

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2862

By: Fourkiller

AS INTRODUCED

An Act relating to public health and safety; defining certain terms; prohibiting the practice of surgical technology in a health care facility unless certain requirements are met; providing exceptions; providing for certain interpretation; providing State Department of Health shall enforce provisions of act; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1459 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Health care facility" means a hospital, freestanding surgical outpatient facility or other similar entity that utilizes surgical technologists;

2. "Surgical technologist" means a person who provides surgical technology services; and

1 3. "Surgical technology" means surgical patient care that may
2 include, but is not limited to, one or more of the following
3 activities:

- 4 a. collaborating with the registered nurse circulator
5 prior to the surgical procedure to carry out the plan
6 of care by preparing the operating room, gathering
7 and preparing sterile supplies, instruments and
8 equipment, preparing and maintaining the sterile field
9 using sterile and aseptic technique and ensuring that
10 surgical equipment is functioning properly,
- 11 b. intraoperatively anticipating and responding to the
12 needs of the surgeon and other team members by
13 monitoring and maintaining the sterile field and
14 providing the required instruments or supplies,
- 15 c. anticipating the needs of the surgical team based on
16 knowledge of human anatomy and pathophysiology and how
17 they relate to the surgical patient and the patient's
18 surgical procedure, and
- 19 d. as directed, performing tasks at the sterile field
20 including:
 - 21 (1) passing supplies, equipment or instruments,
 - 22 (2) sponging or suctioning an operative site,
 - 23 (3) preparing and cutting suture material,
 - 24 (4) transferring and irrigating with fluids,

- (5) transferring but not administering drugs within the sterile field,
- (6) handling specimens,
- (7) holding retractors and other instruments,
- (8) applying electrocautery to clamps,
- (9) connecting drains to suction apparatus,
- (10) applying dressings to wounds, and
- (11) performing sponge, needle, supply and instrument counts with the registered nurse circulator.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1460 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A person may not practice surgical technology in a health care facility unless the person meets one of the following:

1. Has successfully completed an accredited educational program for surgical technologists and holds and maintains a certified credential for surgical technology administered by a certifying body accredited by the National Commission for Certifying Agencies or by an Oklahoma State Agency;

2. Has completed an appropriate training program for surgical technology 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;

1 3. Provides evidence that the person was employed to practice
2 surgical technology in a health care facility on or before the
3 effective date of this act; or

4 4. Is in the service of the federal government to the extent
5 the person is performing duties related to that service.

6 B. A person may be employed or contracted to practice surgical
7 technology during the twelve-month period immediately following
8 successful completion of a surgical technology program but may not
9 continue to be employed or contracted with beyond that period
10 without documentation that the employee or contractor holds and
11 maintains a certified credential for surgical technology required in
12 paragraph 1 of subsection A of this section.

13 C. A health care facility shall not employ or otherwise
14 contract for the services of a surgical technologist unless the
15 person meets the requirements of this section.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1461 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. A person who qualifies to practice surgical technology in a
20 health care facility under paragraph 2 or 3 of subsection A of
21 Section 2 of this act shall complete the same number of continuing
22 education credits as credentialed surgical technologists are
23 required to complete in order to maintain their certifying
24 credentials.

1 B. A health care facility that employs or contracts with a
2 person to practice surgical technology shall verify that the person
3 meets the continuing education requirements of subsection A of this
4 section and, where applicable, that the person has maintained the
5 certified credential for surgical technology.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-1462 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 A health care facility may employ or otherwise contract with a
10 person who does not meet the requirements of Section 2 of this act
11 to practice surgical technology in a health care facility if:

12 1. After a diligent and thorough effort has been made, the
13 health care facility is unable to employ or contract with a
14 sufficient number of qualified surgical technologists who meet the
15 requirements of Section 2 of this act; and

16 2. The health care facility makes a written record of its
17 efforts under paragraph 1 of this section and retains the record at
18 the health care facility.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-1463 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 This law does not repeal or modify any law relating to the
23 supervision of surgical technologists.
24

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1464 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 Nothing in this act shall prohibit any licensed practitioner
5 from performing surgical technology tasks or functions if the person
6 is acting within the scope of his or her license.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-1465 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 The State Department of Health shall enforce the provisions of
11 this act.

12 SECTION 8. This act shall become effective November 1, 2016.

13

14 55-2-8518 AM 12/14/15

15

16

17

18

19

20

21

22

23

24