

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2062**

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**Introduced by Assembly Member Roger Hernández**

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as amended, 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, as defined, 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 prior to January 1, 2015. 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

requirements of this act regarding training and certification or prior practice, 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
- 22 either 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~~ *either of the*
- 26 *following:*
- 27 (i) *A surgical technology educational program accredited by*
- 28 *the Commission on Accreditation of Allied Health Education*
- 29 *Programs or by an organization recognized by the Council for*
- 30 *Higher Education Accreditation or the United States Department*
- 31 *of Education.*

1 (ii) A training program for surgical technology provided by the  
2 United States Army, Navy, Air Force, Marine Corps, Coast Guard,  
3 or Public Health Service.

4 (B) Holds and maintains certification as a surgical technologist  
5 ~~by the National Board of Surgical Technology and Surgical~~  
6 ~~Assisting or its successor, or from the National Center for~~  
7 ~~Competency Testing or its successor.~~ *by a credentialing*  
8 *organization with a surgical technologist certification program*  
9 *that is accredited by either the National Commission for Certifying*  
10 *Agencies or the American National Standards Institute.*

11 (2) Provides evidence that the individual was employed to  
12 practice surgical technology in a health facility at any time prior  
13 to January 1, 2015.

14 (b) For purposes of paragraph (2) of subdivision (a), a health  
15 facility that employs or contracts with surgical technologists shall,  
16 upon request of another health facility pursuant to this section, or  
17 upon request of a surgical technologist who is employed by, or  
18 has contracted with, or who was formerly employed by or had  
19 contracted with, the health facility to perform surgical technology  
20 tasks, verify the dates of employment of, or a contract with, the  
21 surgical technologist.

22 (c) Notwithstanding subdivision (a), both of the following shall  
23 apply:

24 (1) A health facility may employ a surgical technologist or  
25 contract with an individual to practice surgical technology at the  
26 facility during the 12-month period immediately following the  
27 individual's successful completion of an educational or training  
28 program for surgical technology described in subparagraph (A) of  
29 paragraph (1) of subdivision (a). The employment or contract shall  
30 cease at the end of that 12-month period unless the individual  
31 satisfies subparagraph (B) of paragraph (1) of subdivision (a).

32 (2) A health facility may employ a surgical technologist or  
33 otherwise contract with an individual to practice surgical  
34 technology at the facility who does not meet the requirements of  
35 subdivision (a) or paragraph (1) if both of the following  
36 requirements are satisfied:

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

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

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

7 (e) A violation of this section shall not be subject to Section  
8 1290.

9 (f) For purposes of this section, the following definitions shall  
10 apply:

11 (1) “Health facility” means any health facility that is defined  
12 pursuant to Section 1204 or 1250, and includes any outpatient  
13 setting described in Section 1248.

14 (2) “Health care practitioner” means a person who engages in  
15 acts that are the subject of licensure or regulation under Division  
16 2 (commencing with Section 500) of the Business and Professions  
17 Code or under any initiative act referred to in that division.

18 (3) “Surgical technologist” means an individual who practices  
19 surgical technology.

20 (4) “Surgical technology” means intraoperative surgical patient  
21 care as follows:

22 (A) At the direction of, or subject to supervision by, a physician  
23 and surgeon, or registered nurse, preparing the operating room for  
24 surgical procedures by ensuring that surgical equipment is  
25 functioning properly and safely.

26 (B) At the direction of, or subject to supervision by, a physician  
27 and surgeon, or registered nurse, preparing the operating room and  
28 the sterile field for surgical procedures by preparing sterile supplies,  
29 instruments, and equipment using sterile technique.

30 (C) Anticipating the needs of the surgical team based on  
31 knowledge of human anatomy and pathophysiology and how they  
32 relate to the surgical patient and the patient’s surgical procedure.

33 (D) As directed in an operating room setting, performing the  
34 following tasks at the sterile field:

35 (i) Passing supplies, equipment, or instruments.

36 (ii) Sponging or suctioning an operative site.

37 (iii) Preparing and cutting suture material.

38 (iv) Transferring and pouring irrigation fluids.

39 (v) Transferring but not administering drugs within the sterile  
40 field.

- 1 (vi) Handling specimens.
- 2 (vii) Holding retractors and other instruments.
- 3 ~~(viii) Applying electrocautery to clamps on bleeders.~~
- 4 ~~(ix)~~
- 5 (viii) Connecting drains to suction apparatus.
- 6 ~~(x)~~
- 7 (ix) Applying dressings to closed wounds.
- 8 ~~(xi)~~
- 9 (x) Assisting in counting sponges, needles, supplies, and
- 10 instruments with the registered nurse circulator.
- 11 ~~(xii)~~
- 12 (xi) Cleaning and preparing instruments for sterilization on
- 13 completion of the surgery.
- 14 ~~(xiii)~~
- 15 (xii) Assisting the surgical team with cleaning of the operating
- 16 room on completion of the surgery.

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