patient and the patient's surgical procedure; and

(D) Performing tasks as directed in an operating room, including:

(i) Passing instruments, equipment or supplies;

(ii) Sponging or suctioning of an operative site;

(iii) Preparing and cutting suture material;

(iv) Transferring fluids or drugs;

(v) Handling specimens;

(vi) Holding retractors and other equipment;

(vii) Applying electrocautery to clamps on bleeders;

(viii) Connecting drains to suction apparatus;

(ix) Applying dressings to closed wounds; and

(x) Assisting in counting supplies and instruments, including sponges and needles.

- (2) General hospitals are required to comply with this rule. A low occupancy acute care or mental or psychiatric hospital shall comply with this rule if it offers surgery services.
- (3) A hospital that provides surgical services shall have operating rooms that conform to the applicable requirements in OAR chapter 333, division 535.
- (4) A hospital's operating rooms must be supervised by an experienced registered nurse or doctor of medicine or osteopathy.
- (5) The duties of a circulating nurse performed in an operating room of a hospital shall be performed by a registered nurse licensed under ORS 678.010 through 678.410. In all cases requiring anesthesia or conscious sedation, a circulating nurse shall be assigned to, and present in, an operating room for the duration of the surgical procedure unless it becomes necessary for the circulating nurse to leave the operating room as part of the surgical procedure. While assigned to a surgical procedure, a circulating nurse may not be assigned to any other patient or procedure.
- (6) Nothing in section (5) precludes a circulating nurse from being relieved during a surgical procedure by another circulating nurse assigned to continue the surgical procedure.
- (7) A hospital's governing body may only permit individuals to practice surgical technology if they have satisfied the following requirements:
- (a) Completion of a training program for surgical technologists in a branch of the armed forces of the United States or in the United States Public Health Service Commissioned Corp and completion of 16 hours of continuing education as described in section (15) of this rule every two years; or
  - (b) Completion of a surgical technology education program accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or the Accrediting Bureau of Health Education Schools (ABHES) and certification as a surgical technologist or certification as a subspecialty surgical assistant or surgical technologist issued by the:
    - (A) National Board of Surgical Technology and Surgical Assisting (NBSTSA);
    - (B) National Center for Competency and Testing (NCCT); or
    - (C) International Joint Commission on Allied Health Personnel in Ophthalmology (JCAHPO); or
  - (c) Practice of surgical technology at least two years between January 1, 2014 and January 1, 2017 in a hospital, ambulatory surgical center or as an employee of a federal government agency or institution and completion of 16 hours of continuing education as described in section (15) of this rule every two years.
- (8) Notwithstanding section (7) of this rule, a hospital may allow an individual to practice surgical technology at the hospital if the person:
- (a) Provides documentation showing that the person has completed an educational program for surgical technologists accredited by a national accreditation organization approved by CAAHEP or ABHES; and
  - (b) Has completed and is certified by a registered surgical technology apprenticeship program that:
    - (A) Is approved under ORS 660.002 to 660.210;
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(ii) Whether the program requires that the apprentice be supervised when performing surgical technology duties by a surgical technologist who:

(I) Is certified by one of the certifying organizations specified in paragraphs (7)(b)(A) through (C) of the rule;

(II) Is assigned to, and present in, the operating room or procedure room for the duration of the surgical procedure unless it becomes necessary for the supervising surgical technologist to leave the room as part of the surgical procedure;

(III) While acting in a supervisory role, is not assigned to any other patient or procedure; and

(IV) Personally directs delegated tasks and is available to personally respond to any emergency until the patient is removed from the operating room or procedure room.

(10) Prior to permitting any individual to practice surgical technology at the hospital, the hospital governing body must ensure that the individual's qualifications to practice surgical technology as required by this rule are documented in the individual's personnel file.

(11) Notwithstanding subsection (7)(b) of this rule, a hospital may allow a person who is not certified by the NBSTSA, NCCT, or JCAHPO to practice surgical technology at the hospital for 12 months after the person completes an educational program accredited by the CAAHEP or ABHES.

(12) Notwithstanding section (7) of this rule, a hospital may allow an apprentice who does not hold a certification described in subsection (7)(b) of this rule to practice surgical technology at the hospital if it is a requirement of the surgical technologist apprenticeship program that the apprentice obtain training while on-the-job and the apprentice is at all times while performing surgical technology provided adequate direct supervision as required by the standards for the registered apprenticeship program in which the person is enrolled.

(13) A person not meeting the requirements specified in subsection (7)(b) of this rule may work at a hospital located in a rural or medically underserved community for three years from the date that the person began practicing at the hospital as long as the person is actively enrolled in a surgical technology educational program accredited by the CAAHEP or ABHES.

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(16) A hospital shall conduct a random audit of a representative sample of the surgical technologists employed by the hospital every two years to verify compliance with educational requirements.

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