

D R A F T

SUMMARY

Prohibits health care facility from allowing person without certain qualifications to practice surgical technology. Provides exception for health care facility in rural or medically underserved area of state.

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

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

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

SECTION 1. As used in sections 1 to 5 of this 2015 Act:

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

(2) “Surgical technology” means intraoperative surgical patient care that involves:

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

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

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

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

(A) Passing instruments, equipment or supplies;

- 1 (B) Sponging or suctioning of an operative site;
- 2 (C) Preparing and cutting suture material;
- 3 (D) Transferring fluids or drugs;
- 4 (E) Handling specimens;
- 5 (F) Holding retractors and other equipment;
- 6 (G) Applying electrocautery to clamps on bleeders;
- 7 (H) Connecting drains to suction apparatus;
- 8 (I) Applying dressings to closed wounds; and
- 9 (J) Assisting in counting supplies and instruments, including
- 10 sponges and needles.

11 **SECTION 2.** (1) A health care facility may not allow a person to
12 practice surgical technology at the health care facility unless the
13 person:

14 (a)(A) Provides the health care facility with documentation showing
15 that the person has completed an educational program for surgical
16 technologists accredited by a national accreditation organization ap-
17 proved by the Oregon Health Authority by rule; and

18 (B) Holds and maintains a surgical technologist certification issued
19 by a nationally accredited certifying organization for surgical
20 technologists approved by the authority by rule;

21 (b)(A) Provides the health care facility with documentation showing
22 that the person has completed a training program for surgical
23 technologists in the Army, Navy, Air Force, Marine Corps or Coast
24 Guard of the United States or in the United States Public Health Ser-
25 vice Commissioned Corps; and

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

28 (c)(A) Provides the health care facility with documentation showing
29 that the person practiced surgical technology during at least two of
30 the three years immediately preceding January 1, 2017:

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

1 (ii) As an employee of an agency or institution of the federal gov-
2 ernment; and

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

5 (2) Notwithstanding subsection (1)(a)(B) of this section, a health
6 care facility may allow a person who does not hold a surgical
7 technologist certification to perform surgical technology at the health
8 care facility for 12 months after the person completes an educational
9 program for surgical technologists accredited by a national accredi-
10 tation organization approved by the authority by rule.

11 SECTION 3. (1) A health care facility in a rural or medically
12 underserved area of the state may allow a person to practice as a
13 surgical technologist at the health care facility who does not meet the
14 requirements of section 2 of this 2015 Act if:

15 (a) After making a diligent and thorough effort, the health care
16 facility is unable to employ or contract with a sufficient number of
17 surgical technologists who meet the requirements of section 2 of this
18 2015 Act; and

19 (b) The health care facility makes a written record of the efforts
20 made to employ or contract with surgical technologists who meet the
21 requirements of section 2 of this 2015 Act and retains the record for
22 inspection by the Oregon Health Authority.

23 (2) A health care facility that meets the requirements of subsection
24 (1) of this section may allow a person to practice surgical technology
25 without meeting the requirements of section 2 of this 2015 Act for no
26 more than two years.

27 SECTION 4. Section 2 of this 2015 Act does not apply to a health
28 care facility that allows a licensed health care practitioner to perform
29 the duties of a surgical technologist if the practitioner is acting within
30 the scope of practice of the practitioner's license.

31 SECTION 5. The Oregon Health Authority shall adopt rules neces-

1 sary to carry out sections 1 to 5 of this 2015 Act, including but not
2 limited to penalties for violation of sections 1 to 5 of this 2015 Act or
3 rules adopted under sections 1 to 5 of this 2015 Act.

4 SECTION 6. (1) Sections 1 to 5 of this 2015 Act become operative
5 on January 1, 2017.

6 (2) The Oregon Health Authority may take any action before the
7 operative date specified in subsection (1) of this section that is neces-
8 sary to enable the authority to exercise, on and after the operative
9 date specified in subsection (1) of this section, all of the duties, func-
10 tions and powers conferred on the authority by sections 1 to 5 of this
11 2015 Act.

12 SECTION 7. This 2015 Act being necessary for the immediate pres-
13 ervation of the public peace, health and safety, an emergency is de-
14 clared to exist, and this 2015 Act takes effect on its passage.

15
