

By: Janek

S.B. No. 930

A BILL TO BE ENTITLED

AN ACT

relating to the employment of surgical technologists by certain health care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 241, Health and Safety Code, is amended by adding Section 241.106 to read as follows:

Sec. 241.106. SURGICAL TECHNOLOGISTS. (a) In this section, "surgical technologist" means an allied health professional who provides surgical patient care in a hospital or ambulatory surgical center by:

(1) preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;

(2) preparing the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;

(3) anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient's surgical procedure;

(4) assisting the surgeon during surgical procedures in a safe and efficient manner using sterile technique to:

(A) pass supplies, equipment, and instrumentation; and

1 (B) perform physical and mechanical retraction
2 and manipulation of tissues; and

3 (5) performing other intraoperative surgical tasks at
4 the direction and delegation of the operative physician.

5 (b) A hospital may not employ a person as a surgical
6 technologist unless the person:

7 (1) is certified by the Liaison Council on
8 Certification for the Surgical Technologist;

9 (2) has successfully completed an educational program
10 for surgical technologists accredited by the Commission on
11 Accreditation of Allied Health Education Programs;

12 (3) has completed an appropriate training program for
13 surgical technologists in the army, navy, air force, marine corps,
14 or coast guard of the United States or in the United States Public
15 Health Service; or

16 (4) provides evidence that the person, during the
17 24-month period preceding September 1, 2005, was employed as a
18 surgical technologist for not less than 18 months in a hospital,
19 medical office, or surgical center.

20 (c) A hospital may employ a surgical technologist who does
21 not meet the requirements of this section if:

22 (1) after a diligent and thorough effort has been
23 made, the hospital is unable to employ a sufficient number of
24 surgical technologists who meet the requirements of this section;
25 and

26 (2) the hospital makes a written record of its efforts
27 under Subdivision (1) and retains the record at the hospital.

1 (d) Notwithstanding Subsection (b), a hospital may employ a
2 person as a surgical technologist if the person provides evidence
3 that, on September 1, 2005, the person was participating in an
4 on-the-job training program for surgical technologists. This
5 subsection expires September 1, 2006.

6 (e) An educational program for surgical technologists is
7 considered accredited by the Commission on Accreditation of Allied
8 Health Education Programs for the purposes of Subsection (b)(2) if
9 the program is in the process of becoming accredited by that
10 commission on September 1, 2005. This subsection expires September
11 1, 2007.

12 (f) A person who qualifies to be employed as a surgical
13 technologist under Subsection (b)(2), (3), or (4) must complete 15
14 hours of continuing education certified by the Association of
15 Surgical Assistants or the Association of Perioperative Registered
16 Nurses to remain qualified for employment.

17 (g) A hospital that employs a person described by Subsection
18 (f) shall verify that the person meets the continuing education
19 requirements of Subsection (f) each year on the anniversary of the
20 person's employment. A hospital shall adopt policies to enforce
21 this subsection and may allow a grace period for compliance that is
22 not longer than six months.

23 (h) A hospital shall supervise each surgical technologist
24 employed by the hospital according to the hospital's policies and
25 procedures.

26 SECTION 2. Chapter 243, Health and Safety Code, is amended
27 by adding Subchapter C to read as follows:

SUBCHAPTER C. SURGICAL TECHNOLOGISTS

Sec. 243.101. DEFINITION. In this subchapter, "surgical technologist" means an allied health professional who provides surgical patient care in a hospital or ambulatory surgical center by:

(1) preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;

(2) preparing the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;

(3) anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient's surgical procedure;

(4) assisting the surgeon during surgical procedures in a safe and efficient manner using sterile technique to:

(A) pass supplies, equipment, and instrumentation; and

(B) perform physical and mechanical retraction and manipulation of tissues; and

(5) performing other intraoperative surgical tasks at the direction and delegation of the operative physician.

Sec. 243.102. EMPLOYMENT OF SURGICAL TECHNOLOGIST. (a) An ambulatory surgical center may not employ a person as a surgical technologist unless the person:

(1) is certified by the Liaison Council on

1 Certification for the Surgical Technologist;

2 (2) has successfully completed an educational program
3 for surgical technologists accredited by the Commission on
4 Accreditation of Allied Health Education Programs;

5 (3) has completed an appropriate training program for
6 surgical technologists in the army, navy, air force, marine corps,
7 or coast guard of the United States or in the United States Public
8 Health Service; or

9 (4) provides evidence that the person, during the
10 24-month period preceding September 1, 2005, was employed as a
11 surgical technologist for not less than 18 months in a hospital,
12 medical office, or surgical center.

13 (b) Notwithstanding Subsection (a), an ambulatory surgical
14 center may employ a person as a surgical technologist if the person
15 provides evidence that, on September 1, 2005, the person was
16 participating in an on-the-job training program for surgical
17 technologists. This subsection expires September 1, 2006.

18 (c) An educational program for surgical technologists is
19 considered accredited by the Commission on Accreditation of Allied
20 Health Education Programs for the purposes of Subsection (a)(2) if
21 the program is in the process of becoming accredited by that
22 commission on September 1, 2005. This subsection expires September
23 1, 2007.

24 (d) An ambulatory surgical center shall supervise each
25 surgical technologist employed by the center according to the
26 center's policies and procedures.

27 Sec. 243.103. CONTINUING EDUCATION. (a) A person who

1 qualifies to be employed as a surgical technologist under Section
2 243.102(a)(2), (3), or (4) must complete 15 hours of continuing
3 education certified by the Association of Surgical Assistants or
4 the Association of Perioperative Registered Nurses to remain
5 qualified for employment.

6 (b) An ambulatory surgical center that employs a person
7 described by Subsection (a) shall verify that the person meets the
8 continuing education requirements each year on the anniversary of
9 the person's employment. An ambulatory surgical center shall adopt
10 policies to enforce this subsection and may allow a grace period for
11 compliance that is not longer than six months.

12 Sec. 243.104. WAIVER OF REQUIREMENT. An ambulatory surgical
13 center may employ a surgical technologist who does not meet the
14 requirements of this subchapter if:

15 (1) after a diligent and thorough effort has been
16 made, the center is unable to employ a sufficient number of surgical
17 technologists who meet the requirements of this subchapter; and

18 (2) the center makes a written record of its efforts
19 under Subdivision (1) and retains the record at the center.

20 SECTION 3. This Act takes effect September 1, 2005.