

AMENDED IN SENATE AUGUST 21, 2014

AMENDED IN SENATE JULY 3, 2014

AMENDED IN SENATE JUNE 23, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 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 regarding training and certification or prior practice, as specified, *and would require that certain individuals complete specified continuing education or skills training in surgical technology.* The bill would ~~also specify other exceptions to this prohibition and would provide 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) A key purpose of this act is to encourage the education,
- 12 training, and utilization of surgical technologists in California,
- 13 given their vital role in the surgical setting.
- 14 SEC. 2. Section 1316.1 is added to the Health and Safety Code,
- 15 to read:
- 16 1316.1. (a) A health facility shall not employ a surgical
- 17 technologist or otherwise contract with an individual to practice
- 18 surgical technology at the facility, unless the individual meets
- 19 either of the following requirements:
- 20 (1) Meets both of the following requirements:
- 21 (A) Has successfully completed either of the following:
- 22 (i) A surgical technology educational program accredited by
- 23 the Commission on Accreditation of Allied Health Education
- 24 Programs or by an organization recognized by the Council for

1 Higher Education Accreditation or the United States Department
2 of Education.

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

6 (B) Holds and maintains certification as a surgical technologist
7 by a credentialing organization with a surgical technologist
8 certification program that is accredited by either the National
9 Commission for Certifying Agencies or the American National
10 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. An individual employed or under contract
14 pursuant to this paragraph shall complete continuing education or
15 skills training equivalent to the continuing education or skills
16 training necessary to maintain a certification described in
17 subparagraph (B) of paragraph (1).

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

26 (c) Notwithstanding subdivision (a), both of the following shall
27 apply:

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

36 (2) A health facility may employ a surgical technologist or
37 otherwise contract with an individual to practice surgical
38 technology at the facility who does not meet the requirements of
39 subdivision (a) or paragraph (1) if ~~both~~ all of the following
40 requirements are satisfied:

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

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

7 (C) *Any individual employed or under contract pursuant to this*
8 *paragraph completes continuing education or skills training*
9 *equivalent to the continuing education or skills training necessary*
10 *to maintain a certification described in subparagraph (B) of*
11 *paragraph (1) of subdivision (a).*

12 (d) This section does not apply to a health care practitioner
13 licensed or certified pursuant to Division 2 (commencing with
14 Section 500) of the Business and Professions Code, or under an
15 initiative act referred to in that division, who is performing tasks
16 that fall within the practice of surgical technology if the practitioner
17 is acting within the scope of practice of his or her license or
18 certification.

19 (e) A violation of this section shall not be subject to Section
20 1290.

21 (f) For purposes of this section, the following definitions shall
22 apply:

23 (1) "Health facility" means any health facility that is defined
24 pursuant to Section 1204 or 1250, and includes any outpatient
25 setting described in Section 1248.

26 (2) "Surgical technologist" means an individual who practices
27 surgical technology.

28 (3) "Surgical technology" means intraoperative surgical patient
29 care as follows:

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

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

38 (C) Anticipating the needs of the surgical team based on
39 knowledge of human anatomy and pathophysiology and how they
40 relate to the surgical patient and the patient's surgical procedure.

- 1 (D) As directed in an operating room setting, performing the
- 2 following tasks at the sterile field:
- 3 (i) Passing supplies, equipment, or instruments.
- 4 (ii) Sponging or suctioning an operative site.
- 5 (iii) Preparing and cutting suture material.
- 6 (iv) Transferring and pouring irrigation fluids.
- 7 (v) Transferring but not administering drugs within the sterile
- 8 field.
- 9 (vi) Handling specimens.
- 10 (vii) Holding retractors and other instruments.
- 11 (viii) Connecting drains to suction apparatus.
- 12 (ix) Applying dressings to closed wounds.
- 13 (x) Assisting in counting sponges, needles, supplies, and
- 14 instruments with the registered nurse circulator.
- 15 (xi) Cleaning and preparing instruments for sterilization on
- 16 completion of the surgery.
- 17 (xii) Assisting the surgical team with cleaning of the operating
- 18 room on completion of the surgery.

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