

HB 281

2013

1 A bill to be entitled
2 An act relating to surgical assistants and surgical
3 technologists; providing definitions; prohibiting a
4 health care facility from employing, contracting with,
5 or granting surgical privileges to a person who does
6 not hold a current and valid certification as a
7 surgical assistant; prohibiting a health care facility
8 from employing or contracting with a person who has
9 not completed a nationally and programmatically
10 accredited surgical technology program and who does
11 not have the credential of certified surgical
12 technologist; providing that certain persons are
13 exempt from having a certification as a surgical
14 assistant or surgical technologist; providing a
15 definition; authorizing a person who completes a
16 training program to become a surgical assistant or a
17 surgical technologist before a specified date to
18 continue to practice as a surgical assistant or
19 surgical technologist for 1 year after completing such
20 program; requiring the Agency for Health Care
21 Administration to accept, in lieu of its own periodic
22 inspections for licensure, the survey or inspection of
23 an accrediting organization under certain
24 circumstances; requiring the agency to adopt rules;
25 amending s. 627.419, F.S.; requiring a health
26 insurance policy, health care services plan, or other
27 contract to provide for payment to a certified
28 surgical assistant or to an employer of a certified

29 surgical assistant if the policy, plan, or contract
 30 provides for payment for surgical first assisting
 31 benefits or services and reimbursement for a physician
 32 assistant is covered; providing that reimbursement to
 33 a certified surgical assistant is not required under
 34 certain circumstances; providing an effective date.
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36 Be It Enacted by the Legislature of the State of Florida:
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38 Section 1. Surgical assistants and surgical
 39 technologists.-

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

41 (a) "Agency" means the Agency for Health Care
 42 Administration.

43 (b) "Health care facility" means a hospital as defined in
 44 s. 395.002, Florida Statutes, or an ambulatory surgical center
 45 as defined in s. 395.002, Florida Statutes.

46 (c) "Surgical assistant" means a person who, under the
 47 direct supervision of a person who is licensed under chapter
 48 458, chapter 459, or chapter 461, Florida Statutes, performs
 49 significant surgical tasks, including manipulating tissues or
 50 organs, manipulating or inserting sutures, placing hemostatic
 51 agents, injecting local anesthesia, harvesting veins, or
 52 implanting devices.

53 (d) "Surgical technologist" means a person who, under the
 54 supervision of a person who is licensed under chapter 458,
 55 chapter 459, chapter 461, or part I of chapter 464, Florida
 56 Statutes:

57 | 1. Maintains the integrity of surgical instruments within
58 | the surgical field during surgical procedures;

59 | 2. Performs surgical support tasks, including the
60 | transfers and counts of instruments and equipment and the
61 | management of fluids, specimens, and supplies;

62 | 3. Identifies and corrects sepsis; and

63 | 4. Performs other surgical tasks as directed.

64 | (2) EMPLOYMENT LIMITATIONS; SURGICAL ASSISTANTS.—A health
65 | care facility may not employ, contract with, or grant surgical
66 | privileges to a person who does not hold a current and valid
67 | certification as a surgical assistant which is issued by the
68 | American Board of Surgical Assistants, the National Board of
69 | Surgical Technology and Surgical Assisting, or the National
70 | Surgical Assistant Association.

71 | (3) EMPLOYMENT LIMITATIONS; SURGICAL TECHNOLOGISTS.—A
72 | health care facility may not employ or contract with a person
73 | who:

74 | (a) Has not successfully completed a nationally and
75 | programmatically accredited surgical technology program; and

76 | (b) Does not have the credential of certified surgical
77 | technologist which is issued by a nationally accredited
78 | credentialing body.

79 | (4) EXEMPTIONS.—Subsections (2) and (3) do not apply to
80 | the following persons:

81 | (a) A person who practices as a surgical assistant or
82 | surgical technologist on or at any time during the 6 months
83 | before January 1, 2013.

84 | (b) A person who successfully completes training as a

85 surgical assistant or surgical technologist in the uniformed
86 services.

87 (c) A student who performs, within the scope of the
88 student's training, the functions of a surgical assistant under
89 the direct supervision of a person who is licensed under chapter
90 458, chapter 459, or chapter 461, Florida Statutes.

91 (d) A student who performs, within the scope of the
92 student's training, the functions of a surgical technologist
93 under the direct supervision of a person who is licensed under
94 chapter 458, chapter 459, chapter 461, or part I of chapter 464,
95 Florida Statutes.

96 (e) A person who is licensed under chapter 458, chapter
97 459, or chapter 461, Florida Statutes, and who engages in the
98 full scope of practice for which he or she is licensed.

99 (f) A person who performs surgical procedures in an
100 office-based setting. As used in this paragraph, the term
101 "office-based setting" means any setting other than a health
102 care facility or a facility directly maintained and operated by
103 the Federal Government.

104 (g) A person who completes a training program to become a
105 surgical assistant or surgical technologist before July 1, 2014.
106 This person may continue to practice as a surgical assistant or
107 surgical technologist for 1 year after completing such program
108 notwithstanding any other provision of this section.

109 (5) INSPECTIONS.—To ensure compliance with this section,
110 the agency shall accept, in lieu of its own periodic inspections
111 for licensure, the survey or inspection of an accrediting
112 organization if:

113 (a) The accreditation of the licensed health care facility
 114 is not provisional;

115 (b) The licensed health care facility authorizes release
 116 of the accrediting organization's survey or inspection; and

117 (c) The agency receives the accrediting organization's
 118 survey or inspection.

119 (6) RULES.—The agency shall adopt rules to administer this
 120 section.

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

123 627.419 Construction of policies.—

124 (6) Notwithstanding any other provision of law, if a ~~when~~
 125 ~~any~~ health insurance policy, health care services plan, or other
 126 contract provides for payment for surgical first assisting
 127 benefits or services, the policy, plan, or contract shall ~~is to~~
 128 be construed as providing for payment to:

129 (a) A registered nurse first assistant or a surgical
 130 assistant who is certified by the American Board of Surgical
 131 Assistants, the National Board of Surgical Technology and
 132 Surgical Assisting, or the National Surgical Assistant
 133 Association; or

134 (b) An employer ~~employers~~ of a physician assistant,
 135 surgical assistant, or registered nurse first assistant who
 136 performs such services that are within the scope of the ~~a~~
 137 physician assistant's or the ~~a~~ registered nurse first
 138 assistant's professional license or the surgical assistant's
 139 certification as a surgical assistant.

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141 | ~~The provisions of~~ This subsection applies ~~apply~~ only if
142 | reimbursement for an assisting physician, licensed under chapter
143 | 458 or chapter 459, would be covered and a physician assistant,
144 | a surgical assistant, or a registered nurse first assistant who
145 | performs such services is used as a substitute. This subsection
146 | does not require reimbursement to a surgical assistant if the
147 | assistant is employed by and is paid, or will be paid, by the
148 | health care facility for the surgical services performed.

149 | Section 3. This act shall take effect July 1, 2013.