

As Introduced

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Representative Yuko

Cosponsors: Representatives Mallory, Belcher, Letson, Hagan, Fende

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To enact section 3701.77 of the Revised Code 1
regarding the practice of surgical technology in 2
hospitals and ambulatory surgical facilities. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3701.77 of the Revised Code be 4
enacted to read as follows: 5

Sec. 3701.77. (A) As used in this section: 6

(1) "Surgical technology" means patient care during a 7
surgical procedure that includes one or more of the following: 8

(a) Preparing the operating room, including the sterile 9
field, for surgical procedures by doing one or both of the 10
following: 11

(i) Ensuring that surgical equipment is functioning properly 12
and safely; 13

(ii) Handling sterile supplies, equipment, and instruments 14
using sterile technique. 15

(b) Performing one or more of the following tasks within the 16
sterile field: 17

<u>(i) Passing supplies, equipment, and instruments;</u>	18
<u>(ii) Sponging or suctioning of the patient's operative site or performing both activities;</u>	19 20
<u>(iii) Preparing and cutting suture material;</u>	21
<u>(iv) Transferring and irrigating with fluids;</u>	22
<u>(v) Transferring, but not administering, drugs;</u>	23
<u>(vi) Handling specimens;</u>	24
<u>(vii) Holding retractors;</u>	25
<u>(viii) Assisting a nurse performing circulatory duties in counting sponges, needles, and other supplies and instruments.</u>	26 27
<u>(c) Anticipating and fulfilling the needs of the surgical team by applying knowledge of human anatomy and pathophysiology.</u>	28 29
<u>(2) "Licensed health professional" means any of the following:</u>	30 31
<u>(a) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	32 33 34
<u>(b) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;</u>	35 36
<u>(c) A person authorized under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse.</u>	37 38 39
<u>(B)(1) Except as provided in division (B)(2) of this section, no facility that is classified by the department of health as a hospital or licensed by the department as an ambulatory surgical facility shall permit any person who is not a licensed health professional to engage in the practice of surgical technology in the facility unless the person meets one or more of the following conditions:</u>	40 41 42 43 44 45 46

(a) The person was engaged as a surgical technologist by a facility located in this state for at least eighteen consecutive months during the three-year period immediately preceding the effective date of this section. 47
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(b) The person holds valid certification as a surgical technologist from the national board of surgical technology and surgical assisting or an entity recognized by the director of health as the successor of the board. 51
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(c) The person has successfully completed an educational program for surgical technology operated by the United States army, navy, air force, marine corps, or coast guard or the United States public health service. 55
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(d) The person is employed by the federal government as a surgical technologist and performs the duties of a surgical technologist during the course of that employment. 59
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(e) Not longer than twelve months prior to the effective date of this section or on or after that date, the person graduated from an educational program for surgical technology accredited by the commission on accreditation of allied health education programs or an entity recognized by the director of health as the successor of the commission, except that such a person may be permitted to engage in the practice of surgical technology for not longer than twelve months after the date of graduation. 62
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(2) A facility that is unable to comply with division (B)(1) of this section may apply to the director of health for a waiver. The facility shall include in the application evidence satisfactory to the director that the facility has made reasonable efforts but is unable to obtain the number of persons needed by the facility who meet one or more of the conditions in division (B)(1) of this section. 70
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If the director grants the waiver, the facility may permit 77

one or more persons to engage in the practice of surgical 78
technology in the facility who do not meet any of the conditions 79
in division (B)(1) of this section. The waiver shall specify the 80
number of persons who may practice pursuant to it and shall be 81
valid for six months from the date it is granted. 82

A facility may apply for and be granted one six-month 83
extension of a waiver. When making the application, the facility 84
shall provide evidence satisfactory to the director that the 85
facility, after making reasonable efforts, continues to be unable 86
to obtain the number of persons needed by the facility who meet 87
one or more of the conditions in division (B)(1) of this section. 88

(C) A facility shall require each person described in 89
divisions (B)(1)(a) to (c) of this section to annually complete at 90
least fifteen hours of continuing education in the field of 91
surgical technology and provide evidence to the facility of having 92
met the requirement. A facility may allow a person not more than 93
six additional months to meet the requirement. 94

(D) Each facility shall annually verify that each person 95
described in divisions (B)(1)(a) to (e) of this section meets the 96
requirements of division (B) and, if applicable, division (C) of 97
this section. The facility shall maintain records of its 98
verification and make the records available at the request of the 99
director of health. 100

(E) The director of health may inspect a facility to 101
determine whether it is in compliance with this section. If the 102
director determines that a facility is not in compliance, the 103
director shall impose a fine. The amount to be imposed shall be 104
determined in accordance with the amounts specified in rules 105
adopted under division (F) of this section. 106

(F) The director of health shall adopt rules in accordance 107
with Chapter 119. of the Revised Code as the director considers 108

<u>necessary to carry out this section, including rules regarding the</u>	109
<u>following:</u>	110
<u>(1) The application form to be used by a facility when</u>	111
<u>applying for a waiver under division (B)(2) of this section;</u>	112
<u>(2) The amounts of the fines to be imposed under division (E)</u>	113
<u>of this section, including increased amounts when imposing fines</u>	114
<u>for repeated violations.</u>	115