

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2561**

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**Introduced by Assembly Member Roger Hernández**

February 24, 2012

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~~An act to amend Section 152 of the Business and Professions Code, relating to the Department of Consumer Affairs. An act to add and repeal Article 25 (commencing with Section 2525.20) of Chapter 5 of Division 2 of the Business and Professions Code, relating to healing arts, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2561, as amended, Roger Hernández. ~~The Department of Consumer Affairs. Certified surgical technologists.~~

*Existing law provides for the licensure and regulation of healing arts licensees by boards within the Department of Consumer Affairs, including the licensure and regulation of physicians and surgeons by the Medical Board of California.*

*This bill would, until January 1, 2018, provide for the title registration and regulation of certified surgical technologists who practice surgical technology, as defined, by the Certified Surgical Technologist Committee, established by this bill within the Medical Board of California. Under the bill, the committee would be comprised of 3 members, as specified, appointed by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly. The bill would make it unlawful to use the title "certified surgical technologist" unless registered with the committee. The bill would require an applicant for title registration to meet certain educational requirements, hold a certification by a specified entity, submit an application, and pay a*

*specified application fee. The bill would specify that a title registration shall be valid for 2 years and is subject to renewal upon the completion of specified requirements including the payment of a renewal fee. The bill would create the Surgical Technologists Account within the Contingent Fund of the Medical Board of California, would direct the deposit of the application and renewal fees into this account, and would continuously appropriate those funds to the committee for purposes of the act.*

~~Existing law creates the Department of Consumer Affairs in the state government, comprised of specified boards, bureaus, and commissions. Under existing law, the department is under the control of a civil executive officer who is known as the Director of Consumer Affairs and who is responsible for organization of the department, subject to approval of the Governor, as specified.~~

~~This bill would make technical, nonsubstantive changes to the latter provision.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares the following:*
- 2     (a) *Surgical technologists are responsible for the environmental*
- 3     *disinfection, safety, and efficiency of the operating room, and their*
- 4     *knowledge and experience with aseptic surgical technique qualifies*
- 5     *them for a role of importance in the surgical suite.*
- 6     (b) *The surgical technology profession has grown to meet the*
- 7     *continuing demand for well-educated, highly skilled, and versatile*
- 8     *individuals to work with physicians and surgeons and other skilled*
- 9     *professionals to deliver the highest possible level of patient care.*
- 10    (c) *As surgical site infections have been found to be the second*
- 11    *most common hospital-acquired infections in the United States, a*
- 12    *key purpose of this article is to encourage the education, training,*
- 13    *and utilization of surgical technologists in California, given their*
- 14    *role in surgical settings in order to take specific steps to prevent*
- 15    *surgical site infections.*
- 16    SEC. 2. *Article 25 (commencing with Section 2525.20) is added*
- 17    *to Chapter 5 of Division 2 of the Business and Professions Code,*
- 18    *to read:*

1 Article 25. *Certified Surgical Technologists*

2  
3 2525.20. *This article shall be known and cited as the Certified*  
4 *Surgical Technologist Act.*

5 2525.22. *As used in this article, the following definitions shall*  
6 *apply:*

7 (a) *“Committee” means the Certified Surgical Technologist*  
8 *Committee within the Medical Board of California.*

9 (b) *“Certified surgical technologist” means a person who*  
10 *practices surgical technology, and who has successfully completed*  
11 *an accredited educational program for surgical technologists and*  
12 *holds and maintains certification as a surgical technologist by any*  
13 *of entities described in Section 2525.48.*

14 (c) *“Surgical technology” means intraoperative surgical patient*  
15 *care as follows:*

16 (1) *Preparing the operating room for surgical procedures by*  
17 *ensuring that surgical equipment is functioning properly and safely.*

18 (2) *Preparing the operating room and the sterile field for*  
19 *surgical procedures by preparing sterile supplies, instruments,*  
20 *and equipment using sterile technique.*

21 (3) *Anticipating the needs of the surgical team based on*  
22 *knowledge of human anatomy and pathophysiology and how they*  
23 *relate to the surgical patient and the patient’s surgical procedure.*

24 (4) *As directed in an operating room setting, performing the*  
25 *following tasks at the sterile field:*

26 (A) *Passing supplies, equipment, or instruments.*

27 (B) *Sponging or suctioning an operative site.*

28 (C) *Preparing and cutting suture material.*

29 (D) *Transferring and pouring irrigation fluids.*

30 (E) *Transferring but not administering drugs within the sterile*  
31 *field.*

32 (F) *Handling specimens.*

33 (G) *Holding retractors and other instruments.*

34 (H) *Applying electrocautery to clamps on bleeders.*

35 (I) *Connecting drains to suction apparatus.*

36 (J) *Applying dressings to closed wounds.*

37 (K) *Assisting in counting sponges, needles, supplies, and*  
38 *instruments with the registered nurse circulator.*

39 (L) *Cleaning and preparing instruments for sterilization on*  
40 *completion of the surgery.*

1 (M) Assisting the surgical team with cleaning of the operating  
2 room on completion of the surgery.

3 2525.24. There is established a Certified Surgical Technologist  
4 Committee within the Medical Board of California. The committee  
5 shall consist of three members.

6 2525.26. Protection of the public shall be the highest priority  
7 for the committee in exercising its regulatory and disciplinary  
8 functions. Whenever the protection of the public is inconsistent  
9 with other interests sought to be promoted, the protection of the  
10 public shall be paramount.

11 2525.28. (a) The members of the committee shall include one  
12 member of the Medical Board of California who is a physician  
13 and surgeon, and two educators participating in a program for  
14 the training of surgical technologists recognized by the Commission  
15 on Accreditation of Allied Health Education Programs (CAAHEP),  
16 or its successor, or by the Accrediting Bureau of Health Education  
17 Schools (ABHES), or its successor.

18 (b) Upon the first expiration of the term of the members who  
19 are educators, one position shall be filled by such an educator,  
20 and one position shall be filled by a certified surgical technologist  
21 who is registered pursuant to this article.

22 (c) The members of the committee shall hold office for a term  
23 of four years expiring on January 1, and shall serve until the  
24 appointment and qualification of a successor or until one year has  
25 elapsed since the expiration of the term for which the member was  
26 appointed, whichever first occurs. No member shall serve for more  
27 than two consecutive terms. Vacancies shall be filled by  
28 appointment for the unexpired terms. The Governor shall appoint  
29 a member of the Medical Board of California and his or her  
30 successor. The Senate Committee on Rules shall appoint an  
31 educator and his or her educator successor. The Speaker of the  
32 Assembly shall, initially, appoint an educator and, after the initial  
33 term, shall appoint as a successor a certified surgical technologist  
34 who is registered pursuant to this article.

35 2525.30. The committee shall annually elect a chairperson and  
36 a vice chairperson from among its members.

37 2525.32. Each member of the committee shall receive a per  
38 diem and expenses as provided in Section 103.

39 2525.36. (a) The committee may convene from time to time as  
40 deemed necessary by the committee.

1 (b) Notice of each meeting of the committee shall be given at  
2 least two weeks in advance to those persons and organizations  
3 who express an interest in receiving notification.

4 (c) The committee shall receive permission of the executive  
5 director of the Medical Board of California to meet more than six  
6 times annually. The executive director shall approve meetings that  
7 are necessary for the committee to fulfill its legal responsibilities.

8 2525.40. The committee may adopt, amend, and repeal such  
9 rules and regulations as may be deemed necessary to administer  
10 and enforce this article; provided, however, that the board shall  
11 adopt, amend, and repeal such regulations as may be necessary  
12 to enable it to implement the provisions of this article under its  
13 jurisdiction. All regulations shall be in accordance with, and not  
14 inconsistent with, the provisions of this article. Regulations shall  
15 be adopted, amended, or repealed in accordance with the  
16 provisions of Chapter 3.5 (commencing with Section 11340) of  
17 Part 1 of Division 3 of Title 2 of the Government Code.

18 2525.42. Three members shall constitute a quorum for  
19 transacting any business. The affirmative vote of a majority of  
20 those present at a meeting of the committee shall be required to  
21 carry any motion.

22 2525.44. The committee shall employ within the limits of the  
23 Surgical Technologist Fund all personnel necessary to carry out  
24 the provisions of this article, including an executive officer who  
25 shall be exempt from civil service. The board and committee shall  
26 make all necessary expenditures to carry out the provisions of this  
27 article from the fund established by Section 2525.54. The committee  
28 may accept contributions to effect the purposes of this article.

29 2525.48. (a) It shall be unlawful to use the title “certified  
30 surgical technologist” in this state unless registered with the  
31 committee pursuant to this section.

32 (b) A person applying to the committee for use of the title,  
33 “certified surgical technologist” shall provide satisfactory evidence  
34 that the applicant has successfully completed a nationally  
35 accredited educational program for surgical technologists and  
36 holds and maintains certification as a surgical technologist by the  
37 National Board of Surgical Technology and Surgical Assisting or  
38 its successor, or another surgical technologist certification  
39 program approved by the committee, or the applicant has  
40 completed a training program for surgical technology in the army,

1 navy, air force, marine corps, or coast guard of the United States  
2 or in the United States Public Health Service.

3 (c) An applicant shall also submit an application and pay an  
4 application fee described in Section 2525.50.

5 2525.49. The committee shall issue a title registration to an  
6 applicant satisfying the requirements in Section 2525.48 who also  
7 pays the registration fee described in Section 2525.50.

8 2525.50. The fees to be paid by surgical technologists shall be  
9 set by the committee as follows:

10 (a) An application fee not to exceed twenty-five dollars (\$25)  
11 shall be charged to each surgical technologist applicant.

12 (b) An initial 24-month title registration fee not to exceed fifty  
13 dollars (\$50) shall be charged to each surgical technologist to  
14 whom registration is issued.

15 (c) A biennial renewal fee not to exceed fifty dollars (\$50).

16 (d) The delinquency fee is twenty-five dollars (\$25).

17 (e) The duplicate registration certificate fee is ten dollars (\$10).

18 (f) The fee for a letter of endorsement, letter of good standing,  
19 or letter of verification of licensure shall be ten dollars (\$10).

20 2525.51. (a) All surgical technologist title registrations shall  
21 expire at midnight of the last day of the birth month of the licensee  
22 during the second year of a two-year term if not previously  
23 renewed.

24 (b) The committee shall establish by regulation procedures for  
25 the administration of a birthdate renewal program, including, but  
26 not limited to, the establishment of a system of staggered  
27 registration expiration dates and a pro rata formula for the  
28 payment of renewal fees by surgical technologists affected by the  
29 implementation of the program.

30 (c) To renew an unexpired registration, the surgical technologist  
31 shall, on or before the date of expiration of the registration, apply  
32 for renewal on a form provided by the committee, accompanied  
33 by the prescribed renewal fee.

34 2525.52. A registration that has expired may be renewed at  
35 any time within five years after its expiration by filing an  
36 application for renewal on a form prescribed by the committee or  
37 board, as the case may be, and payment of all accrued and unpaid  
38 renewal fees. If the registration is not renewed within 30 days after  
39 its expiration, the surgical technologist, as a condition precedent  
40 to renewal, shall also pay the prescribed delinquency fee, if any.

1 *Renewal under this section shall be effective on the date on which*  
2 *the application is filed, on the date on which all renewal fees are*  
3 *paid, or on the date on which the delinquency fee, if any, is paid,*  
4 *whichever occurs last. If so renewed, the registration shall continue*  
5 *in effect through the expiration date provided in Section 2525.51*  
6 *which next occurs after the effective date of the renewal, when it*  
7 *shall expire, if it is not again renewed.*

8 *2525.53. A surgical technologist who fails to renew his or her*  
9 *registration within five years after its expiration may not renew*  
10 *it, and it may not be reissued, reinstated, or restored thereafter;*  
11 *but that person may apply for and obtain a new registration if he*  
12 *or she pays all of the fees that would be required as if application*  
13 *for registration was being made for the first time.*

14 *2525.54. Within 10 days after the beginning of each calendar*  
15 *month the board shall report to the Controller the amount and*  
16 *regulatory source of all collections made under this article and at*  
17 *the same time pay all those sums into the State Treasury, where*  
18 *they shall be credited to the Surgical Technologist Account within*  
19 *the Contingent Fund of the Medical Board of California, which*  
20 *account is hereby created. Notwithstanding the provisions of*  
21 *Section 13340 of the Government Code, all moneys in the Surgical*  
22 *Technologist Account are hereby continuously appropriated to be*  
23 *used exclusively to carry out the regulatory purposes of this article.*

24 *2525.55. This article does not repeal, modify, or amend any*  
25 *existing law relating to the supervision of surgical technologists,*  
26 *nor shall it be construed to do so.*

27 *2525.56. This article does not prohibit or limit any healing*  
28 *arts licensee described in this division from performing a task or*  
29 *function within the scope of the healing art licensee's license, nor*  
30 *shall it be construed as such.*

31 *2525.57. This article does not apply to any of the following:*

32 *(a) A registered nurse licensed pursuant to Chapter 6*  
33 *(commencing with Section 2700) or a vocational nurse licensed*  
34 *pursuant to Chapter 6.5 (commencing with Section 2840).*

35 *(b) An individual employed by a health care facility whose*  
36 *primary functions include the cleaning or sterilization of supplies,*  
37 *instruments, equipment, or operating rooms.*

38 *2525.58. This article shall remain in effect only until January*  
39 *1, 2018, and as of that date is repealed, unless a later enacted*  
40 *statute, that is enacted before January 1, 2018, deletes or extends*

1 *that date. The repeal of this article renders the committee subject*  
2 *to the review required by Article 7.5 (commencing with Section*  
3 *9147.7) of the Government Code.*

4 SECTION 1. ~~Section 152 of the Business and Professions Code~~  
5 ~~is amended to read:~~

6 ~~152. For the purpose of administration, the reregistration and~~  
7 ~~clerical work of the department is organized by the director, subject~~  
8 ~~to the approval of the Governor, in the manner he or she deems~~  
9 ~~necessary to properly segregate and conduct the work of the~~  
10 ~~department.~~