

Enrolled
House Bill 4106

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 676.875 is amended to read:

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

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

(B)(i) Holds and maintains a:

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

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

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

(I) Is approved under ORS 660.002 to 660.210;

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

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

(IV) Is approved by the authority by rule;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed by House February 16, 2022

Repassed by House March 2, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 25, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

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Shemia Fagan, Secretary of State