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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/02/2013	.	
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The Committee on Health Policy (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (11) is added to section 395.0191, Florida Statutes, to read:

(11) Surgical assistants and surgical technologists.-

(a) DEFINITIONS.-As used in this subsection, the term:

1. "Certified surgical assistant" means a surgical assistant who maintains valid and active one of the following certifications:

a. Certified Surgical First Assistant from the National



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13 Board of Surgical Technology and Surgical Assisting.

14 b. Certified Surgical Assistant from the National Surgical  
15 Assistant Association.

16 c. Surgical Assistant-Certified from the American Board of  
17 Surgical Assistants.

18 2. "Certified surgical technologist" means a surgical  
19 technologist who maintains valid and active certification as a  
20 Certified Surgical Technologist from the National Board of  
21 Surgical Technology and Surgical Assisting.

22 3. "Surgeon" means any health care practitioner as defined  
23 in chapter 456 whose scope of practice includes performing  
24 surgery and who is listed as the primary surgeon in the  
25 operative record.

26 4. "Surgical assistant" means a person providing aid under  
27 the supervision of a surgeon in exposure, hemostasis, closures,  
28 and other intra-operative technical functions that assist the  
29 surgeon in performing a safe operation with optimal results for  
30 the patient.

31 5. "Surgical technologist" means a person who assists and  
32 practices under the supervision of a surgeon to ensure that the  
33 operating room environment is safe, that proper equipment is  
34 available, and that the operative procedure is conducted  
35 efficiently. Surgical technologist duties include, but are not  
36 limited to, maintaining sterility during a surgical procedure,  
37 handling and ensuring the availability of necessary equipment  
38 and supplies, and maintaining visibility of the operative site.

39 (b) EMPLOYMENT LIMITATIONS.—

40 1. A facility may not employ or contract with any person to  
41 perform the duties of a surgical assistant unless the person is



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42 a certified surgical assistant.

43 2. A facility may not employ or contract with any person to  
44 perform the duties of a surgical technologist unless the person  
45 is a certified surgical technologist.

46 3. Subparagraphs 1. and 2. do not apply to:

47 a. A person who was employed or contracted to perform the  
48 duties of a surgical technologist or a surgical assistant at any  
49 time between January 1, 2013, and July 1, 2013.

50 b. Any health care practitioner as defined in chapter 456  
51 or any student, if the duties he or she performs fall within the  
52 scope of the practitioner's or the student's training and  
53 practice.

54 c. Any person enrolled in a surgical technology or surgical  
55 assisting training program accredited by the Commission on  
56 Accreditation of Allied Health Education Programs, the  
57 Accrediting Bureau of Health Education Schools, or another  
58 accrediting body recognized by the United States Department of  
59 Education, on July 1, 2013. A person may practice as a surgical  
60 technologist or a surgical assistant for one year after  
61 completion of such a training program before he or she is  
62 required to meet the criteria in subparagraphs 1. or 2.

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

65 627.419 Construction of policies.—

66 (6) Notwithstanding any other provision of law, if a ~~when~~  
67 ~~any~~ health insurance policy, health care services plan, or other  
68 contract provides for payment for surgical first assisting  
69 benefits or services, the policy, plan, or contract shall ~~is to~~  
70 be construed as providing for payment to:



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71           (a) A registered nurse first assistant or a certified  
72 surgical assistant as defined in s. 395.0191(11) (a); or

73           (b) An employer employers of a physician assistant,  
74 certified surgical assistant, or registered nurse first  
75 assistant who performs such services that are within the scope  
76 of the a physician assistant's or the a registered nurse first  
77 assistant's professional license or the certification of the  
78 surgical assistant.

79  
80 ~~The provisions of~~ This subsection applies apply only if  
81 reimbursement for an assisting physician, licensed under chapter  
82 458 or chapter 459, would be covered and a physician assistant,  
83 a certified surgical assistant, or a registered nurse first  
84 assistant who performs such services is used as a substitute.  
85 This subsection does not require reimbursement to a surgical  
86 assistant if the assistant is employed by and is paid, or will  
87 be paid, by the health care facility for the services performed.

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

89  
90 ===== T I T L E   A M E N D M E N T =====

91 And the title is amended as follows:

92           Delete everything before the enacting clause  
93 and insert:

94                           A bill to be entitled  
95           An act relating to surgical assistants and surgical  
96           technologists; amending s. 395.0191, F.S.; providing  
97           definitions; providing requirements for health care  
98           facilities employing or contracting with surgical  
99           first assistants and surgical technologists; providing



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100 exceptions to these requirements; amending s. 627.419,  
101 F.S.; allowing for payment of surgical assistant  
102 services under certain conditions; providing an  
103 effective date.