



156390

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Health Regulation (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 458.3478, Florida Statutes, is created to read:

(1) DEFINITIONS.—As used in this section, the term:

(a) "Direct supervision" requires the physical presence of a supervising surgeon on the premises so that the surgeon is immediately available as needed. For purposes of this section, a surgeon is liable for any tasks performed under his or her supervision.



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13           (b) "Licensed surgical first assistant" means a surgical  
14 first assistant who meets the qualifications for licensure under  
15 this section.

16           (c) "Surgeon" means a physician licensed under this chapter  
17 or ch. 459, a podiatrist licensed under ch. 461, or a dentist  
18 licensed under ch. 466, who has completed appropriate training  
19 in surgery and is listed as the primary surgeon in the operative  
20 record.

21           (d) "Surgical first assistant" means a person who is listed  
22 in the operative record as the first assistant. Surgical first  
23 assistants perform duties delegated by a surgeon under his or  
24 her direct supervision which aid the surgeon in safely  
25 performing pre-operative, intra-operative, and post-operative  
26 tasks. Such duties may include, but are not limited to,  
27 positioning the patient, placing retractors, assisting with  
28 wound closure, and applying wound dressings.

29           (2) PERFORMANCE OF SURGICAL FIRST ASSISTANTS.

30           (a) Only licensed surgical first assistants shall practice  
31 as surgical first assistants in this state, except that other  
32 licensed health care practitioners and students may practice as  
33 surgical first assistants if they have been appropriately  
34 trained and any delegated duties fall within their scope of  
35 practice. Persons who were employed as surgical first assistants  
36 as of July 1, 2012, shall be exempt from the provisions of this  
37 section.

38           (b) The board may not limit by rule the employment  
39 arrangement of a licensed surgical first assistant.

40           (3) SURGICAL FIRST ASSISTANT LICENSURE.—

41           (a) Any person desiring to be licensed as a surgical first



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42 assistant who is not currently licensed in another state shall  
43 apply to the department on forms furnished by the department.

44 The department shall license each applicant who the board  
45 certifies:

46 1. Is at least 18 years of age.

47 2. Currently holds one of the following certifications:

48 a. Certified Surgical First Assistant from the National  
49 Board of Surgical Technologists and Surgical Assistants.

50 b. Certified Surgical Assistant from the National Surgical  
51 Assistant Association.

52 c. Surgical Assistant-Certified from the American Board of  
53 Surgical Assistants.

54 3. Has completed the application form and remitted an  
55 application fee not to exceed \$150 as set by the board. An  
56 application for licensure must include a statement of any  
57 previous revocation or denial of licensure or certification.

58 4. Meets any other criteria set by law or the board.

59 (b) A licensed surgical first assistant's licensure does  
60 not authorize him or her to practice medicine or professional  
61 nursing.

62 (4) RENEWAL OF LICENSURE.—

63 (a) Surgical first assistant licensure must be must be  
64 renewed biennially.

65 (b) The department shall renew a license upon receipt of a  
66 renewal application, a fee not to exceed \$150 set by the board,  
67 and either proof of completion of at least 40 hours of  
68 continuing education approved by the board or proof of current  
69 certification from a certifying organization in subsection

70 (3) (a) 2.



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71 (5) GROUNDS FOR DISCIPLINARY ACTION.-

72 (a) The board may impose any of the penalties authorized  
73 under ss. 456.072, 458.331, 459.015, 461.013, or 466.028 upon a  
74 licensed surgical first assistant if he or she violates the  
75 provisions of chs. 456, 458, 459, 461, or 466. The licensed  
76 surgical first assistant may only be cited for violations of and  
77 issued penalties relating to the practice act of his or her  
78 supervising surgeon or surgeons. The board may transfer  
79 management of any violation of chs. 459, 461, or 466 to the  
80 Board of Osteopathic Medicine, Board of Podiatric Medicine, and  
81 Board of Dentistry, respectively.

82 (b) Any person who has not been licensed by the department  
83 as a licensed surgical first assistant and who in any way  
84 indicates or implies that he or she is a licensed surgical first  
85 assistant commits a felony of the third degree, punishable as  
86 provided in ss. 775.082, 775.083, or 775.084.

87 (6) RULES.-The board may adopt rules to administer this  
88 section. The Board of Osteopathic Medicine, Board of Podiatric  
89 Medicine, and Board of Dentistry may adopt rules relating to  
90 discipline of licensed surgical first assistants for violations  
91 of the appropriate practice acts.

92 (7) FEES.-The fees collected by the board under this  
93 section shall be used for the licensure and regulation of  
94 licensed surgical first assistants in accordance with this  
95 section.

96 Section 2. Subsection (6) of section 627.419, Florida  
97 Statutes, is amended to read:

98 627.419 Construction of policies.-

99 (6) Notwithstanding any other provision of law, when any



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100 health insurance policy, health care services plan, or other  
101 contract provides for payment for surgical first assisting  
102 benefits or services, the policy, plan, or contract is to be  
103 construed as providing for payment to a physician assistant, a  
104 licensed surgical first assistant, or a registered nurse first  
105 assistant or employers of a physician assistant, a licensed  
106 surgical first assistant, or registered nurse first assistant  
107 who performs such services that are within the scope of a  
108 physician assistant's, a licensed surgical first assistant's, or  
109 a registered nurse first assistant's professional license. The  
110 provisions of this subsection apply only if reimbursement for an  
111 assisting physician, licensed under chapter 458 or chapter 459,  
112 or an assisting podiatrist, licensed under chapter 461, would be  
113 covered and a physician assistant, licensed surgical first  
114 assistant, or a registered nurse first assistant who performs  
115 such services is used as a substitute.

116 Section 3. This act shall take effect July 1, 2012.

117  
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete everything before the enacting clause  
121 and insert:

122 A bill to be entitled

123 An act relating to surgical first assistants; creating  
124 s. 458.3478, F.S.; providing definitions; requiring  
125 that all surgical first assistants be licensed, with  
126 certain exceptions; providing an effective date;  
127 prohibiting the Board of Medicine from limiting  
128 employment of licensed surgical first assistants;



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129 specifying requirements for licensure and licensure  
130 renewal; providing grounds for disciplinary action;  
131 providing for transfer of management of certain  
132 violations to the appropriate practice board;  
133 providing rulemaking authority; specifying use of  
134 fees; amending s. 627.419, F.S.; allowing for payment  
135 of surgical assisting services under certain  
136 conditions; providing an effective date.