

1-1 By: Zerwas (Senate Sponsor - Uresti) H.B. No. 643
1-2 (In the Senate - Received from the House May 7, 2009;
1-3 May 7, 2009, read first time and referred to Committee on Health
1-4 and Human Services; May 13, 2009, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 13, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the qualifications of surgical technologists;
1-9 providing penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subtitle B, Title 4, Health and Safety Code, is
1-12 amended by adding Chapter 259 to read as follows:

1-13 CHAPTER 259. SURGICAL TECHNOLOGISTS

1-14 AT HEALTH CARE FACILITIES

1-15 Sec. 259.001. DEFINITIONS. In this chapter:

1-16 (1) "Department" means the Department of State Health
1-17 Services.

1-18 (2) "Surgical technologist" means a person who
1-19 practices surgical technology.

1-20 (3) "Surgical technology" means intraoperative
1-21 surgical patient care as follows:

1-22 (A) preparing the operating room for surgical
1-23 procedures by ensuring that surgical equipment is functioning
1-24 properly and safely;

1-25 (B) preparing the operating room and the sterile
1-26 field for surgical procedures by preparing sterile supplies,
1-27 instruments, and equipment using sterile technique;

1-28 (C) anticipating the needs of the surgical team
1-29 based on knowledge of human anatomy and pathophysiology and how
1-30 they relate to the surgical patient and the patient's surgical
1-31 procedure;

1-32 (D) as directed in an operating room setting,
1-33 performing the following tasks at the sterile field:

1-34 (i) passing supplies, equipment, or
1-35 instruments;

1-36 (ii) sponging or suctioning an operative
1-37 site;

1-38 (iii) preparing and cutting suture
1-39 material;

1-40 (iv) transferring and pouring irrigation
1-41 fluids;

1-42 (v) transferring but not administering
1-43 drugs within the sterile field;

1-44 (vi) handling specimens;
1-45 (vii) holding retractors and other

1-46 instruments;
1-47 (viii) applying electrocautery to clamps on

1-48 bleeders;
1-49 (ix) connecting drains to suction

1-50 apparatus;
1-51 (x) applying dressings to closed wounds;

1-52 and
1-53 (xi) assisting in counting sponges,

1-54 needles, supplies, and instruments with the registered nurse
1-55 circulator;

1-56 (E) cleaning and preparing instruments for
1-57 sterilization on completion of the surgery; and

1-58 (F) assisting the surgical team with cleaning of
1-59 the operating room on completion of the surgery.

1-60 Sec. 259.002. REQUIREMENTS FOR PRACTICING SURGICAL
1-61 TECHNOLOGY. (a) A health care facility licensed by the department
1-62 under this subtitle or owned or operated by the state may not employ
1-63 a person to practice surgical technology in that health care
1-64 facility unless that person provides evidence that the person:

2-1 (1) has successfully completed an accredited
2-2 educational program for surgical technologists and holds and
2-3 maintains certification as a surgical technologist by:

2-4 (A) the National Board of Surgical Technology and
2-5 Surgical Assisting or its successor;

2-6 (B) the National Center for Competency Testing or
2-7 its successor; or

2-8 (C) another surgical technologist certification
2-9 program approved by the department;

2-10 (2) has completed an appropriate training program for
2-11 surgical technology in the army, navy, air force, marine corps, or
2-12 coast guard of the United States or in the United States Public
2-13 Health Service;

2-14 (3) was employed to practice surgical technology in a
2-15 health care facility before September 1, 2009; or

2-16 (4) is in the service of the federal government, to the
2-17 extent the person is performing duties related to that service.

2-18 (b) Notwithstanding Subsection (a), a health care facility
2-19 may employ a person to practice surgical technology at that health
2-20 care facility from the date the person graduates from an accredited
2-21 educational program for surgical technologists until the 180th day
2-22 after the date of graduation. The person may not continue to
2-23 practice surgical technology after the 180th day after the date of
2-24 graduation without showing documentation to the health care
2-25 facility that the person holds and maintains the surgical
2-26 technologist certification required by Subsection (a)(1).

2-27 (c) Notwithstanding Subsection (a), a health care facility
2-28 may employ a surgical technologist who does not meet the
2-29 requirements of this section if:

2-30 (1) after a diligent and thorough effort has been
2-31 made, the health care facility is unable to employ a sufficient
2-32 number of qualified surgical technologists who meet the
2-33 requirements of this section; and

2-34 (2) the health care facility makes a written record of
2-35 its efforts under Subdivision (1) and retains the record at the
2-36 health care facility.

2-37 Sec. 259.003. SUPERVISION OF SURGICAL TECHNOLOGISTS. This
2-38 chapter does not repeal or modify any law relating to the
2-39 supervision of surgical technologists.

2-40 Sec. 259.004. OTHER LICENSED PRACTITIONERS. This chapter
2-41 does not prohibit a licensed practitioner from performing a task or
2-42 function within the scope of the practitioner's license.

2-43 Sec. 259.005. APPLICABILITY. This chapter does not apply
2-44 to:

2-45 (1) a licensed registered nurse or a licensed
2-46 vocational nurse; or

2-47 (2) the employment by a health care facility of an
2-48 individual whose primary functions include the cleaning or
2-49 sterilization of supplies, instruments, equipment, or operating
2-50 rooms.

2-51 Sec. 259.006. ENFORCEMENT. (a) The department may adopt
2-52 rules to administer and enforce this chapter.

2-53 (b) A health care facility that violates Section 259.002 is
2-54 subject to an administrative penalty, a civil penalty, or other
2-55 disciplinary action, as applicable, in the same manner as if the
2-56 facility violated the chapter under which the facility is licensed.

2-57 SECTION 2. A health care facility is not required to comply
2-58 with Section 259.002, Health and Safety Code, as added by this Act,
2-59 before September 1, 2010.

2-60 SECTION 3. This Act takes effect September 1, 2009.

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