

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 43
Committee Substitute Favorable 3/5/19
Committee Substitute #2 Favorable 3/26/19

Short Title: Establish Standards for Surgical Technology.

(Public)

Sponsors:

Referred to:

February 11, 2019

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, but is not limited
12 to, the following perioperative tasks or functions, as directed by the surgeon:

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. Assisting the surgeon with placing sterile drapes on the patient to
18 establish the sterile operating field.

19 c. Anticipating the needs of the surgeon by preparing and passing
20 instruments and supplies during surgical procedures.

21 d. Sponging or suctioning an operative site.

22 e. Preparing and cutting suture material.

23 f. Preparing and pouring irrigation solutions during procedures.

24 g. Preparing and passing medications and hemostatic agents during
25 procedures, but not administering drugs.

26 h. Preparing and passing off specimens.

27 i. Holding retractors and other instruments.

28 j. Applying electrocautery to clamps or forceps on bleeding vessels.

29 k. Connecting drains to suction apparatus.

30 l. Preparing and applying sterile dressings to closed wounds.

31 m. Performing counts of sponges, needles, supplies, and instruments with
32 the registered nurse circulator.

33 n. Assisting with transferring patients and positioning patients on the
34 operating table.



- 1 o. Maintaining the highest standard of sterile technique, including
2 identifying and correcting breaks in the sterile operating field.
- 3 (b) Qualifications for Employment or Contract. – Except as provided by subsection (e)
4 of this section, a hospital shall not employ or otherwise contract for the services of a surgical
5 technologist in that hospital unless the individual meets, at a minimum, one of the following
6 qualifications:
- 7 (1) Provides evidence of successfully completing a program accredited by the
8 Commission on Accreditation of Allied Health Education Programs or
9 another nationally accredited educational program for surgical technologists
10 and holds and maintains the Certified Surgical Technologist credential issued
11 by the National Board of Surgical Technology and Surgical Assisting or its
12 successor.
- 13 (2) Provides evidence of successfully completing an appropriate training program
14 for surgical technology in the United States Army, Navy, Air Force, Marine
15 Corps, or Coast Guard or in the United States Public Health Service.
- 16 (3) Provides evidence that satisfies one of the following requirements:
- 17 a. Documentation of employment to practice surgical technology in a
18 hospital licensed under this Part or an ambulatory surgical facility
19 licensed under Part 4 of Article 6 of this Chapter on December 31,
20 2019.
- 21 b. Documentation of employment to practice surgical technology during
22 the three years immediately preceding December 31, 2019.
- 23 (c) Probationary Practice. – A hospital may employ or contract with an individual to
24 practice surgical technology during the 12-month period that immediately follows the successful
25 completion of a surgical technology program as described in subdivision (1) of subsection (b) of
26 this section. However, the hospital may not continue to employ or contract with that individual
27 beyond the 12-month period without documentation that the individual has obtained the
28 credential described in subdivision (1) of subsection (b) of this section.
- 29 (d) Continuing Education. – A surgical technician employed by or contracted with a
30 hospital shall comply with one of the following:
- 31 (1) A surgical technologist who is certified by the credentialing organization
32 specified in subdivision (1) of subsection (b) of this section shall comply with
33 the continuing education requirements set forth by the credentialing
34 organization, as necessary to keep the certification current, and shall provide
35 proof of compliance upon employer's request.
- 36 (2) A surgical technologist who is not certified according to subdivision (1) of
37 subsection (b) shall complete 30 hours of relevant continuing education every
38 two years and shall provide proof of compliance upon employer's request.
- 39 (e) Exception. – A hospital may employ or otherwise contract with an individual who
40 does not meet any of the qualifications specified in subsection (b) of this section if all of the
41 following requirements are met:
- 42 (1) The hospital makes a diligent and thorough effort, and after such an effort is
43 completed, the hospital is unable to employ or contract with a sufficient
44 number of qualified surgical technologists who satisfy the requirements of this
45 section.
- 46 (2) The hospital documents and retains records of its efforts made pursuant to
47 subdivision (1) of this subsection.
- 48 (3) The hospital ensures that any noncertified surgical technologist employed or
49 contracted by the hospital complies with the continuing education
50 requirements of subsection (d).

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

4 (g) Adverse Action. – The Department of Health and Human Services may take adverse
5 action against a hospital under G.S. 131E-78 for a violation of this section. A hospital may restrict
6 an employee's eligibility to practice surgical technology, as deemed appropriate by the hospital,
7 in the event the employee does not comply with the requirements of this section."

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

10 **"§ 131E-147.2. Ambulatory surgical facility standards for surgical technology care.**

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

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

15 (2) Surgical technology. – Surgical patient care that includes, but is not limited
16 to, the following perioperative tasks or functions as directed by the surgeon:

17 a. Preparing the operating room and the sterile field for surgical
18 procedures by ensuring that surgical equipment is functioning properly
19 and safely and preparing sterile supplies, instruments, and equipment
20 using sterile technique.

21 b. Assisting the surgeon with placing sterile drapes on the patient to
22 establish the sterile operating field.

23 c. Anticipating the needs of the surgeon by preparing and passing
24 instruments and supplies during surgical procedures.

25 d. Sponging or suctioning the operative site.

26 e. Preparing and cutting suture material.

27 f. Preparing and pouring irrigation solutions during procedures.

28 g. Preparing and passing medications and hemostatic agents during
29 procedures, but not administering drugs.

30 h. Preparing and passing off specimens.

31 i. Holding retractors and other instruments.

32 j. Applying electrocautery to clamps or forceps on bleeding vessels.

33 k. Connecting drains to suction apparatus.

34 l. Preparing and applying sterile dressings to closed wounds.

35 m. Performing counts of sponges, needles, supplies, and instruments with
36 the registered nurse circulator.

37 n. Assisting with transferring patients and positioning patients on the
38 operating table.

39 o. Maintaining the highest standard of sterile technique, including
40 identifying and correcting breaks in the sterile operating field.

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

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

- 1 (2) Provides evidence of successfully completing an appropriate training program
2 for surgical technology in the United States Army, Navy, Air Force, Marine
3 Corps, or Coast Guard or in the United States Public Health Service.
- 4 (3) Provides evidence that satisfies one of the following requirements:
5 a. Documentation of employment to practice surgical technology in an
6 ambulatory surgical facility licensed under this Part or an ambulatory
7 surgical facility licensed under Part 4 of Article 6 of this Chapter on
8 December 31, 2019.
9 b. Documentation of employment to practice surgical technology during
10 the three years immediately preceding December 31, 2019.
- 11 (c) Probationary Practice. – An ambulatory surgical facility may employ or contract with
12 an individual to practice surgical technology during the 12-month period that immediately
13 follows the successful completion of a surgical technology program as described in subdivision
14 (1) of subsection (b) of this section. However, the ambulatory surgical facility may not continue
15 to employ or contract with that individual beyond the 12-month period without documentation
16 that the individual has obtained the credential described in subdivision (1) of subsection (b) of
17 this section.
- 18 (d) Continuing Education. – A surgical technician employed by or contracted with an
19 ambulatory surgical facility shall comply with one of the following:
20 (1) A surgical technologist who is certified by the credentialing organization
21 specified in subdivision (1) of subsection (b) of this section shall comply with
22 the continuing education requirements set forth by the credentialing
23 organization, as necessary to keep the certification current, and shall provide
24 proof of compliance upon employer's request.
25 (2) A surgical technologist who is not certified according to subdivision (1) of
26 subsection (b) shall complete 30 hours of relevant continuing education every
27 two years and shall provide proof of compliance upon employer's request.
- 28 (e) Exception. – An ambulatory surgical facility may employ or otherwise contract with
29 an individual who does not meet any of the qualifications specified in subsection (b) of this
30 section if all of the following requirements are met:
31 (1) The ambulatory surgical facility makes a diligent and thorough effort, and
32 after such an effort is completed, the ambulatory surgical facility is unable to
33 employ or contract with a sufficient number of qualified surgical technologists
34 who satisfy the requirements of this section.
35 (2) The ambulatory surgical facility documents and retains records of its efforts
36 made pursuant to subdivision (1) of this subsection.
37 (3) The ambulatory surgical facility ensures that any noncertified surgical
38 technologist employed or contracted by the ambulatory surgical facility
39 complies with the continuing education requirements of subsection (d).
- 40 (f) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
41 practitioner from performing surgical technology tasks or functions if the practitioner is acting
42 within the scope of his or her license.
- 43 (g) Adverse Action. – The Department of Health and Human Services may take adverse
44 action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section.
45 An ambulatory surgical facility may restrict an employee's eligibility to practice surgical
46 technology, as deemed appropriate by the ambulatory surgical facility, in the event the employee
47 does not comply with the requirements of this section."

48 **SECTION 3.** This act becomes effective January 1, 2020.