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SESSION 2017

H.B. 199
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10059-MG-12 (01/05)

Short Title: Establish Standards for Surgical Technology. (Public)

Sponsors: Representatives Murphy and Lambeth (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN
3 HOSPITALS AND AMBULATORY SURGICAL FACILITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Part 2 of Article 5 of Chapter 131E of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 131E-79.3. Hospital standards for surgical technology care.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Surgical technologist. – An individual who is employed or contracted by a
10 hospital to perform surgical technology tasks and functions.

11 (2) Surgical technology. – Surgical patient care that includes the following tasks or
12 functions:

13 a. Preparing the operating room and the sterile field for surgical
14 procedures by ensuring that surgical equipment is functioning properly
15 and safely and preparing sterile supplies, instruments, and equipment
16 using sterile technique.

17 b. As directed, performing tasks at the sterile field, including the
18 following:

19 (1) Maintaining asepsis and correcting breaks in the sterile field.

20 (2) Passing supplies, equipment, or instruments according to the
21 needs of the surgical team.

22 (3) Sponging or suctioning an operative site.

23 (4) Preparing and cutting suture material.

24 (5) Transferring and irrigating with fluids.

25 (6) Transferring but not administering drugs within the sterile field.

26 (7) Handling specimens.

27 (8) Holding retractors and other instruments.

28 (9) Applying electrocautery to clamps on bleeders.

29 (10) Connecting drains to suction apparatus.

30 (11) Applying dressings to closed wounds.

31 (12) Performing sponge, needle, supply, and instrument counts with
32 the registered nurse circulator.

33 (b) Except as provided in subsection (f) of this section, a hospital shall not employ or
34 otherwise contract for the services of a surgical technologist in that hospital unless the individual
35 meets at least one of the following qualifications:



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- 1 (1) Has successfully completed a program accredited by the Commission on
2 Accreditation of Allied Health Education Programs or other nationally
3 accredited educational program for surgical technologists and holds and
4 maintains the Certified Surgical Technologist credential administered by the
5 National Board of Surgical Technology and Surgical Assisting or its successor.
6 (2) Has successfully completed an appropriate training program for surgical
7 technology in the United States Army, Navy, Air Force, Marine Corps, or Coast
8 Guard or in the United States Public Health Service.
9 (3) Provides evidence that the individual meets either of the following
10 requirements:
11 a. Was employed to practice surgical technology in a hospital licensed
12 under this Part or an ambulatory surgical facility licensed under Part 4
13 of Article 6 of this Chapter on December 31, 2017.
14 b. Was employed to practice surgical technology during the two years
15 immediately preceding December 31, 2017.
16 (4) Is in the service of the federal government, to the extent the individual is
17 performing duties related to that service.
18 (c) A hospital may employ or contract with an individual to practice surgical technology
19 during the 12-month period immediately following successful completion of a surgical technology
20 program described in subdivision (1) of subsection (b) of this section but may not continue to
21 employ or contract with that individual beyond this initial 12-month period without documentation
22 that the employee or contractor holds and maintains the certified surgical technologist credential
23 described in subdivision (1) of subsection (b) of this section.
24 (d) A hospital may employ or contract with an individual who qualifies to practice surgical
25 technology pursuant to subdivision (2) or (3) of subsection (b) of this section as long as that
26 individual annually completes 15 hours of continuing education approved by the National Board
27 of Surgical Technology and Surgical Assisting or its successor.
28 (e) A hospital that employs or contracts with an individual to practice surgical technology
29 shall verify that the individual meets the continuing education requirements of subsection (d) of
30 this section or, if applicable, that the individual holds and maintains the Certified Surgical
31 Technologist credential described in subdivision (1) of subsection (b) of this section.
32 (f) A hospital may employ or otherwise contract with an individual who does not meet any
33 of the qualifications specified in subsection (b) of this section if both of the following
34 requirements are met:
35 (1) The hospital makes a diligent and thorough effort, but was unable to employ or
36 contract with a sufficient number of qualified surgical technologists who meet
37 the requirements of this section.
38 (2) The hospital makes and retains, at the hospital, a written record of its effort
39 under subdivision (1) of this subsection.
40 (g) Nothing in this section shall be construed to prohibit a licensed practitioner from
41 performing surgical technology tasks or functions if the practitioner is acting within the scope of
42 his or her license.
43 (h) The Department of Health and Human Services may take adverse action against a
44 hospital under G.S. 131E-78 for a violation of this section."

45 **SECTION 2.** Part 4 of Article 6 of Chapter 131E of the General Statutes is amended
46 by adding a new section to read:

47 **"§ 131E-147.10. Ambulatory surgical facility standards for surgical technology care.**

48 (a) Definitions. – The following definitions apply in this section:

- 49 (1) Surgical technologist. – An individual who is employed or contracted by an
50 ambulatory surgical facility to perform surgical technology tasks and functions.

- 1 (2) Surgical technology. – Surgical patient care that includes the following tasks or
2 functions:
- 3 a. Preparing the operating room and the sterile field for surgical
4 procedures by ensuring that surgical equipment is functioning properly
5 and safely and preparing sterile supplies, instruments, and equipment
6 using sterile technique.
- 7 b. As directed, performing tasks at the sterile field, including the
8 following:
- 9 (1) Maintaining asepsis and correcting breaks in the sterile field.
10 (2) Passing supplies, equipment, or instruments according to the
11 needs of the surgical team.
- 12 (3) Sponging or suctioning an operative site.
13 (4) Preparing and cutting suture material.
14 (5) Transferring and irrigating with fluids.
15 (6) Transferring but not administering drugs within the sterile field.
16 (7) Handling specimens.
17 (8) Holding retractors and other instruments.
18 (9) Applying electrocautery to clamps on bleeders.
19 (10) Connecting drains to suction apparatus.
20 (11) Applying dressings to closed wounds.
21 (12) Performing sponge, needle, supply, and instrument counts with
22 the registered nurse circulator.
- 23 (b) Except as provided in subsection (f) of this section, an ambulatory surgical facility
24 shall not employ or otherwise contract for the services of a surgical technologist in that facility
25 unless the individual meets at least one of the following qualifications:
- 26 (1) Has successfully completed a program accredited by the Commission on
27 Accreditation of Allied Health Education Programs or other nationally
28 accredited educational program for surgical technologists and holds and
29 maintains the Certified Surgical Technologist credential administered by the
30 National Board of Surgical Technology and Surgical Assisting or its successor.
- 31 (2) Has successfully completed an appropriate training program for surgical
32 technology in the United States Army, Navy, Air Force, Marine Corps, or Coast
33 Guard or in the United States Public Health Service.
- 34 (3) Provides evidence that the individual meets either of the following
35 requirements:
- 36 a. Was employed to practice surgical technology in a hospital licensed
37 under Part 2 of Article 5 of this Chapter or an ambulatory surgical
38 facility licensed under this Part on December 31, 2017.
- 39 b. Was employed to practice surgical technology during the two years
40 immediately preceding December 31, 2017.
- 41 (4) Is in the service of the federal government, to the extent the individual is
42 performing duties related to that service.
- 43 (c) An ambulatory surgical facility may employ or contract with an individual to practice
44 surgical technology during the 12-month period immediately following successful completion of a
45 surgical technology program described in subdivision (1) of subsection (b) of this section but may
46 not continue to employ or contract with that individual beyond this initial 12-month period
47 without documentation that the employee or contractor holds and maintains the certified surgical
48 technologist credential described in subdivision (1) of subsection (b) of this section.
- 49 (d) An ambulatory surgical facility may employ or contract with an individual who
50 qualifies to practice surgical technology pursuant to subdivision (2) or (3) of subsection (b) of this

1 section as long as that individual annually completes 15 hours of continuing education approved
2 by the National Board of Surgical Technology and Surgical Assisting or its successor.

3 (e) An ambulatory surgical facility that employs or contracts with an individual to practice
4 surgical technology shall verify that the individual meets the continuing education requirements of
5 subsection (d) of this section or, if applicable, that the individual holds and maintains the Certified
6 Surgical Technologist credential described in subdivision (1) of subsection (b) of this section.

7 (f) An ambulatory surgical facility may employ or otherwise contract with an individual
8 who does not meet any of the qualifications specified in subsection (b) of this section if both of the
9 following requirements are met:

10 (1) The facility makes a diligent and thorough effort but was unable to employ or
11 contract with a sufficient number of qualified surgical technologists who meet
12 the requirements of this section.

13 (2) The facility makes and retains, at the facility, a written record of its effort under
14 subdivision (1) of this subsection.

15 (g) Nothing in this section shall be construed to prohibit a licensed practitioner from
16 performing surgical technology tasks or functions if the practitioner is acting within the scope of
17 his or her license.

18 (h) The Department of Health and Human Services may take adverse action against an
19 ambulatory surgical facility under G.S. 131E-148 for a violation of this section."

20 **SECTION 3.** This act becomes effective January 1, 2018.