

B-Engrossed House Bill 4106

Ordered by the Senate February 23
Including House Amendments dated February 11 and Senate Amendments
dated February 23

Sponsored by Representatives SCHOUTEN, MOORE-GREEN, Senator PATTERSON, Representative ZIKA; Representatives ALONSO LEON, CAMPOS, DEXTER, EVANS, FAHEY, GRAYBER, HAYDEN, HELM, HIEB, HOY, HUDSON, KROPF, LIVELY, MARSH, MCLAIN, NOBLE, REYNOLDS, RUIZ, STARK, WEBER, WILDE, Senators BEYER, FREDERICK, KENNEMER, PROZANSKI (Presession 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.

Allows person employed by health care facility to practice surgical technology if person has completed and is certified by specified apprenticeship program. Becomes operative January 1, 2023.

Directs State Apprenticeship and Training Council, in coordination with Bureau of Labor and Industries, to study registered apprenticeship programs in surgical technology. Requires report to interim committee of Legislative Assembly related to health care no later than September 1, 2025. Sunsets January 1, 2026.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to surgical technologists; creating new provisions; amending ORS 676.875; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 676.875 is amended to read:

6 676.875. (1) A health care facility may not allow a person to practice surgical technology at the
7 health care facility unless the person:

8 (a)(A) Provides the health care facility with documentation showing that the person has com-
9 pleted an educational program for surgical technologists accredited by a national accreditation or-
10 ganization approved by the Oregon Health Authority by rule; and

11 (B)(i) Holds and maintains a:

12 (I) Surgical technologist certification issued by a nationally accredited certifying organization
13 for surgical technologists approved by the authority by rule; or

14 (II) **Subspecialty surgical assistant or surgical technologist certification, including but**
15 **not limited to a certified ophthalmic surgical assisting credential issued by the International**
16 **Joint Commission on Allied Health Personnel in Ophthalmology or its successor organization,**
17 **that is accredited by the National Commission for Certifying Agencies or its successor or-**
18 **ganization and approved by the authority by rule; or**

19 (ii) **Has completed and is certified by a registered apprenticeship program in surgical**
20 **technology that:**

21 (I) **Is approved under ORS 660.002 to 660.210;**

22 (II) **Meets the requirements for, and requires participants to receive, certification by the**
23 **National Center for Competency Testing or its successor organization;**

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 **(III) Upon completion awards certification accredited by the National Commission for**
2 **Certifying Agencies or its successor organization; and**

3 **(IV) Is approved by the authority by rule;**

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

8 (B) Every two years completes 16 hours of continuing education approved by the authority; or

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

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

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

13 (B) Every two years completes 16 hours of continuing education approved by the authority.

14 (2) Notwithstanding subsection (1)(a)(B)(i) of this section, a health care facility may allow a
15 person who does not hold a [*surgical technologist*] certification **described in subsection (1)(a)(B)(i)**
16 **of this section** to perform surgical technology at the health care facility for 12 months after the
17 person completes an educational program for surgical technologists accredited by a national ac-
18 creditation organization approved by the authority by rule.

19 **(3) Notwithstanding subsection (1)(a)(B) of this section, a health care facility may allow**
20 **a person who does not hold a certification described in subsection (1)(a)(B) of this section to**
21 **perform surgical technology at the health care facility if the person:**

22 (a) **Is an apprentice, as defined in ORS 660.010, actively enrolled in a registered appren-**
23 **ticeship program in surgical technology described in subsection (1)(a)(B)(ii) of this section**
24 **that requires the person to obtain on-the-job supervised training; and**

25 (b) **Is at all times while performing surgical technology provided adequate direct super-**
26 **vision as required by the standards for the registered apprenticeship program in which the**
27 **person is enrolled.**

28 **SECTION 2. The State Apprenticeship and Training Council, in coordination with the**
29 **Bureau of Labor and Industries, shall study registered apprenticeship programs in surgical**
30 **technology, including graduation and placement rates. The council shall submit findings and**
31 **recommendations to an interim committee of the Legislative Assembly related to health care**
32 **not later than September 1, 2025.**

33 **SECTION 3. Section 2 of this 2022 Act is repealed on January 1, 2026.**

34 **SECTION 4. (1) The amendments to ORS 676.875 by section 1 of this 2022 Act become**
35 **operative on January 1, 2023.**

36 **(2) The Oregon Health Authority and the State Apprenticeship and Training Council may**
37 **take any action before the operative date specified in subsection (1) of this section that is**
38 **necessary to enable the authority and the council to exercise, on and after the operative date**
39 **specified in subsection (1) of this section, all of the duties, functions and powers conferred**
40 **on the authority and the council by the amendments to ORS 676.875 by section 1 of this 2022**
41 **Act.**

42 **SECTION 5. This 2022 Act being necessary for the immediate preservation of the public**
43 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
44 **on its passage.**