

By: Zerwas

H.B. No. 643

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications of surgical technologists;  
providing penalties.

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

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is  
amended by adding Chapter 259 to read as follows:

CHAPTER 259. SURGICAL TECHNOLOGISTS

AT HEALTH CARE FACILITIES

Sec. 259.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health  
Services.

(2) "Surgical technologist" means a person who  
practices surgical technology.

(3) "Surgical technology" means intraoperative  
surgical patient care as follows:

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

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

(C) 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

1 procedure;  
2 (D) as directed in an operating room setting,  
3 performing the following tasks at the sterile field:  
4 (i) passing supplies, equipment, or  
5 instruments;  
6 (ii) sponging or suctioning an operative  
7 site;  
8 (iii) preparing and cutting suture  
9 material;  
10 (iv) transferring and pouring irrigation  
11 fluids;  
12 (v) transferring but not administering  
13 drugs within the sterile field;  
14 (vi) handling specimens;  
15 (vii) holding retractors and other  
16 instruments;  
17 (viii) applying electrocautery to clamps on  
18 bleeders;  
19 (ix) connecting drains to suction  
20 apparatus;  
21 (x) applying dressings to closed wounds;  
22 and  
23 (xi) assisting in counting sponges,  
24 needles, supplies, and instruments with the registered nurse  
25 circulator;  
26 (E) cleaning and preparing instruments for  
27 sterilization on completion of the surgery; and

1                   (F) assisting the surgical team with cleaning of  
2 the operating room on completion of the surgery.

3           Sec. 259.002. REQUIREMENTS FOR PRACTICING SURGICAL  
4 TECHNOLOGY. (a) A health care facility licensed by the department  
5 under this subtitle or owned or operated by the state may not employ  
6 a person to practice surgical technology in that health care  
7 facility unless that person provides evidence that the person:

8                   (1) has successfully completed an accredited  
9 educational program for surgical technologists and holds and  
10 maintains certification as a surgical technologist by:

11                   (A) the National Board of Surgical Technology and  
12 Surgical Assisting or its successor;

13                   (B) the National Center for Competency Testing or  
14 its successor; or

15                   (C) another surgical technologist certification  
16 program approved by the department;

17                   (2) has completed an appropriate training program for  
18 surgical technology in the army, navy, air force, marine corps, or  
19 coast guard of the United States or in the United States Public  
20 Health Service;

21                   (3) was employed to practice surgical technology in a  
22 health care facility before September 1, 2009; or

23                   (4) is in the service of the federal government, to the  
24 extent the person is performing duties related to that service.

25                   (b) Notwithstanding Subsection (a), a health care facility  
26 may employ a person to practice surgical technology at that health  
27 care facility from the date the person graduates from an accredited

1 educational program for surgical technologists until the 180th day  
2 after the date of graduation. The person may not continue to  
3 practice surgical technology after the 180th day after the date of  
4 graduation without showing documentation to the health care  
5 facility that the person holds and maintains the surgical  
6 technologist certification required by Subsection (a)(1).

7 (c) Notwithstanding Subsection (a), a health care facility  
8 may employ a surgical technologist who does not meet the  
9 requirements of this section if:

10 (1) after a diligent and thorough effort has been  
11 made, the health care facility is unable to employ a sufficient  
12 number of qualified surgical technologists who meet the  
13 requirements of this section; and

14 (2) the health care facility makes a written record of  
15 its efforts under Subdivision (1) and retains the record at the  
16 health care facility.

17 Sec. 259.003. SUPERVISION OF SURGICAL TECHNOLOGISTS. This  
18 chapter does not repeal or modify any law relating to the  
19 supervision of surgical technologists.

20 Sec. 259.004. OTHER LICENSED PRACTITIONERS. This chapter  
21 does not prohibit a licensed practitioner from performing a task or  
22 function within the scope of the practitioner's license.

23 Sec. 259.005. APPLICABILITY. This chapter does not apply  
24 to:

25 (1) a licensed registered nurse or a licensed  
26 vocational nurse; or

27 (2) the employment by a health care facility of an

1 individual whose primary functions include the cleaning or  
2 sterilization of supplies, instruments, equipment, or operating  
3 rooms.

4 Sec. 259.006. ENFORCEMENT. (a) The department may adopt  
5 rules to administer and enforce this chapter.

6 (b) A health care facility that violates Section 259.002 is  
7 subject to an administrative penalty, a civil penalty, or other  
8 disciplinary action, as applicable, in the same manner as if the  
9 facility violated the chapter under which the facility is licensed.

10 SECTION 2. A health care facility is not required to comply  
11 with Section 259.002, Health and Safety Code, as added by this Act,  
12 before September 1, 2010.

13 SECTION 3. This Act takes effect September 1, 2009.