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LEGISLATIVE ACTION

Senate

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House

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Between lines 141 and 142

insert:

Section 2. Present subsections (1) through (10) of section 395.0191, Florida Statutes, are redesignated as subsections (3) through (12), respectively, new subsections (1) and (2) and subsection (13) are added to that section, and present subsection (6) of that section is amended, to read:

395.0191 Staff membership and clinical privileges.—

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



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12 (a) "Certified surgical assistant" means a surgical
13 assistant who maintains a valid and active certification under
14 one of the following designations:

15 1. Certified surgical first assistant from the National
16 Board of Surgical Technology and Surgical Assisting.

17 2. Certified surgical assistant from the National Surgical
18 Assistant Association.

19 3. Surgical assistant-certified from the American Board of
20 Surgical Assistants.

21 (b) "Certified surgical technologist" means a surgical
22 technologist who maintains a valid and active certification as a
23 certified surgical technologist from the National Board of
24 Surgical Technology and Surgical Assisting.

25 (c) "Surgeon" means a health care practitioner as defined
26 in s. 456.001 whose scope of practice includes performing
27 surgery and who is listed as the primary surgeon in the patient
28 record.

29 (d) "Surgical assistant" means a person who provides
30 assistance in exposure, hemostasis, closures, and other
31 intraoperative technical functions and who assists the surgeon
32 in safely performing a surgical procedure with optimal results
33 for the patient.

34 (e) "Surgical technologist" means a person whose duties
35 include, but are not limited to, maintaining sterility during a
36 surgical procedure, handling and ensuring the availability of
37 necessary equipment and supplies, and maintaining visibility of
38 the operative site to ensure that the operating room environment
39 is safe, that proper equipment is available, and that the
40 operative procedure is conducted efficiently.



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41 (2) (a) At least 50 percent of the surgical assistants that
42 a facility employs or contracts with must be certified surgical
43 assistants or be excluded from the certification requirement
44 under paragraph (c).

45 (b) At least 50 percent of the surgical technologists that
46 a facility employs or contracts with must be certified surgical
47 technologists or be excluded from the certification requirement
48 under paragraph (c).

49 (c) The following persons are excluded from the
50 certification requirement and count toward the required
51 percentage in paragraph (a) or paragraph (b):

52 1. A person who has completed an appropriate training
53 program for surgical technology in any branch of the United
54 States Armed Forces or reserve component of the United States
55 Armed Forces.

56 2. A person who was employed or contracted to perform the
57 duties of a surgical technologist or surgical assistant before
58 July 1, 2015.

59 3. A health care practitioner as defined in s. 456.001 or a
60 student if the duties performed by the practitioner or the
61 student are within the scope of the practitioner's or the
62 student's training and practice.

63 4. A person enrolled in a surgical technology or surgical
64 assisting training program accredited by the Commission on
65 Accreditation of Allied Health Education Programs, the
66 Accrediting Bureau of Health Education Schools, or other
67 accrediting body recognized by the United States Department of
68 Education on July 1, 2015. A person may practice as a surgical
69 technologist or a surgical assistant for 2 years after



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70 completing such training program before he or she is required to
71 meet the criteria in paragraph (a) or paragraph (b).

72 (8)~~(6)~~ Upon the written request of the applicant, any
73 licensed facility that has denied staff membership or clinical
74 privileges to any applicant specified in subsection (3) ~~(1)~~ or
75 subsection (4) ~~(2)~~ shall, within 30 days after ~~of~~ such request,
76 provide the applicant with the reasons for such denial in
77 writing. A denial of staff membership or clinical privileges to
78 any applicant shall be submitted, in writing, to the applicant's
79 respective licensing board.

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete line 15

84 and insert:

85 Legislature; amending s. 395.0191, F.S.; defining
86 terms; requiring a certain percentage of surgical
87 assistants or surgical technologists employed by or
88 contracted with a facility to be certified; providing
89 exceptions to the certification requirements;
90 conforming cross-references; amending ss. 458.347 and
91 459.022, F.S.;