

House Bill 2383

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care)

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) **Provides the health care facility with documentation showing that the person:**

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 (A)(i) Has completed an educational program for surgical technologists accredited by a
 2 national accreditation organization approved by the Oregon Health Authority by rule; and

3 (ii) Holds and maintains a surgical technologist certification issued by a national ac-
 4 creditation organization for surgical technologists approved by the authority by rule;

5 (B) Has completed a training program for surgical technologists in the Army, Navy, Air
 6 Force, Marine Corps or Coast Guard of the United States or in the United States Public
 7 Health Service Commissioned Corps; or

8 (C) Practiced surgical technology during at least two of the three years immediately
 9 preceding January 1, 2013:

10 (i) In a health care facility in Oregon; or

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

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

13 (2) Notwithstanding subsection (1)(a)(A)(ii) of this section, a health care facility may al-
 14 low a person who does not hold a surgical technologist certification to perform surgical
 15 technology at the health care facility if the person completed an educational program for
 16 surgical technologists accredited by a national accreditation organization approved by the
 17 authority within the previous 12 months.

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

22 (a) After making a diligent and thorough effort, the health care facility is unable to em-
 23 ploy or contract with a sufficient number of surgical technologists who meet the require-
 24 ments of section 2 of this 2011 Act; and

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

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

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

34 **SECTION 5.** The Oregon Health Authority shall adopt rules necessary to carry out
 35 sections 1 to 5 of this 2011 Act, including but not limited to penalties for violation of sections
 36 1 to 5 of this 2011 Act or rules adopted under sections 1 to 5 of this 2011 Act.

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

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

42 **SECTION 7.** This 2011 Act being necessary for the immediate preservation of the public
 43 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
 44 on its passage.