

4563

2011-2012 Regular Sessions

I N   S E N A T E

April 12, 2011

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the practice of surgical technology and surgical technologists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The public health law is amended by adding a new section  
2     2823 to read as follows:  
3     S 2823.     PRACTICE OF SURGICAL TECHNOLOGY AND SURGICAL TECHNOLOGISTS.  
4     1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-  
5     ING MEANINGS:  
6     (A) "HEALTH CARE FACILITY" MEANS A HOSPITAL, AMBULATORY SURGICAL  
7     CENTER, OR FREESTANDING SURGICAL OUTPATIENT FACILITY AS DEFINED BY  
8     SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS ARTICLE.  
9     (B) "SURGICAL TECHNOLOGIST" MEANS A PERSON WHO PRACTICES SURGICAL  
10    TECHNOLOGY.  
11    (C) "SURGICAL TECHNOLOGY" MEANS SURGICAL PATIENT CARE THAT INCLUDES,  
12    BUT IS NOT LIMITED TO, THE FOLLOWING TASKS OR FUNCTIONS:  
13    (I) PREPARING THE OPERATING ROOM FOR SURGICAL PROCEDURES BY ENSURING  
14    THAT SURGICAL EQUIPMENT IS FUNCTIONING PROPERLY AND SAFELY;  
15    (II) PREPARING THE OPERATING ROOM AND THE STERILE FIELD FOR SURGICAL  
16    PROCEDURES BY PREPARING STERILE SUPPLIES, INSTRUMENTS, AND EQUIPMENT  
17    USING STERILE TECHNIQUE;  
18    (III) ANTICIPATING THE NEEDS OF THE SURGICAL TEAM BASED ON KNOWLEDGE  
19    OF HUMAN ANATOMY AND PATHOPHYSIOLOGY AND HOW THEY RELATE TO THE SURGICAL  
20    PATIENT AND THE PATIENT'S SURGICAL PROCEDURE; AND  
21    (IV) AS DIRECTED, PERFORMING TASKS AT THE STERILE FIELD INCLUDING:  
22    (A) IDENTIFYING AND CORRECTING ASEPSIS AND BREAKS IN THE STERILE  
23    FIELD;  
24    (B) PASSING SUPPLIES, EQUIPMENT OR INSTRUMENTS;  
25    (C) SPONGING OR SUCTIONING AN OPERATIVE SITE;  
26    (D) PREPARING AND CUTTING SUTURE MATERIAL;  
27    (E) TRANSFERRING AND IRRIGATING WITH FLUIDS;  
28    (F) TRANSFERRING DRUGS WITHIN THE STERILE FIELD;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 (G) HANDLING SPECIMENS;  
2 (H) HOLDING RETRACTORS AND OTHER INSTRUMENTS;  
3 (I) APPLYING ELECTROCAUTERY TO CLAMPS ON BLEEDERS;  
4 (J) CONNECTING DRAINS TO SUCTION APPARATUS;  
5 (K) APPLYING DRESSINGS TO CLOSED WOUNDS; AND  
6 (L) PERFORMING SPONGE, NEEDLE, SUPPLY, AND INSTRUMENT COUNTS WITH THE  
7 REGISTERED NURSE CIRCULATOR.

8 2. A PERSON MAY NOT PRACTICE SURGICAL TECHNOLOGY IN A HEALTH CARE  
9 FACILITY UNLESS THE PERSON MEETS ONE OF THE FOLLOWING:

10 (A) HAS SUCCESSFULLY COMPLETED A NATIONALLY ACCREDITED EDUCATIONAL  
11 PROGRAM FOR SURGICAL TECHNOLOGISTS AND HOLDS AND MAINTAINS THE CERTIFIED  
12 SURGICAL TECHNOLOGIST CREDENTIAL ADMINISTERED BY THE NATIONAL BOARD OF  
13 SURGICAL TECHNOLOGY AND SURGICAL ASSISTING OR ITS SUCCESSOR;

14 (B) HAS COMPLETED AN APPROPRIATE TRAINING PROGRAM FOR SURGICAL TECH-  
15 NOLOGY IN THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS, COAST  
16 GUARD OR PUBLIC HEALTH SERVICE COMMISSIONED CORPS;

17 (C) PROVIDES EVIDENCE THAT THE PERSON WAS EMPLOYED TO PRACTICE SURGI-  
18 CAL TECHNOLOGY IN A HEALTH CARE FACILITY ON THE EFFECTIVE DATE OF THIS  
19 SECTION; OR

20 (D) IS IN THE SERVICE OF THE FEDERAL GOVERNMENT, TO THE EXTENT THE  
21 PERSON IS PERFORMING DUTIES RELATED TO THAT SERVICE.

22 A PERSON MAY BE EMPLOYED OR CONTRACTED TO PRACTICE SURGICAL TECHNOLOGY  
23 DURING THE TWELVE MONTH PERIOD IMMEDIATELY FOLLOWING SUCCESSFUL  
24 COMPLETION OF A SURGICAL TECHNOLOGY PROGRAM, BUT MAY NOT CONTINUE TO BE  
25 EMPLOYED OR CONTRACTED WITH BEYOND THAT PERIOD WITHOUT DOCUMENTATION  
26 THAT THE EMPLOYEE OR CONTRACTOR HOLDS AND MAINTAINS THE CERTIFIED SURGI-  
27 CAL TECHNOLOGIST CREDENTIAL REQUIRED IN PARAGRAPH (A) OF THIS SUBDIVI-  
28 SION.

29 A HEALTH CARE FACILITY SHALL NOT EMPLOY OR OTHERWISE CONTRACT FOR THE  
30 SERVICES OF A SURGICAL TECHNOLOGIST UNLESS THE PERSON MEETS THE REQUIRE-  
31 MENTS OF THIS SECTION.

32 3. A PERSON WHO QUALIFIES TO PRACTICE SURGICAL TECHNOLOGY IN A HEALTH  
33 CARE FACILITY UNDER PARAGRAPHS (B) OR (C) OF SUBDIVISION TWO OF THIS  
34 SECTION MUST ANNUALLY COMPLETE FIFTEEN HOURS OF CONTINUING EDUCATION TO  
35 REMAIN QUALIFIED TO PRACTICE AS A SURGICAL TECHNOLOGIST.

36 A HEALTH CARE FACILITY THAT EMPLOYS OR CONTRACTS WITH A PERSON TO  
37 PRACTICE SURGICAL TECHNOLOGY SHALL VERIFY THAT THE PERSON MEETS THE  
38 CONTINUING EDUCATION REQUIREMENTS OF PARAGRAPH (A) OF SUBDIVISION TWO OF  
39 THIS SECTION OR, WHERE APPLICABLE, THAT THE PERSON HAS MAINTAINED THE  
40 CERTIFIED SURGICAL TECHNOLOGIST CREDENTIAL.

41 4. A HEALTH CARE FACILITY MAY EMPLOY OR OTHERWISE CONTRACT WITH A  
42 PERSON WHO DOES NOT MEET THE REQUIREMENTS OF SUBDIVISION TWO OF THIS  
43 SECTION TO PRACTICE SURGICAL TECHNOLOGY IN A HEALTH CARE FACILITY IF:

44 (A) AFTER A DILIGENT AND THOROUGH EFFORT HAS BEEN MADE, THE HEALTH  
45 CARE FACILITY IS UNABLE TO EMPLOY OR CONTRACT WITH A SUFFICIENT NUMBER  
46 OF QUALIFIED SURGICAL TECHNOLOGISTS WHO MEET THE REQUIREMENTS OF THIS  
47 SECTION; AND

48 (B) THE HEALTH CARE FACILITY MAKES A WRITTEN RECORD OF ITS EFFORTS  
49 UNDER PARAGRAPH (A) OF THIS SUBDIVISION AND RETAINS THE RECORD AT THE  
50 HEALTH FACILITY.

51 5. NOTHING IN THIS SECTION SHALL PROHIBIT ANY LICENSED PRACTITIONER  
52 FROM PERFORMING SURGICAL TECHNOLOGY TASKS OR FUNCTIONS IF THE PERSON IS  
53 ACTING WITHIN THE SCOPE OF HIS OR HER LICENSE.

54 6. THE DEPARTMENT SHALL ENFORCE THE PROVISIONS OF THIS SECTION.

55 S 2. This act shall take effect on the sixtieth day after it shall  
56 have become a law.