

By Senator Garcia

38-00138A-13

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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

38-00138A-13

2013360__

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.
35

36 Be It Enacted by the Legislature of the State of Florida:
37

38 Section 1. Surgical assistants and surgical technologists.—

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

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

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

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

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

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

58 2. Performs surgical support tasks, including the transfers

38-00138A-13

2013360

59 and counts of instruments and equipment and the management of
60 fluids, specimens, and supplies;

61 3. Identifies and corrects sepsis; and

62 4. Performs other surgical tasks as directed.

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

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

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

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

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

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

83 (b) A person who successfully completes training as a
84 surgical assistant or surgical technologist in the uniformed
85 services.

86 (c) A student who performs, within the scope of the
87 student's training, the functions of a surgical assistant under

38-00138A-13

2013360__

88 the direct supervision of a person who is licensed under chapter
89 458, chapter 459, or chapter 461, Florida Statutes.

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

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

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

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

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

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

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

116 (c) The agency receives the accrediting organization's

38-00138A-13

2013360

117 survey or inspection.

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

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

122 627.419 Construction of policies.—

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

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

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

139
140 ~~The provisions of~~ This subsection applies ~~apply~~ only if
141 reimbursement for an assisting physician, licensed under chapter
142 458 or chapter 459, would be covered and a physician assistant,
143 a surgical assistant, or a registered nurse first assistant who
144 performs such services is used as a substitute. This subsection
145 does not require reimbursement to a surgical assistant if the

38-00138A-13

2013360__

146 assistant is employed by and is paid, or will be paid, by the
147 health care facility for the surgical services performed.

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