

By: Zerwas

H.B. No. 643

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications of surgical technologists; imposing 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 that involves:

(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; and

2 (D) as directed in an operating room setting,  
3 performing tasks at the sterile field including:

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 irrigating with  
11 fluids;

12 (v) transferring but not administering  
13 drugs within the sterile field;

14 (vi) handling specimens;

15 (vii) holding retractors; and

16 (viii) assisting in counting sponges,  
17 needles, supplies, and instruments with the registered nurse  
18 circulator.

19 Sec. 259.002. REQUIREMENTS FOR PRACTICING SURGICAL  
20 TECHNOLOGY. (a) A health care facility licensed by the department  
21 under this subtitle may not employ a person to practice surgical  
22 technology in that health care facility unless that person provides  
23 evidence that the person:

24 (1) has successfully completed an accredited  
25 educational program for surgical technologists and holds and  
26 maintains the Surgical Technologist Certification administered by  
27 the National Board of Surgical Technology and Surgical Assisting or

1 its successor;

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

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

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

10 (b) Notwithstanding Subsection (a), a health care facility  
11 may employ a person to practice surgical technology at that health  
12 care facility from the date the person graduates from an accredited  
13 school of surgical technology until the 180th day after the date of  
14 graduation. The person may not continue to practice surgical  
15 technology after the 180th day after the date of graduation without  
16 showing documentation to the health care facility that the person  
17 holds and maintains the surgical technologist certification  
18 required by Subsection (a)(1).

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

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

26 (2) the health care facility makes a written record of  
27 its efforts under Subdivision (1) and retains the record at the

1 health care facility.

2 Sec. 259.003. SUPERVISION OF SURGICAL TECHNOLOGISTS. A  
3 health care facility that employs a surgical technologist shall  
4 supervise the surgical technologist according to the health care  
5 facility's policies and procedures to ensure that the surgical  
6 technologist competently performs delegated tasks intraoperatively  
7 in accordance with this chapter and other applicable law.

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

11 Sec. 259.005. ENFORCEMENT. (a) The department may adopt  
12 rules to administer and enforce this chapter.

13 (b) A health care facility that violates this chapter is  
14 subject to an administrative penalty, a civil penalty, or other  
15 disciplinary action, as applicable, in the same manner as if the  
16 facility violated the chapter under which the facility is licensed.

17 SECTION 2. Section 241.0262, Health and Safety Code, is  
18 repealed.

19 SECTION 3. A health care facility is not required to comply  
20 with Section 259.002, Health and Safety Code, as added by this Act,  
21 before September 1, 2010.

22 SECTION 4. This Act takes effect September 1, 2009.