

ASSEMBLY BILL

No. 2062

Introduced by Assembly Member Roger Hernández

February 20, 2014

An act to add Section 1316.1 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as introduced, Roger Hernández. Health facilities: surgical technologists.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. A violation of the provisions governing health facilities constitutes a misdemeanor. Existing law requires specified health facilities to employ a dietitian and requires health facilities owned and operated by the state offering care within the scope of practice of a psychologist to establish rules and medical staff bylaws that include provisions for medical staff membership and clinical privileges for clinical psychologists, as specified.

This bill would prohibit a health facility from employing a surgical technologist or contracting with an individual to practice surgical technology at the facility unless the individual possesses specified training and certification or was practicing surgical technology at a health facility at any time between January 1, 2013, and January 1, 2015, inclusive. The bill would exempt a facility from this requirement if the facility documents its inability to recruit a sufficient number of individuals that meet the bill's requirements, and would require that certain individuals complete continuing education in surgical technology.

annually, as specified. The bill would specify that a violation of these requirements is not a crime.

Vote: majority. Appropriation: 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 coresponsible for the
3 environmental disinfection, safety, and efficiency of the operating
4 room, and their knowledge and experience with aseptic surgical
5 techniques qualifies them for a role of importance in the surgical
6 suite.

7 (b) The surgical technology profession has grown to meet the
8 continuing demand for well-educated, highly skilled, and versatile
9 individuals to work with physicians and surgeons and other skilled
10 professionals to deliver the highest possible level of patient care.

11 (c) As surgical site infections have been found to be the second
12 most common hospital-acquired infections in the United States, a
13 key purpose of this act is to encourage the education, training, and
14 utilization of surgical technologists in California, given their role
15 in surgical settings in order to take specific steps to prevent surgical
16 site infections.

17 SEC. 2. Section 1316.1 is added to the Health and Safety Code,
18 to read:

19 1316.1. (a) A health facility shall not employ a surgical
20 technologist or otherwise contract with an individual to practice
21 surgical technology at the facility unless the individual meets either
22 of the following requirements:

23 (1) Meets both of the following requirements:
24 (A) Has successfully completed a nationally accredited
25 educational program for surgical technologists or a training
26 program for surgical technology provided by the United States
27 Army, Navy, Air Force, Marine Corps, Coast Guard, or Public
28 Health Service.

29 (B) Holds and maintains certification as a surgical technologist
30 by the National Board of Surgical Technology and Surgical
31 Assisting or its successor, or another nationally accredited surgical
32 technologist credentialing organization.

1 (2) Provides evidence that the individual was employed to
2 practice surgical technology in a health facility at any time between
3 January 1, 2013, and January 1, 2015, inclusive.

4 (b) Notwithstanding subdivision (a), both of the following shall
5 apply:

6 (1) A health facility may employ a surgical technologist or
7 contract with an individual to practice surgical technology at the
8 facility during the 12-month period immediately following the
9 individual's successful completion of an educational or training
10 program for surgical technology described in subparagraph (A) of
11 paragraph (1) of subdivision (a). The employment or contract shall
12 cease at the end of that 12-month period unless the individual
13 satisfies subparagraph (B) of paragraph (1) of subdivision (a).

14 (2) A health facility may employ a surgical technologist or
15 otherwise contract with an individual to practice surgical
16 technology at the facility who does not meet the requirements of
17 subdivision (a) or paragraph (1) if both of the following
18 requirements are satisfied:

19 (A) After a diligent and thorough effort has been made, the
20 health facility is unable to employ or contract with a sufficient
21 number of surgical technologists who meet the requirements of
22 subdivision (a) or paragraph (1).

23 (B) The health facility makes a written record of the efforts
24 described in subparagraph (A) and retains that record at the facility.

25 (c) An individual employed or under contract pursuant to
26 paragraph (2) of subdivision (a) or paragraph (2) of subdivision
27 (b) shall annually complete at least 15 hours of continuing
28 education pertinent to the practice of surgical technology. The
29 facility shall verify that the individual has satisfied this
30 requirement.

31 (d) This section shall not be construed to prohibit a licensed
32 health care practitioner from performing tasks that fall within the
33 practice of surgical technology if the individual is acting within
34 the scope of practice of his or her license.

35 (e) A violation of this section shall not be subject to Section
36 1290.

37 (f) For purposes of this section, the following definitions shall
38 apply:

39 (1) "Health care practitioner" means a person who engages in
40 acts that are the subject of licensure or regulation under Division

- 1 2 (commencing with Section 500) of the Business and Professions
2 Code or under any initiative act referred to in that division.
3 (2) “Surgical technologist” means an individual who practices
4 surgical technology.
5 (3) “Surgical technology” means intraoperative surgical patient
6 care as follows:
7 (A) At the direction of, or subject to supervision by, a physician
8 and surgeon, or registered nurse, preparing the operating room for
9 surgical procedures by ensuring that surgical equipment is
10 functioning properly and safely.
11 (B) At the direction of, or subject to supervision by, a physician
12 and surgeon, or registered nurse, preparing the operating room and
13 the sterile field for surgical procedures by preparing sterile supplies,
14 instruments, and equipment using sterile technique.
15 (C) Anticipating the needs of the surgical team based on
16 knowledge of human anatomy and pathophysiology and how they
17 relate to the surgical patient and the patient’s surgical procedure.
18 (D) As directed in an operating room setting, performing the
19 following tasks at the sterile field:
20 (i) Passing supplies, equipment, or instruments.
21 (ii) Sponging or suctioning an operative site.
22 (iii) Preparing and cutting suture material.
23 (iv) Transferring and pouring irrigation fluids.
24 (v) Transferring but not administering drugs within the sterile
25 field.
26 (vi) Handling specimens.
27 (vii) Holding retractors and other instruments.
28 (viii) Applying electrocautery to clamps on bleeders.
29 (ix) Connecting drains to suction apparatus.
30 (x) Applying dressings to closed wounds.
31 (xi) Assisting in counting sponges, needles, supplies, and
32 instruments with the registered nurse circulator.
33 (xii) Cleaning and preparing instruments for sterilization on
34 completion of the surgery.
35 (xiii) Assisting the surgical team with cleaning of the operating
36 room on completion of the surgery.