

AN ACT

relating to the qualifications of surgical technologists; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 259 to read as follows:

CHAPTER 259. SURGICAL TECHNOLOGISTS AT HEALTH CARE FACILITIES

Sec. 259.001. DEFINITIONS. In this chapter:

- (1) "Department" means the Department of State Health Services.
- (2) "Surgical technologist" means a person who practices surgical technology.
- (3) "Surgical technology" means intraoperative surgical patient care as follows:
 - (A) preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;
 - (B) preparing the operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;
 - (C) 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;
 - (D) as directed in an operating room setting, performing the following tasks at the sterile field:
 - (i) passing supplies, equipment, or instruments;
 - (ii) sponging or suctioning an operative site;
 - (iii) preparing and cutting suture material;
 - (iv) transferring and pouring irrigation fluids;
 - (v) transferring but not administering drugs within the sterile field;
 - (vi) handling specimens;
 - (vii) holding retractors and other instruments;
 - (viii) applying electrocautery to clamps on bleeders;
 - (ix) connecting drains to suction apparatus;
 - (x) applying dressings to closed wounds; and
 - (xi) assisting in counting sponges, needles, supplies, and instruments with the registered nurse circulator;
 - (E) cleaning and preparing instruments for sterilization on completion of the surgery; and
 - (F) assisting the surgical team with cleaning of the operating room on

completion of the surgery.

Sec. 259.002. REQUIREMENTS FOR PRACTICING SURGICAL TECHNOLOGY.

(a) A health care facility licensed by the department under this subtitle or owned or operated by the state may not employ a person to practice surgical technology in that health care facility unless that person provides evidence that the person:

- (1) has successfully completed an accredited educational program for surgical technologists and holds and maintains certification as a surgical technologist by:
 - (A) the National Board of Surgical Technology and Surgical Assisting or its successor;
 - (B) the National Center for Competency Testing or its successor; or
 - (C) another surgical technologist certification program approved by the department;
- (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;
- (3) was employed to practice surgical technology in a health care facility before September 1, 2009; or
- (4) is in the service of the federal government, to the extent the person is performing duties related to that service.

(b) Notwithstanding Subsection (a), a health care facility may employ a person to practice surgical technology at that health care facility from the date the person graduates from an accredited educational program for surgical technologists until the 180th day after the date of graduation. The person may not continue to practice surgical technology after the 180th day after the date of graduation without showing documentation to the health care facility that the person holds and maintains the surgical technologist certification required by Subsection (a)(1).

(c) Notwithstanding Subsection (a), a health care facility may employ a surgical technologist who does not meet the requirements of this section if:

- (1) after a diligent and thorough effort has been made, the health care facility is unable to employ a sufficient number of qualified surgical technologists who meet the requirements of this section; and
- (2) the health care facility makes a written record of its efforts under Subdivision (1) and retains the record at the health care facility.

Sec. 259.003. SUPERVISION OF SURGICAL TECHNOLOGISTS. This chapter does not repeal or modify any law relating to the supervision of surgical technologists.

Sec. 259.004. OTHER LICENSED PRACTITIONERS. This chapter does not prohibit a licensed practitioner from performing a task or function within the scope of the practitioner's license.

Sec. 259.005. APPLICABILITY. This chapter does not apply to:

- (1) a licensed registered nurse or a licensed vocational nurse; or
- (2) the employment by a health care facility of an individual whose primary functions include the cleaning or sterilization of supplies, instruments, equipment, or operating rooms.

Sec. 259.006. ENFORCEMENT.

(a) The department may adopt rules to administer and enforce this chapter.

(b) A health care facility that violates Section 259.002 is subject to an administrative penalty, a civil penalty, or other disciplinary action, as applicable, in the same manner as if the facility violated the chapter under which the facility is licensed.

SECTION 2. A health care facility is not required to comply with Section 259.002, Health and Safety Code, as added by this Act, before September 1, 2010.

SECTION 3. This Act takes effect September 1, 2009.

President of the Senate Speaker of the House

I certify that H.B. No. 643 was passed by the House on May 6, 2009, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 643 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor