

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 43

Short Title: Establish Standards for Surgical Technology. (Public)

Sponsors: Representatives Murphy, Lambeth, and Humphrey (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

February 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN
3 HOSPITALS AND AMBULATORY SURGICAL FACILITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 2 of Article 5 of Chapter 131E of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 131E-79.3. Hospital standards for surgical technology care.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Surgical technologist. – An individual who is employed or contracted by a
10 hospital to perform surgical technology tasks and functions.

11 (2) Surgical technology. – Surgical patient care that includes the following tasks
12 or functions:

13 a. Preparing the operating room and the sterile field for surgical
14 procedures by ensuring that surgical equipment is functioning properly
15 and safely and preparing sterile supplies, instruments, and equipment
16 using sterile technique.

17 b. As directed by the surgical team, performing tasks in the sterile field,
18 including the following:

19 1. Maintaining asepsis and correcting breaks in the sterile field.

20 2. Passing supplies, equipment, or instruments according to the
21 needs of the surgical team.

22 3. Sponging or suctioning an operative site.

23 4. Preparing and cutting suture material.

24 5. Transferring and irrigating with fluids.

25 6. Transferring, but not administering, drugs within the sterile
26 field.

27 7. Handling specimens.

28 8. Holding retractors and other instruments.

29 9. Applying electrocautery to clamps on bleeders.

30 10. Connecting drains to suction apparatus.

31 11. Applying dressings to closed wounds.

32 12. Performing sponge, needle, supply, and instrument counts with
33 the registered nurse circulator.

34 (b) Qualifications for Employment or Contract. – Except as provided by subsection (f) of
35 this section, a hospital shall not employ or otherwise contract for the services of a surgical



* H 4 3 - V - 1 *

1 technologist in that hospital unless the individual meets, at a minimum, one of the following
2 qualifications:

3 (1) Provides evidence of successfully completing a program accredited by the
4 Commission on Accreditation of Allied Health Education Programs or
5 another nationally accredited educational program for surgical technologists
6 and holds and maintains the Certified Surgical Technologist credential issued
7 by the National Board of Surgical Technology and Surgical Assisting or its
8 successor.

9 (2) Provides evidence of successfully completing an appropriate training program
10 for surgical technology in the United States Army, Navy, Air Force, Marine
11 Corps, or Coast Guard or in the United States Public Health Service.

12 (3) Provides evidence that satisfies one of the following requirements:

13 a. Documentation of employment to practice surgical technology in a
14 hospital licensed under this Part or an ambulatory surgical facility
15 licensed under Part 4 of Article 6 of this Chapter on December 31,
16 2019.

17 b. Documentation of employment to practice surgical technology during
18 the two years immediately preceding December 31, 2019.

19 (4) Provides evidence of practicing surgical technology as an employee of an
20 agency or institution of the federal government.

21 (c) Probationary Practice. – A hospital may employ or contract with an individual to
22 practice surgical technology during the 12-month period that immediately follows the successful
23 completion of a surgical technology program as described in subdivision (1) of subsection (b) of
24 this section. However, the hospital may not continue to employ or contract with that individual
25 beyond the 12-month period that immediately follows the successful completion of a surgical
26 technology program without documentation that the employee or contractor holds and maintains
27 the certified surgical technologist credential as described in subdivision (1) of subsection (b) of
28 this section.

29 (d) Continuing Education. – A hospital may employ or contract with an individual who
30 qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4) of subsection (b)
31 of this section, or pursuant to an exception under subsection (f) of this section, provided the
32 individual annually completes 15 hours of continuing education approved by the National Board
33 of Surgical Technology and Surgical Assisting or its successor.

34 (e) Verification of Continuing Education or Credential. – A hospital that employs or
35 contracts with an individual to practice surgical technology shall verify that the individual
36 satisfies the continuing education requirements of subsection (d) of this section or, if applicable,
37 that the individual holds and maintains the Certified Surgical Technologist credential as
38 described in subdivision (1) of subsection (b) of this section.

39 (f) Exception. – A hospital may employ or otherwise contract with an individual who
40 does not meet any of the qualifications specified in subsection (b) of this section if both of the
41 following requirements are met:

42 (1) The hospital makes a diligent and thorough effort, and after such an effort is
43 completed, the hospital is unable to employ or contract with a sufficient
44 number of qualified surgical technologists who satisfy the requirements of this
45 section.

46 (2) The hospital documents and retains, on the hospital premises, a written record
47 of its efforts made pursuant to subdivision (1) of this subsection.

48 (g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
49 practitioner from performing surgical technology tasks or functions if the practitioner is acting
50 within the scope of his or her license.

1 (h) Adverse Action. – The Department of Health and Human Services may take adverse
2 action against a hospital under G.S. 131E-78 for a violation of this section."

3 **SECTION 2.** Part 4 of Article 6 of Chapter 131E of the General Statutes is amended
4 by adding a new section to read:

5 **"§ 131E-147.2. Ambulatory surgical facility standards for surgical technology care.**

6 (a) Definitions. – The following definitions apply in this section:

7 (1) Surgical technologist. – An individual who is employed or contracted by an
8 ambulatory surgical facility to perform surgical technology tasks and
9 functions.

10 (2) Surgical technology. – Surgical patient care that includes the following tasks
11 or functions:

12 a. Preparing the operating room and the sterile field for surgical
13 procedures by ensuring that surgical equipment is functioning properly
14 and safely and preparing sterile supplies, instruments, and equipment
15 using sterile technique.

16 b. As directed by the surgical team, performing tasks in the sterile field,
17 including the following:

18 1. Maintaining asepsis and correcting breaks in the sterile field.

19 2. Passing supplies, equipment, or instruments according to the
20 needs of the surgical team.

21 3. Sponging or suctioning an operative site.

22 4. Preparing and cutting suture material.

23 5. Transferring and irrigating with fluids.

24 6. Transferring, but not administering, drugs within the sterile
25 field.

26 7. Handling specimens.

27 8. Holding retractors and other instruments.

28 9. Applying electrocautery to clamps on bleeders.

29 10. Connecting drains to suction apparatus.

30 11. Applying dressings to closed wounds.

31 12. Performing sponge, needle, supply, and instrument counts with
32 the registered nurse circulator.

33 (b) Qualifications for Employment or Contract. – Except as provided by subsection (f) of
34 this section, an ambulatory surgical facility shall not employ or otherwise contract for the services
35 of a surgical technologist in that facility unless the individual meets, at a minimum, one of the
36 following qualifications:

37 (1) Provides evidence of successfully completing a program accredited by the
38 Commission on Accreditation of Allied Health Education Programs or
39 another nationally accredited educational program for surgical technologists
40 and holds and maintains the Certified Surgical Technologist credential issued
41 by the National Board of Surgical Technology and Surgical Assisting or its
42 successor.

43 (2) Provides evidence of successfully completing an appropriate training program
44 for surgical technology in the United States Army, Navy, Air Force, Marine
45 Corps, or Coast Guard or in the United States Public Health Service.

46 (3) Provides evidence that satisfies one of the following requirements:

47 a. Documentation of employment to practice surgical technology in an
48 ambulatory surgical facility licensed under this Part or a hospital
49 licensed under Part 2 of Article 5 of this Chapter on December 31,
50 2019.

1 b. Documentation of employment to practice surgical technology during
2 the two years immediately preceding December 31, 2019.

3 (4) Provides evidence of practicing surgical technology as an employee of an
4 agency or institution of the federal government.

5 (c) Probationary Practice. – An ambulatory surgical facility may employ or contract with
6 an individual to practice surgical technology during the 12-month period that immediately
7 follows the successful completion of a surgical technology program as described in subdivision
8 (1) of subsection (b) of this section. However, the facility may not continue to employ or contract
9 with that individual beyond the 12-month period that immediately follows the successful
10 completion of a surgical technology program without documentation that the employee or
11 contractor holds and maintains the certified surgical technologist credential as described in
12 subdivision (1) of subsection (b) of this section.

13 (d) Continuing Education. – An ambulatory surgical facility may employ or contract with
14 an individual who qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4)
15 of subsection (b) of this section, or pursuant to an exception under subsection (f) of this section,
16 provided the individual annually completes 15 hours of continuing education approved by the
17 National Board of Surgical Technology and Surgical Assisting or its successor.

18 (e) Verification of Continuing Education or Credential. – An ambulatory surgical facility
19 that employs or contracts with an individual to practice surgical technology shall verify that the
20 individual satisfies the continuing education requirements of subsection (d) of this section or, if
21 applicable, that the individual holds and maintains the Certified Surgical Technologist credential
22 as described in subdivision (1) of subsection (b) of this section.

23 (f) Exception. – An ambulatory surgical facility may employ or otherwise contract with
24 an individual who does not meet any of the qualifications specified in subsection (b) of this
25 section if both of the following requirements are met:

26 (1) The ambulatory surgical facility makes a diligent and thorough effort, and
27 after such an effort is completed, the facility is unable to employ or contract
28 with a sufficient number of qualified surgical technologists who satisfy the
29 requirements of this section.

30 (2) The ambulatory surgical facility documents and retains, on the facility
31 premises, a written record of its efforts made pursuant to subdivision (1) of
32 this subsection.

33 (g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
34 practitioner from performing surgical technology tasks or functions if the practitioner is acting
35 within the scope of his or her license.

36 (h) Adverse Action. – The Department of Health and Human Services may take adverse
37 action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section."

38 **SECTION 3.** This act becomes effective January 1, 2020.