

Senate Bill 1010

Sponsored by Senator MORRISETTE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person practicing as surgical technologist to obtain registration from Oregon Health Authority. Prohibits employer from hiring or contracting with unregistered surgical technologist except in certain circumstances.

Establishes standards and registration requirements for surgical technologists.

Imposes civil penalty for certain violations by health care facility or person practicing as surgical technologist.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to surgical technologists; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 12 of this 2010 Act:**

5 (1) **"Health care facility" means a hospital or an ambulatory surgical center, as those**
6 **terms are defined in ORS 442.015.**

7 (2) **"Surgical technologist" means a person who:**

8 (a) **Prepares an operating room and sterile field for surgical procedures by preparing**
9 **sterile supplies, instruments and equipment using sterile techniques;**

10 (b) **Prepares an operating room for surgical procedures by ensuring that surgical equip-**
11 **ment is functioning properly and safely; and**

12 (c) **Performs tasks as directed in an operating room, including passing instruments,**
13 **equipment or supplies, sponging or suctioning of an operative site, preparing and cutting**
14 **suture material, transferring fluids or drugs, holding retractors and assisting in counting**
15 **sponges, needles, supplies and instruments.**

16 **SECTION 2. Except as provided in section 3 of this 2010 Act:**

17 (1) **A person may not practice as a surgical technologist unless the person is registered**
18 **under section 8 of this 2010 Act.**

19 (2) **A health care facility may not employ or contract with a person as a surgical**
20 **technologist unless the person is registered under section 8 of this 2010 Act.**

21 **SECTION 3. A health care facility in a medically underserved community as defined by**
22 **the Office of Rural Health pursuant to ORS 442.555 may employ or contract with a person**
23 **as a surgical technologist who is not registered under section 8 of this 2010 Act and the**
24 **person may practice as a surgical technologist at the health care facility if:**

25 (1) **After making a diligent and thorough effort, the health care facility is unable to em-**
26 **ploy or contract with a sufficient number of surgical technologists who are registered under**
27 **section 8 of this 2010 Act;**

28 (2) **The health care facility makes a written record of the efforts made to employ surgical**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **technologists who are registered under section 8 of this 2010 Act and retains the record for**
 2 **inspection by the Oregon Health Authority; and**

3 **(3) The health care facility notifies the authority that the person is practicing as a sur-**
 4 **gical technologist at the facility and annually provides the authority with documentation that**
 5 **the person has completed the continuing education requirements of section 10 of this 2010**
 6 **Act.**

7 **SECTION 4. (1) A health care facility shall supervise each surgical technologist employed**
 8 **by or under contract with the facility according to the facility’s policies and procedures to**
 9 **ensure that the surgical technologist competently performs delegated tasks according to**
 10 **applicable provisions of law.**

11 **(2) A surgical technologist may perform only those tasks in the operating room that are**
 12 **within the surgical technologist’s range of function.**

13 **SECTION 5. (1) A health care facility may not permit a surgical technologist to serve as**
 14 **a circulating nurse.**

15 **(2) A surgical technologist may assist in the performance of the duties of a circulating**
 16 **nurse consistent with the surgical technologist’s education, training and experience and as**
 17 **assigned and supervised by the circulating nurse, provided that the circulating nurse is**
 18 **present in the operating room.**

19 **(3) As used in this section, “circulating nurse” has the meaning given that term in ORS**
 20 **678.362.**

21 **SECTION 6. An applicant is eligible for registration by the Oregon Health Authority as**
 22 **a surgical technologist if the applicant:**

23 **(1)(a) Has completed an educational program for surgical technologists administered by**
 24 **a national organization approved by the authority; and**

25 **(b) Holds and maintains a certified surgical technologist credential issued by a national**
 26 **organization approved by the authority;**

27 **(2) Has completed a training program for surgical technologists in the Army, Navy, Air**
 28 **Force, Marine Corps or Coast Guard of the United States or in the United States Public**
 29 **Health Service Commissioned Corps; or**

30 **(3) Has completed an educational program for surgical technologists accredited by a na-**
 31 **tional organization approved by the authority and agrees to obtain a certified surgical**
 32 **technologist credential issued by a national organization approved by the authority within**
 33 **six months after registration.**

34 **SECTION 7. An applicant who does not meet the requirements of section 6 of this 2010**
 35 **Act is eligible for registration as a surgical technologist if the person was employed as or**
 36 **was under contract as a surgical technologist in a health care facility during two of the three**
 37 **years immediately preceding January 1, 2011.**

38 **SECTION 8. The Oregon Health Authority shall issue a registration as a surgical**
 39 **technologist to an applicant who:**

40 **(1) Applies to the authority for registration as a surgical technologist in the form and**
 41 **manner provided by the authority by rule;**

42 **(2) Provides the authority with documentation required by rule of the authority showing**
 43 **that the applicant is eligible for registration under section 6 or 7 of this 2010 Act;**

44 **(3) Pays a nonrefundable application fee in the amount of \$110; and**

45 **(4) Provides other information that the authority requires by rule.**

1 **SECTION 9.** A surgical technologist registration issued by the Oregon Health Authority
 2 under section 8 of this 2010 Act expires two years after the date of issuance. On or before
 3 the expiration date, an applicant may apply to the authority for renewal of the registration.
 4 The application must:

5 (1) Include documentation that the applicant has completed the continuing education
 6 required by section 10 of this 2010 Act;

7 (2) Be accompanied by a fee established by the authority by rule; and

8 (3) Include other information required by the authority by rule.

9 **SECTION 10.** (1) A surgical technologist shall annually complete 15 hours of continuing
 10 education approved by a national organization approved by the Oregon Health Authority.

11 (2) A person who holds a certified surgical technologist credential issued by a national
 12 organization approved by the authority satisfies the continuing education requirement of this
 13 section.

14 **SECTION 11.** (1) The Oregon Health Authority may impose a civil penalty not to exceed
 15 \$5,000 for each violation by a health care facility of section 2, 4 or 5 of this 2010 Act.

16 (2) The authority may impose a civil penalty not to exceed \$1,000 on any person who vi-
 17 olates section 2 of this 2010 Act by practicing as a surgical technologist without being reg-
 18 istered by the authority.

19 (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

20 **SECTION 12.** Sections 1 to 12 of this 2010 Act do not apply to:

21 (1) A licensed health care practitioner who is performing the duties of a surgical
 22 technologist consistent with the practitioner's license and range of function; or

23 (2) A person who is employed by or under contract with the federal government and who
 24 is performing duties as a surgical technologist.

25 **SECTION 13.** The Oregon Health Authority shall adopt rules as necessary to carry out
 26 sections 1 to 12 of this 2010 Act, including but not limited to rules specifying the grounds for
 27 denying, suspending, revoking or refusing to renew a registration.

28 **SECTION 14.** Moneys collected under sections 8, 9 and 11 of this 2010 Act shall be de-
 29 posited in the Oregon Health Authority Fund established under ORS 413.031 and used for the
 30 purposes of carrying out sections 1 to 12 of this 2010 Act.

31 **SECTION 15.** (1) Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12 and 13 of this 2010 Act become
 32 operative on January 1, 2011.

33 (2) Section 10 of this 2010 Act becomes operative on January 1, 2012.

34 **SECTION 16.** The Oregon Health Authority may take any action before the operative
 35 dates specified in section 15 of this 2010 Act that is necessary to enable the authority to ex-
 36 ercise, on or after the operative dates specified in section 15 of this 2010 Act, all of the du-
 37 ties, functions and powers conferred on the authority by sections 1 to 12 and 13 of this 2010
 38 Act.

39 **SECTION 17.** This 2010 Act being necessary for the immediate preservation of the public
 40 peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect
 41 on its passage.