

House Bill 2173

Sponsored by Representatives BUCKLEY, GREENLICK, Senator BATES; Representative CANNON (at the request of former Senator Bill 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**.

Prohibits health care facility from allowing person to practice surgical technology unless person has certain qualifications. Provides exception for health care facility in medically underserved community.

Directs Oregon Health Authority to adopt rules necessary to carry out provisions relating to practice of surgical technology.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the practice of surgical technology; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 5 of this 2011 Act:

4
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 technology" means intraoperative surgical patient care that involves:**

8 (a) **Preparing an operating room for surgical procedures by ensuring that surgical**
9 **equipment is functioning properly and safely;**

10 (b) **Preparing an operating room and the sterile field for surgical procedures by preparing**
11 **sterile supplies, instruments and equipment using sterile techniques;**

12 (c) **Anticipating the needs of a surgical team based on knowledge of human anatomy and**
13 **pathophysiology and how those fields relate to the surgical patient and the patient's surgical**
14 **procedure; and**

15 (d) **Performing tasks as directed in an operating room, including:**

16 (A) **Passing instruments, equipment or supplies;**

17 (B) **Sponging or suctioning of an operative site;**

18 (C) **Preparing and cutting suture material;**

19 (D) **Transferring fluids or drugs;**

20 (E) **Handling specimens;**

21 (F) **Holding retractors and other equipment;**

22 (G) **Applying electrocautery to clamps on bleeders;**

23 (H) **Connecting drains to suction apparatus;**

24 (I) **Applying dressings to closed wounds; and**

25 (J) **Assisting in counting supplies and instruments, including sponges and needles.**

26 **SECTION 2. (1) A health care facility may not allow a person to practice surgical tech-**
27 **nology at the health care facility unless the person:**

28 (a)(A) **Provides the health care facility with documentation showing that the person has**

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 completed an educational program for surgical technologists accredited by a national ac-
 2 creditation organization approved by the Oregon Health Authority by rule; and

3 (B) Holds and maintains a surgical technologist certification issued by a nationally ac-
 4 credited certifying organization for surgical technologists approved by the authority by rule;

5 (b)(A) Provides the health care facility with documentation showing that the person has
 6 completed a training program for surgical technologists in the Army, Navy, Air Force, Ma-
 7 rine Corps or Coast Guard of the United States or in the United States Public Health Service
 8 Commissioned Corps; and

9 (B) Completes 15 hours of continuing education approved by the authority each year; or

10 (c)(A) Provides the health care facility with documentation showing that the person
 11 practiced surgical technology during at least two of the three years immediately preceding
 12 January 1, 2013:

13 (i) In a health care facility in Oregon or in another state; or

14 (ii) As an employee of an agency or institution of the federal government; and

15 (B) Completes 15 hours of continuing education approved by the authority each year.

16 (2) Notwithstanding subsection (1)(a)(B) of this section, a health care facility may allow
 17 a person who does not hold a surgical technologist certification to perform surgical tech-
 18 nology at the health care facility for 12 months after the person completes an educational
 19 program for surgical technologists accredited by a national accreditation organization ap-
 20 proved by the authority by rule.

21 **SECTION 3.** (1) A health care facility in a medically underserved community, as defined
 22 by the Office of Rural Health pursuant to ORS 442.555, may allow a person to practice as a
 23 surgical technologist at the health care facility who does not meet the requirements of sec-
 24 tion 2 of this 2011 Act if:

25 (a) 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 meet the require-
 27 ments of section 2 of this 2011 Act; and

28 (b) The health care facility makes a written record of the efforts made to employ or
 29 contract with surgical technologists who meet the requirements of section 2 of this 2011 Act
 30 and retains the record for inspection by the Oregon Health Authority.

31 (2) A health care facility that meets the requirements of subsection (1) of this section
 32 may allow a person to practice surgical technology without meeting the requirements of
 33 section 2 of this 2011 Act for no more than two years.

34 **SECTION 4.** Section 2 of this 2011 Act does not apply to a health care facility that allows
 35 a licensed health care practitioner to perform the duties of a surgical technologist if the
 36 practitioner is acting within the scope of practice of the practitioner's license.

37 **SECTION 5.** The Oregon Health Authority shall adopt rules necessary to carry out
 38 sections 1 to 5 of this 2011 Act, including but not limited to penalties for violation of sections
 39 1 to 5 of this 2011 Act or rules adopted under sections 1 to 5 of this 2011 Act.

40 **SECTION 6.** (1) Sections 1 to 5 of this 2011 Act become operative on January 1, 2013.

41 (2) The Oregon Health Authority may take any action before the operative date specified
 42 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
 43 after the operative date specified in subsection (1) of this section, all of the duties, functions
 44 and powers conferred on the authority by sections 1 to 5 of this 2011 Act.

45 **SECTION 7.** This 2011 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
2 **on its passage.**

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