S T A T E O F N E W Y O R K

4563

2011-2012 Regular Sessions

I N S E N A T E

April 12, 2011

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:

Section 1. The public health law is amended by adding a new section 2823 to read as follows:

S 2823. PRACTICE OF SURGICAL TECHNOLOGY AND SURGICAL TECHNOLOGISTS. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "HEALTH CARE FACILITY" MEANS A HOSPITAL, AMBULATORY SURGICAL CENTER, OR FREESTANDING SURGICAL OUTPATIENT FACILITY AS DEFINED BY SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS ARTICLE.

(B) "SURGICAL TECHNOLOGIST" MEANS A PERSON WHO PRACTICES SURGICAL TECHNOLOGY.

(C) "SURGICAL TECHNOLOGY" MEANS SURGICAL PATIENT CARE THAT INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING TASKS OR FUNCTIONS:

(I) PREPARING THE OPERATING ROOM FOR SURGICAL PROCEDURES BY ENSURING THAT SURGICAL EQUIPMENT IS FUNCTIONING PROPERLY AND SAFELY;

(II) PREPARING THE OPERATING ROOM AND THE STERILE FIELD FOR SURGICAL PROCEDURES BY PREPARING STERILE SUPPLIES, INSTRUMENTS, AND EQUIPMENT USING STERILE TECHNIQUE;

(III) ANTICIPATING THE NEEDS OF THE SURGICAL TEAM BASED ON KNOWLEDGE OF HUMAN ANATOMY AND PATHOPHYSIOLOGY AND HOW THEY RELATE TO THE SURGICAL PATIENT AND THE PATIENT'S SURGICAL PROCEDURE; AND

(IV) AS DIRECTED, PERFORMING TASKS AT THE STERILE FIELD INCLUDING:

(A) IDENTIFYING AND CORRECTING ASEPSIS AND BREAKS IN THE STERILE FIELD;

(B) PASSING SUPPLIES, EQUIPMENT OR INSTRUMENTS;

(C) SPONGING OR SUCTIONING AN OPERATIVE SITE;

(D) PREPARING AND CUTTING SUTURE MATERIAL;

(E) TRANSFERRING AND IRRIGATING WITH FLUIDS;

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

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

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

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

(C) PROVIDES EVIDENCE THAT THE PERSON WAS EMPLOYED TO PRACTICE SURGICAL TECHNOLOGY IN A HEALTH CARE FACILITY ON THE EFFECTIVE DATE OF THIS SECTION; OR

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

A PERSON MAY BE EMPLOYED OR CONTRACTED TO PRACTICE SURGICAL TECHNOLOGY DURING THE TWELVE MONTH PERIOD IMMEDIATELY FOLLOWING SUCCESSFUL COMPLETION OF A SURGICAL TECHNOLOGY PROGRAM, BUT MAY NOT CONTINUE TO BE EMPLOYED OR CONTRACTED WITH BEYOND THAT PERIOD WITHOUT DOCUMENTATION THAT THE EMPLOYEE OR CONTRACTOR HOLDS AND MAINTAINS THE CERTIFIED SURGICAL TECHNOLOGIST CREDENTIAL REQUIRED IN PARAGRAPH (A) OF THIS SUBDIVISION.

A HEALTH CARE FACILITY SHALL NOT EMPLOY OR OTHERWISE CONTRACT FOR THE SERVICES OF A SURGICAL TECHNOLOGIST UNLESS THE PERSON MEETS THE REQUIREMENTS OF THIS SECTION.

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

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

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

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

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

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

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

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