Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 362

INTRODUCER: Senators Lynn and Garcia

SUBJECT: Surgical Technology

DATE: February 13, 2012   REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davlantes	Stovall	HR	**Pre-meeting**
2.			BC	
3.				
4.				
5.				
6.				

I.   Summary:

The bill creates new sections of the Florida Statutes relating to the practice of surgical technology. The bill provides legislative intent, definitions, and examples of duties within a surgical technologist's scope of practice. The bill also describes training, certification, and continuing education requirements necessary for a technologist to be eligible for practice in this state. The bill requires the health care facility which employs or contracts with a technologist to ensure that the technologist is eligible for practice. The bill provides an exception for licensed practitioners, medical students, and residents to perform duties related to surgical technology as long as such duties are within their own scopes of practice. The Agency for Health Care Administration (AHCA) is given rulemaking authority to administer the provisions of the bill.

This bill creates the following sections of the Florida Statutes: 468.91, 468.92, 468.93, 468.94, 468.95, 468.96, and 468.97.

II.   Present Situation:

Role of Surgical Technologists

Surgical technologists, also called scrubs or operating room technicians,[1] work under the supervision of surgeons to ensure that the operating room environment is safe, that equipment functions properly, and that the operative procedure is conducted under conditions that maximize patient safety. Surgical technologists are trained in aseptic technique and combine the knowledge

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[1] United States Department of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook, 2010-11 Edition: Surgical Technologists*, available at: http://www.bls.gov/oco/ocos106.htm (last visited on November 10, 2011).

of human anatomy, surgical procedures, and implementation tools and technologies to facilitate a physician's performance of invasive therapeutic and diagnostic procedures.[2] Currently, no statutes or rules are in place to regulate the practice of surgical technology in Florida.

The Association of Surgical Technology (AST) is the oldest and most recognized professional organization for surgical technologists and surgical assistants. The AST was established in 1969 by members of the American College of Surgeons, the American Hospital Association, and the Association of Perioperative Registered Nurses to ensure that surgical technologists and surgical assistants have the knowledge and skills to administer patient care of the highest quality. Some of the AST's duties include creating and administering national certification procedures for surgical technologists, providing continuing education for such certification, working with national accrediting committees to establish standards for training programs, and advocating the interests of surgical technologists to government entities.[3]

The AST has published national guidelines for the scope of practice of surgical technologists.[4] It designates three different categories of technologist, each with different functions. A scrub technologist maintains sterility and handles necessary instruments, supplies, and equipment during a surgical procedure. A circulating technologist assists the circulating nurse in obtaining additional instruments, supplies, and equipment during the procedure. A second assisting technologist maintains sterility and assists the surgeon and the surgeon's first assistant during the procedure. More detailed duties are as follows:

- Scrub technologist
    - Check supplies and equipment needed for the surgical procedure.
    - Scrub, gown, and glove.
    - Set up the sterile table with instruments, supplies, equipment, and medications needed for the procedure.
    - Perform appropriate counts with the circulator prior to the operation and before the incision is closed.
    - Gown and glove the surgeon and assistants.
    - Help in draping the sterile field.
    - Pass instruments to the surgeon during the procedure.
    - Prepare sterile dressings.
    - Clean and prepare instruments for terminal sterilization.
    - Assist other members of the surgical team with terminal cleaning of the operating room.
    - Assist in preparing the operating room for the next patient.
- Circulating technologist
    - Obtain appropriate sterile and unsterile items needed for the procedure.
    - Open sterile supplies.
    - Check the patient's chart, identify the patient, verify the surgery to be performed with consent forms, and bring the patient to the assigned operating room.
    - Transfer the patient to the operating table.
    - Assess the patient's comfort and safety and provide verbal and tactile reassurance.

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[2] AST, *Job Description: Surgical Technologist*, available at:
http://www.ast.org/professionals/documents/2009_Surgical_Technologist_Job_Description_10.6_Final.pdf (last visited on November 10, 2011).
[3] AST, *About Us,* available at : http://www.ast.org/aboutus/about_ast.aspx (last visited on November 10, 2011).
[4] *Supra* fn. 2.

- o Assist anesthesia personnel.
- o Position the patient, using appropriate equipment.
- o Apply electrosurgical grounding pads, tourniquets, monitors, etc., before the procedure begins.
- o Prepare the patient's skin prior to draping by the surgical team.
- o Perform appropriate counts with the scrub nurse or technologist prior to the operation and before the incision is closed.
- o Anticipate additional supplies needed during the procedure.
- o Keep accurate records throughout the procedure.
- o Properly care for specimens.
- o Secure dressings after incision closure.
- o Help transport the patient to the recovery room.
- o Assist in cleaning the operating room and in preparing for the next patient.
- Second assisting technologist
  - o Hold retractors or instruments as directed by the surgeon.
  - o Sponge or suction the operative site.
  - o Apply electrocautery to clamps on bleeding blood vessels.
  - o Cut suture material as directed by the surgeon.
  - o Connect drains to suction apparatus.
  - o Apply dressings to the closed wound.

Education and Certification

Surgical technologists must have a high school degree or equivalent and complete a training program accredited by the Commission on Accreditation of Allied Health Education Programs or the Accrediting Bureau of Health Education Schools. The training program includes classroom education in anatomy, microbiology, pharmacology, ethics, medical terminology, and other topics as well as supervised clinical experience. Surgical technologist training lasts from 9-24 months and culminates in a certificate, diploma, or associate's degree.

Professional certification is not required for employment as a surgical technologist, although most employers prefer to hire only certified individuals. Professional certification is available through the AST as a Certified Surgical Technologist (CST).[5] Requirements for CST designation include graduation from an accredited surgical technology program (with special exceptions for military-trained technologists), payment of fees, and passage of an examination offered by the National Board of Surgical Technology and Surgical Assisting (NBSTSA).[6] CST certification is valid for 4 years; to renew, an individual must either retake and pass the NBSTSA examination required for initial certification or complete 60 hours of continuing education. A renewal fee is also required.[7]

National certification may also be obtained from the National Center for Competency Testing (NCCT),[8] which awards the "Tech in Surgery-Certified (NCCT)" designation. Applicants must

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[5] *Supra* fn. 1.
[6] NBSTSA, *CST Examinations*, available at: http://nbstsa.org/examinations-cst.html (last visited on November 10, 2011).
[7] NBSTSA, *Renewal Options,* available at: http://nbstsa.org/renewal/index.html (last visited on November 10, 2011).
[8] The NCCT is an independent entity which provides competency examinations and certifications for a variety of allied health professions, including medical assistants, phlebotomy technicians, patient care technicians, surgical technologists, and

graduate from an NCCT-approved surgical technology program, complete required practical experience, and pass the organization's certification exam. Applicants who did not graduate from an approved surgical technology program may also qualify for certification if they have accrued some amount of practical experience, which varies depending on the situation. Passage of the examination and payment of fees is still required, however.[9] NCCT certification must be renewed annually by completing 14 hours of continuing education and paying a recertification fee.[10]

Currently, there are approximately 4,800 surgical technologists employed in Florida. Of these, 3,450 are CSTs, and a few dozen hold the Tech in Surgery-Certified (NCCT) designation.[11]

III.   Effect of Proposed Changes:

Section 1 creates ss. 468.91, 468.92, 468.93, 468.94, 468.95, 468.96, and 468.97, F.S. These sections of law are designated as part XVII of ch. 468, F.S.

Section 468.91, F.S., describes the legislative intent of these new sections, which is to ensure that all surgical technologists employed in this state meet minimum requirements for safe practice as part of the surgical care team and that those technologists who present a danger to public health be prohibited from practice.

Section 468.92, F.S., defines certain terms and lists examples of duties within a surgical technologist's scope of practice.

Section 468.93, F.S., provides training and certification requirements for surgical technologists.

To be eligible to practice in Florida, a technologist must:
- Have successfully completed a nationally-accredited educational program for surgical technologists and hold and maintain the credential of certified surgical technologist as administered by a nationally-accredited credentialing body. Graduates of surgical technology education programs are authorized to practice without certification for up to 12 months after completion of the program;
- Have completed an appropriate training program for surgical technology in the United States Armed Forces or the Public Health Service Commissioned Corps;
- Provide evidence that he or she was employed to practice surgical technology in a health care facility within 2 years before July 1, 2012; or
- Be in the service of the federal government, to the extent that the he or she is performing duties related to that service.

This section also prohibits a health care facility[12] in Florida from employing or contracting for the services of a surgical technologist who does not meet these requirements.

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medical office assistants. It is not a professional organization. (Source: NCCT, *National Center for Competency Testing* (*NCCT*), http://www.ncctinc.com/General/, last visited November 10, 2011).

[9] NCCT, *Certification Information*, available at: http://www.ncctinc.com/Certifications/ (last visited on November 10, 2011).

[10] NCCT, *Recertification/CE*, available at http://www.ncctinc.com/CE/ (last visited on November 10, 2011).

[11] Email correspondence with the Florida State Assembly of the Association of Surgical Technologists. A copy of this correspondence is on file with the Senate Health Regulation Committee.

Section 468.94, F.S., states that, unless nationally-certified or in service of the federal government, technologists must complete 15 hours of continuing education per year to remain qualified to practice in the state. The health care facility which employs or contracts with a technologist is required to ensure that all continuing education and other credentialing requirements have been met.

Section 468.95, F.S., requires a health care facility which employs or contracts with a technologist to supervise that technologist according to the facility's policies and procedures and ensure that he or she competently performs delegated tasks.

Section 468.96, F.S., authorizes licensed practitioners, medical students, and residents to perform duties or tasks related to surgical technology as long as such duties or tasks are within the practitioners', students', or residents' own scope of practice.

Section 468.97, F.S., gives AHCA rulemaking authority to administer the provisions of the bill.

Section 2 provides an effective date of July 1, 2012.

IV.   Constitutional Issues:

A.   Municipality/County Mandates Restrictions:

The provisions of this CS have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B.   Public Records/Open Meetings Issues:

The provisions of the CS have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C.   Trust Funds Restrictions:

The provisions of this CS have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V.   Fiscal Impact Statement:

A.   Tax/Fee Issues:

None.

B.   Private Sector Impact:

Surgical technologists who do not meet any of the eligibility requirements in s. 468.93(1), F.S., will be unable to practice in Florida.

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[12] Health care facility is defined in the bill to mean a hospital, an ambulatory surgical center, or a mobile surgical facility that is regulated by the Department of Health under ch. 395, F.S.

C.   Government Sector Impact:

None.[13]

VI.   Technical Deficiencies:

Lines 42-44 define a health care facility as a facility that is regulated by the Department of Health (DOH) under ch. 395, F.S. However, the AHCA has regulatory responsibility for health care facilities under ch. 395, F.S.

VII.   Related Issues:

The bill gives rulemaking authority to AHCA. However, the DOH customarily regulates health care practitioners; AHCA generally focuses on licensing of health care facilities.

According to this bill, surgical technologists are only eligible to be employed by health care facilities after fulfilling certain training and continuing education requirements. "Health care facility" per this bill is any hospital, ambulatory surgical center, or mobile surgical facility regulated under ch. 395, F.S. The bill does not require technologists who practice in other facilities (such as office surgery centers) to have similar credentials.

Lines 85-87 permit graduates of appropriate training programs for surgical technology in the United States Armed Forces or Public Health Service Commissioned Corps to practice in the state. However, the bill does not describe what an "appropriate" training program might be or what entity decides whether or not a training program is appropriate.

Lines 93-99 authorize graduates of surgical technology training programs to practice for up to 1 year without the credential of certified surgical technologist. However, this subsection does not specify if the training program needs to be accredited, nor does it state which type of organization may provide the credential of certified surgical technologist. For comparison, lines 80-84 state that educational programs must be nationally accredited and certifications must be administered by a nationally-accredited credentialing body.

Lines 104-107 require 15 hours of continuing education annually for surgical technologists to continue to be eligible for practice in Florida. However, this subsection does not designate any entity to decide which continuing education courses will be accepted for credit, state where evidence of completion of these requirements should be filed, or describe what action will be taken against individuals who do not fulfill continuing education requirements.

The bill makes no reference to what penalties apply to surgical technologists who practice in Florida despite not meeting the eligibility requirements or to the health care facilities which employ them.

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[13] Per correspondence with the Department of Health. A copy of the email is on file with the Senate Health Regulation Committee.

VIII. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.