

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 199
Committee Substitute Favorable 3/8/17
Third Edition Engrossed 3/9/17

Short Title: Establish Standards for Surgical Technology.

(Public)

Sponsors:

Referred to:

February 28, 2017

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 by the surgical team, performing tasks in the sterile field,
18 including the 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) Qualifications for Employment or Contract. – Except as provided by subsection (f) of
34 this section, a hospital shall not employ or otherwise contract for the services of a surgical



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1 technologist in that hospital unless the individual meets, at a minimum, one of the following
2 qualifications:

- 3 (1) Provides evidence of successfully completing a program accredited by the
4 Commission on Accreditation of Allied Health Education Programs or another
5 nationally accredited educational program for surgical technologists and holds
6 and maintains the Certified Surgical Technologist credential issued by the
7 National Board of Surgical Technology and Surgical Assisting or its successor.
8 (2) Provides evidence of successfully completing an appropriate training program
9 for surgical technology in the United States Army, Navy, Air Force, Marine
10 Corps, or Coast Guard or in the United States Public Health Service.
11 (3) Provides evidence that satisfies one of the following requirements:
12 a. Documentation of employment to practice surgical technology in a
13 hospital licensed under this Part or an ambulatory surgical facility
14 licensed under Part 4 of Article 6 of this Chapter on December 31, 2017.
15 b. Documentation of employment to practice surgical technology during
16 the two years immediately preceding December 31, 2017.
17 (4) Provides evidence of practicing surgical technology as an employee of an
18 agency or institution of the federal government.

19 (c) Probationary Practice. – A hospital may employ or contract with an individual to
20 practice surgical technology during the 12-month period that immediately follows the successful
21 completion of a surgical technology program as described in subdivision (1) of subsection (b) of
22 this section. However, the hospital may not continue to employ or contract with that individual
23 beyond the 12-month period that immediately follows the successful completion of a surgical
24 technology program without documentation that the employee or contractor holds and maintains
25 the certified surgical technologist credential as described in subdivision (1) of subsection (b) of
26 this section.

27 (d) Continuing Education. – A hospital may employ or contract with an individual who
28 qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4) of subsection (b) of
29 this section, or pursuant to an exception under subsection (f) of this section, provided the
30 individual annually completes 15 hours of continuing education approved by the National Board
31 of Surgical Technology and Surgical Assisting or its successor.

32 (e) Verification of Continuing Education or Credential. – A hospital that employs or
33 contracts with an individual to practice surgical technology shall verify that the individual satisfies
34 the continuing education requirements of subsection (d) of this section or, if applicable, that the
35 individual holds and maintains the Certified Surgical Technologist credential as described in
36 subdivision (1) of subsection (b) of this section.

37 (f) Exception. – A hospital may employ or otherwise contract with an individual who does
38 not meet any of the qualifications specified in subsection (b) of this section if both of the
39 following requirements are met:

- 40 (1) The hospital makes a diligent and thorough effort, and after such an effort is
41 completed, the hospital is unable to employ or contract with a sufficient number
42 of qualified surgical technologists who satisfy the requirements of this section.
43 (2) The hospital documents and retains, on the hospital premises, a written record
44 of its efforts made pursuant to subdivision (1) of this subsection.

45 (g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
46 practitioner from performing surgical technology tasks or functions if the practitioner is acting
47 within the scope of his or her license.

48 (h) Adverse Action. – The Department of Health and Human Services may take adverse
49 action against a hospital under G.S. 131E-78 for a violation of this section."

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

"§ 131E-147.2. Ambulatory surgical facility standards for surgical technology care.

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

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

(2) Surgical technology. – Surgical patient care that includes 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.

b. As directed by the surgical team, performing tasks in the sterile field, including the following:

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.

12. Performing sponge, needle, supply, and instrument counts with the registered nurse circulator.

(b) Qualifications for Employment or Contract. – Except as provided by subsection (f) of this section, an ambulatory surgical facility shall not employ or otherwise contract for the services of a surgical technologist in that facility unless the individual meets, at a minimum, one of the following qualifications:

(1) Provides evidence of successfully completing a program accredited by the Commission on Accreditation of Allied Health Education Programs or another nationally accredited educational program for surgical technologists and holds and maintains the Certified Surgical Technologist credential issued by the National Board of Surgical Technology and Surgical Assisting or its successor.

(2) Provides evidence of successfully completing an appropriate training program for surgical technology in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard or in the United States Public Health Service.

(3) Provides evidence that satisfies one of the following requirements:

a. Documentation of employment to practice surgical technology in an ambulatory surgical facility licensed under this Part or a hospital licensed under Part 2 of Article 5 of this Chapter on December 31, 2017.

b. Documentation of employment to practice surgical technology during the two years immediately preceding December 31, 2017.

(4) Provides evidence of practicing surgical technology as an employee of an agency or institution of the federal government.

(c) Probationary Practice. – An ambulatory surgical facility may employ or contract with an individual to practice surgical technology during the 12-month period that immediately follows the successful completion of a surgical technology program as described in subdivision (1) of subsection (b) of this section. However, the facility may not continue to employ or contract with that individual beyond the 12-month period that immediately follows the successful completion of

1 a surgical technology program without documentation that the employee or contractor holds and
2 maintains the certified surgical technologist credential as described in subdivision (1) of
3 subsection (b) of this section.

4 (d) Continuing Education. – An ambulatory surgical facility may employ or contract with
5 an individual who qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4)
6 of subsection (b) of this section, or pursuant to an exception under subsection (f) of this section,
7 provided the individual annually completes 15 hours of continuing education approved by the
8 National Board of Surgical Technology and Surgical Assisting or its successor.

9 (e) Verification of Continuing Education or Credential. – An ambulatory surgical facility
10 that employs or contracts with an individual to practice surgical technology shall verify that the
11 individual satisfies the continuing education requirements of subsection (d) of this section or, if
12 applicable, that the individual holds and maintains the Certified Surgical Technologist credential
13 as described in subdivision (1) of subsection (b) of this section.

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

17 (1) The ambulatory surgical facility makes a diligent and thorough effort, and after
18 such an effort is completed, the facility is unable to employ or contract with a
19 sufficient number of qualified surgical technologists who satisfy the
20 requirements of this section.

21 (2) The ambulatory surgical facility documents and retains, on the facility
22 premises, a written record of its efforts made pursuant to subdivision (1) of this
23 subsection.

24 (g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
25 practitioner from performing surgical technology tasks or functions if the practitioner is acting
26 within the scope of his or her license.

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

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