

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 291

Senator Lehner

Cosponsors: Senators Manning, Jones, Tavares

—

A B I L L

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) "Accredited educational program for surgical technology" 7
means either of the following: 8

(a) An educational program for surgical technology accredited 9
by the commission on accreditation of allied health education 10
programs or by an entity the director of health recognizes as the 11
commission's successor; 12

(b) An educational program for surgical technology accredited 13
by the accrediting bureau of health education schools or by an 14
entity the director of health recognizes as the bureau's 15
successor. 16

(2) "Licensed health professional" means any of the 17
following: 18

<u>(a) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	19
	20
	21
<u>(b) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;</u>	22
	23
<u>(c) A person authorized under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse.</u>	24
	25
	26
<u>(3) "Surgical technology" means patient care during a surgical procedure that includes one or more of the following:</u>	27
	28
<u>(a) Preparing the operating room, including the sterile field, for surgical procedures by doing one or both of the following:</u>	29
	30
	31
<u>(i) Ensuring that surgical equipment is functioning properly and safely;</u>	32
	33
<u>(ii) Handling sterile supplies, equipment, and instruments using sterile technique.</u>	34
	35
<u>(b) Performing one or more of the following tasks within the sterile field:</u>	36
	37
<u>(i) Passing supplies, equipment, and instruments;</u>	38
<u>(ii) Sponging or suctioning of the patient's operative site or performing both activities;</u>	39
	40
<u>(iii) Preparing and cutting suture material;</u>	41
<u>(iv) Transferring fluids and irrigating with fluids;</u>	42
<u>(v) Transferring, but not administering, drugs;</u>	43
<u>(vi) Handling specimens;</u>	44
<u>(vii) Holding retractors;</u>	45
<u>(viii) Assisting a nurse performing circulatory duties in</u>	46

counting sponges, needles, and other supplies and instruments. 47

(c) Anticipating and fulfilling the needs of the surgical 48
team by applying knowledge of human anatomy and pathophysiology. 49

(B)(1) Except as provided in divisions (B)(2) and (C) of this 50
section, no facility that is classified by the department of 51
health as a hospital or licensed by the department as an 52
ambulatory surgical facility shall permit any person who is not a 53
licensed health professional to engage in the practice of surgical 54
technology in the facility unless the person meets one or more of 55
the following conditions: 56

(a) During all or part of the six-month period immediately 57
preceding the effective date of this section, the person was 58
actively engaged in the practice of surgical technology in a 59
facility classified by the department as a hospital or licensed by 60
the department as an ambulatory surgical facility. 61

(b) The person holds valid certification as a surgical 62
technologist from the national board of surgical technology and 63
surgical assisting or an entity recognized by the director of 64
health as the successor of the board. 65

(c) The person has successfully completed an educational 66
program for surgical technology operated by the United States 67
army, navy, air force, marine corps, or coast guard or the United 68
States public health service. 69

(d) The person is employed by the federal government as a 70
surgical technologist and performs the duties of a surgical 71
technologist during the course of that employment. 72

(2) A facility subject to this section may permit a person to 73
engage in the practice of surgical technology in the facility who 74
does not meet any of the conditions specified in division (B)(1) 75
of this section but has graduated from an accredited educational 76
program for surgical technology, except that the person may be 77

permitted to engage in the practice of surgical technology only 78
during whichever of the following periods is applicable to the 79
person: 80

(a) If the person's date of graduation is before the 81
effective date of this section, during the one-year period 82
immediately following the effective date of this section; 83

(b) If the person's date of graduation is on or after the 84
effective date of this section, during the one-year period 85
immediately following the date of graduation. 86

(C) A facility that is unable to comply with division (B) of 87
this section may apply to the director of health for a waiver. The 88
director may grant the waiver only if the facility includes in the 89
application evidence satisfactory to the director that the 90
facility has made reasonable efforts but is unable to obtain the 91
number of persons needed by the facility who meet one or more of 92
the conditions specified in division (B)(1) of this section or who 93
may practice pursuant to the exception specified in division 94
(B)(2) of this section. 95

If the director grants the waiver, the facility may permit 96
persons to engage in the practice of surgical technology in the 97
facility pursuant to the waiver. The waiver shall specify the 98
number of persons who may practice pursuant to it. The waiver is 99
valid for six months from the date it is granted. 100

A facility may apply for one six-month extension of a waiver. 101
The director may grant the extension only if the facility includes 102
in the application evidence satisfactory to the director that the 103
facility, after making reasonable efforts, continues to be unable 104
to obtain the number of persons needed by the facility who meet 105
one or more of the conditions specified in division (B)(1) of this 106
section or who may practice pursuant to the exception specified in 107
division (B)(2) of this section. 108

(D) A facility shall require each person described in 109
divisions (B)(1)(a) to (c) of this section to complete each year 110
at least fifteen hours of continuing education in the field of 111
surgical technology and provide evidence to the facility of having 112
met the requirement. A facility may allow a person not more than 113
six additional months to meet the requirement. 114

(E) A facility shall annually verify that each person it 115
permits to engage in the practice of surgical technology meets the 116
requirements of division (B) of this section and, if applicable, 117
the continuing education requirements of division (D) of this 118
section. The facility shall maintain records of its verification 119
and make the records available at the request of the director of 120
health. 121

(F) The director of health may inspect a facility to 122
determine whether it is in compliance with this section. If the 123
director determines that a facility is not in compliance, the 124
director shall impose a fine. The amount to be imposed shall be 125
determined in accordance with rules adopted under division (G)(2) 126
of this section. 127

(G) The director of health shall adopt rules in accordance 128
with Chapter 119. of the Revised Code as the director considers 129
necessary to carry out this section, including rules regarding the 130
following: 131

(1) The application form to be used by a facility when 132
applying for a waiver or extension of a waiver under division (C) 133
of this section; 134

(2) The amount to be imposed under division (F) of this 135
section as a fine, which may vary according to the severity of the 136
violation and may include an increased amount when the fine is 137
imposed for a repeated violation. 138