

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2561

Introduced by Assembly Member Roger Hernández

February 24, 2012

An act to add ~~and repeal~~ Article 25 (commencing with Section 2525.20) ~~of to~~ 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. 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 for a person to use the title "certified surgical technologist" unless registered with the committee. The bill would require an applicant for title registration to meet the person meets certain educational requirements, hold and holds 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.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: 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
17 added to Chapter 5 of Division 2 of the Business and Professions
18 Code, to read:

19

20 Article 25. Certified Surgical Technologists

21

22 2525.20. This article shall be known and cited as the Certified
23 Surgical Technologist Act.

24 2525.22. As used in this article, the following definitions shall
25 apply:

26 (a) ~~“Committee” means the Certified Surgical Technologist~~
27 ~~Committee within the Medical Board of California.~~

1 (b)

2 (a) “Certified surgical technologist” means a person who
3 practices surgical technology, and who has successfully completed
4 ~~an~~ a nationally accredited educational program for surgical
5 technologists and holds and maintains certification as a surgical
6 technologist by any of entities described in Section ~~2525.48~~
7 2525.24.

8 (e)

9 (b) “Surgical technology” means intraoperative surgical patient
10 care as follows:

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

13 (2) Preparing the operating room and the sterile field for surgical
14 procedures by preparing sterile supplies, instruments, and
15 equipment using sterile technique.

16 (3) Anticipating the needs of the surgical team based on
17 knowledge of human anatomy and pathophysiology and how they
18 relate to the surgical patient and the patient’s surgical procedure.

19 (4) As directed in an operating room setting, performing the
20 following tasks at the sterile field:

21 (A) Passing supplies, equipment, or instruments.

22 (B) Sponging or suctioning an operative site.

23 (C) Preparing and cutting suture material.

24 (D) Transferring and pouring irrigation fluids.

25 (E) Transferring but not administering drugs within the sterile
26 field.

27 (F) Handling specimens.

28 (G) Holding retractors and other instruments.

29 (H) Applying electrocautery to clamps on bleeders.

30 (I) Connecting drains to suction apparatus.

31 (J) Applying dressings to closed wounds.

32 (K) Assisting in counting sponges, needles, supplies, and
33 instruments with the registered nurse circulator.

34 (L) Cleaning and preparing instruments for sterilization on
35 completion of the surgery.

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

38 ~~2525.24. There is established a Certified Surgical Technologist~~
39 ~~Committee within the Medical Board of California. The committee~~
40 ~~shall consist of three members.~~

1 ~~2525.26.— Protection of the public shall be the highest priority~~
2 ~~for the committee in exercising its regulatory and disciplinary~~
3 ~~functions. Whenever the protection of the public is inconsistent~~
4 ~~with other interests sought to be promoted, the protection of the~~
5 ~~public shall be paramount.~~

6 ~~2525.28.— (a) The members of the committee shall include one~~
7 ~~member of the Medical Board of California who is a physician~~
8 ~~and surgeon, and two educators participating in a program for the~~
9 ~~training of surgical technologists recognized by the Commission~~
10 ~~on Accreditation of Allied Health Education Programs (CAAHEP),~~
11 ~~or its successor, or by the Accrediting Bureau of Health Education~~
12 ~~Schools (ABHES), or its successor.~~

13 ~~(b) Upon the first expiration of the term of the members who~~
14 ~~are educators, one position shall be filled by such an educator, and~~
15 ~~one position shall be filled by a certified surgical technologist who~~
16 ~~is registered pursuant to this article.~~

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

30 ~~2525.30.— The committee shall annually elect a chairperson and~~
31 ~~a vice chairperson from among its members.~~

32 ~~2525.32.— Each member of the committee shall receive a per~~
33 ~~diem and expenses as provided in Section 103.~~

34 ~~2525.36.— (a) The committee may convene from time to time~~
35 ~~as deemed necessary by the committee.~~

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

39 ~~(c) The committee shall receive permission of the executive~~
40 ~~director of the Medical Board of California to meet more than six~~

1 times annually. The executive director shall approve meetings that
2 are necessary for the committee to fulfill its legal responsibilities.

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

13 ~~2525.42. Three members shall constitute a quorum for~~
14 ~~transacting any business. The affirmative vote of a majority of~~
15 ~~those present at a meeting of the committee shall be required to~~
16 ~~carry any motion.~~

17 ~~2525.44. The committee shall employ within the limits of the~~
18 ~~Surgical Technologist Fund all personnel necessary to carry out~~
19 ~~the provisions of this article, including an executive officer who~~
20 ~~shall be exempt from civil service. The board and committee shall~~
21 ~~make all necessary expenditures to carry out the provisions of this~~
22 ~~article from the fund established by Section 2525.54. The~~
23 ~~committee may accept contributions to effect the purposes of this~~
24 ~~article.~~

25 ~~2525.48.~~

26 ~~2525.24. (a) It shall be unlawful for a person to use the title~~
27 ~~“certified surgical technologist” in this state unless registered with~~
28 ~~the committee pursuant to this section.~~

29 ~~(b) A the person applying to the committee for use of the title,~~
30 ~~“certified surgical technologist” shall provide satisfactory evidence~~
31 ~~that the applicant has satisfies the following requirements:~~

32 ~~(1) The person has successfully completed a nationally~~
33 ~~accredited educational program for surgical technologists and holds~~
34 ~~or a training program for surgical technology provided by the~~
35 ~~United States Army, Navy, Air Force, Marine Corps, Coast Guard,~~
36 ~~or Public Health Service.~~

37 ~~(2) The person holds and maintains certification as a surgical~~
38 ~~technologist by the National Board of Surgical Technology and~~
39 ~~Surgical Assisting or its successor, or another nationally accredited~~
40 ~~surgical technologist certification program approved by the~~

1 ~~committee, or the applicant has completed a training program for~~
2 ~~surgical technology in the army, navy, air force, marine corps, or~~
3 ~~coast guard of the United States or in the United States Public~~
4 ~~Health Service credentialing organization.~~

5 ~~(e) An applicant shall also submit an application and pay an~~
6 ~~application fee described in Section 2525.50.~~

7 ~~(b) A violation of this section shall not be subject to Section~~
8 ~~2314.~~

9 ~~2525.49. The committee shall issue a title registration to an~~
10 ~~applicant satisfying the requirements in Section 2525.48 who also~~
11 ~~pays the registration fee described in Section 2525.50.~~

12 ~~2525.50. The fees to be paid by surgical technologists shall be~~
13 ~~set by the committee as follows:~~

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

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

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

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

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

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

24 ~~2525.51. (a) All surgical technologist title registrations shall~~
25 ~~expire at midnight of the last day of the birth month of the licensee~~
26 ~~during the second year of a two-year term if not previously~~
27 ~~renewed.~~

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

34 ~~(c) To renew an unexpired registration, the surgical technologist~~
35 ~~shall, on or before the date of expiration of the registration, apply~~
36 ~~for renewal on a form provided by the committee, accompanied~~
37 ~~by the prescribed renewal fee.~~

38 ~~2525.52. A registration that has expired may be renewed at~~
39 ~~any time within five years after its expiration by filing an~~
40 ~~application for renewal on a form prescribed by the committee or~~

1 board, as the case may be, and payment of all accrued and unpaid
2 renewal fees. If the registration is not renewed within 30 days after
3 its expiration, the surgical technologist, as a condition precedent
4 to renewal, shall also pay the prescribed delinquency fee, if any.
5 Renewal under this section shall be effective on the date on which
6 the application is filed, on the date on which all renewal fees are
7 paid, or on the date on which the delinquency fee, if any, is paid,
8 whichever occurs last. If so renewed, the registration shall continue
9 in effect through the expiration date provided in Section 2525.51
10 which next occurs after the effective date of the renewal, when it
11 shall expire, if it is not again renewed.

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

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

28 ~~2525.55.~~

29 2525.30. This article does not repeal, modify, or amend any
30 existing law relating to the supervision of surgical technologists,
31 nor shall it be construed to do so.

32 ~~2525.56.~~

33 2525.31. This article does not prohibit or limit any healing arts
34 licensee described in this division from performing a task or
35 function within the scope of the healing art licensee's license, nor
36 shall it be construed as such.

37 ~~2525.57.~~

38 2525.32. This article does not apply to any of the following:

1 (a) A registered nurse licensed pursuant to Chapter 6
2 (commencing with Section 2700) or a vocational nurse licensed
3 pursuant to Chapter 6.5 (commencing with Section 2840).
4 (b) An individual employed by a health care facility whose
5 primary functions include the cleaning or sterilization of supplies,
6 instruments, equipment, or operating rooms.
7 ~~2525.58.—This article shall remain in effect only until January~~
8 ~~1, 2018, and as of that date is repealed, unless a later enacted~~
9 ~~statute, that is enacted before January 1, 2018, deletes or extends~~
10 ~~that date. The repeal of this article renders the committee subject~~
11 ~~to the review required by Article 7.5 (commencing with Section~~
12 ~~9147.7) of the Government Code.~~