

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 43  
Committee Substitute Favorable 3/5/19  
PROPOSED COMMITTEE SUBSTITUTE H43-PCS10261-BC-9

Short Title: Establish Standards for Surgical Technology.

(Public)

Sponsors:

Referred to:

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, but is not limited  
12 to, the following perioperative tasks or functions, as directed by the surgeon:

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. Assisting the surgeon with placing sterile drapes on the patient to  
18 establish the sterile operating field.

19 c. Anticipating the needs of the surgeon by preparing and passing  
20 instruments and supplies during surgical procedures.

21 d. Sponging or suctioning an operative site.

22 e. Preparing and cutting suture material.

23 f. Preparing and pouring irrigation solutions during procedures.

24 g. Preparing and passing medications and hemostatic agents during  
25 procedures, but not administering drugs.

26 h. Preparing and passing off specimens.

27 i. Holding retractors and other instruments.

28 j. Applying electrocautery to clamps or forceps on bleeding vessels.

29 k. Connecting drains to suction apparatus.

30 l. Preparing and applying sterile dressings to closed wounds.

31 m. Performing counts of sponges, needles, supplies, and instruments with  
32 the registered nurse circulator.

33 n. Assisting with transferring patients and positioning patients on the  
34 operating table.



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- 1                   o.     Maintaining the highest standard of sterile technique, including  
2                         identifying and correcting breaks in the sterile operating field.
- 3       (b)     Qualifications for Employment or Contract. – Except as provided by subsection (e)  
4 of this section, a hospital shall not employ or otherwise contract for the services of a surgical  
5 technologist in that hospital unless the individual meets, at a minimum, one of the following  
6 qualifications:
- 7           (1)     Provides evidence of successfully completing a program accredited by the  
8                   Commission on Accreditation of Allied Health Education Programs or  
9                   another nationally accredited educational program for surgical technologists  
10                  and holds and maintains the Certified Surgical Technologist credential issued  
11                  by the National Board of Surgical Technology and Surgical Assisting or its  
12                  successor.
- 13           (2)     Provides evidence of successfully completing an appropriate training program  
14                   for surgical technology in the United States Army, Navy, Air Force, Marine  
15                   Corps, or Coast Guard or in the United States Public Health Service.
- 16           (3)     Provides evidence that satisfies one of the following requirements:
- 17                   a.     Documentation of employment to practice surgical technology in a  
18                         hospital licensed under this Part or an ambulatory surgical facility  
19                         licensed under Part 4 of Article 6 of this Chapter on December 31,  
20                         2019.
- 21                   b.     Documentation of employment to practice surgical technology during  
22                         the three years immediately preceding December 31, 2019.
- 23       (c)     Probationary Practice. – A hospital may employ or contract with an individual to  
24 practice surgical technology during the 12-month period that immediately follows the successful  
25 completion of a surgical technology program as described in subdivision (1) of subsection (b) of  
26 this section. However, the hospital may not continue to employ or contract with that individual  
27 beyond the 12-month period without documentation that the individual has obtained the  
28 credential described in subdivision (1) of subsection (b) of this section.
- 29       (d)     Continuing Education. – A surgical technician employed by or contracted with a  
30 hospital shall comply with one of the following:
- 31           (1)     A surgical technologist who is certified by the credentialing organization  
32                   specified in subdivision (1) of subsection (b) of this section shall comply with  
33                   the continuing education requirements set forth by the credentialing  
34                   organization, as necessary to keep the certification current, and shall provide  
35                   proof of compliance upon employer's request.
- 36           (2)     A surgical technologist who is not certified according to subdivision (1) of  
37                   subsection (b) shall complete 30 hours of relevant continuing education every  
38                   two years and shall provide proof of compliance upon employer's request.
- 39       (e)     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 all 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 records of its efforts made pursuant to  
47                   subdivision (1) of this subsection.
- 48           (3)     The hospital ensures that any noncertified surgical technologist employed or  
49                   contracted by the hospital complies with the continuing education  
50                   requirements of subsection (d).

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

4       (g) Adverse Action. – The Department of Health and Human Services may take adverse  
5 action against a hospital under G.S. 131E-78 for a violation of this section. A hospital may restrict  
6 an employee's eligibility to practice surgical technology, as deemed appropriate by the hospital,  
7 in the event the employee does not comply with the requirements of this section."

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

10 **"§ 131E-147.2. Ambulatory surgical facility standards for surgical technology care.**

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

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

15       (2) Surgical technology. – Surgical patient care that includes, but is not limited  
16 to, the following perioperative tasks or functions as directed by the surgeon:

17       a. Preparing the operating room and the sterile field for surgical  
18 procedures by ensuring that surgical equipment is functioning properly  
19 and safely and preparing sterile supplies, instruments, and equipment  
20 using sterile technique.

21       b. Assisting the surgeon with placing sterile drapes on the patient to  
22 establish the sterile operating field.

23       c. Anticipating the needs of the surgeon by preparing and passing  
24 instruments and supplies during surgical procedures.

25       d. Sponging or suctioning the operative site.

26       e. Preparing and cutting suture material.

27       f. Preparing and pouring irrigation solutions during procedures.

28       g. Preparing and passing medications and hemostatic agents during  
29 procedures, but not administering drugs.

30       h. Preparing and passing off specimens.

31       i. Holding retractors and other instruments.

32       j. Applying electrocautery to clamps or forceps on bleeding vessels.

33       k. Connecting drains to suction apparatus.

34       l. Preparing and applying sterile dressings to closed wounds.

35       m. Performing counts of sponges, needles, supplies, and instruments with  
36 the registered nurse circulator.

37       n. Assisting with transferring patients and positioning patients on the  
38 operating table.

39       o. Maintaining the highest standard of sterile technique, including  
40 identifying and correcting breaks in the sterile operating field.

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

45       (1) Provides evidence of successfully completing a program accredited by the  
46 Commission on Accreditation of Allied Health Education Programs or  
47 another nationally accredited educational program for surgical technologists  
48 and holds and maintains the Certified Surgical Technologist credential issued  
49 by the National Board of Surgical Technology and Surgical Assisting or its  
50 successor.

- 1           (2)     Provides evidence of successfully completing an appropriate training program  
2           for surgical technology in the United States Army, Navy, Air Force, Marine  
3           Corps, or Coast Guard or in the United States Public Health Service.
- 4           (3)     Provides evidence that satisfies one of the following requirements:  
5           a.       Documentation of employment to practice surgical technology in an  
6           ambulatory surgical facility licensed under this Part or an ambulatory  
7           surgical facility licensed under Part 4 of Article 6 of this Chapter on  
8           December 31, 2019.  
9           b.       Documentation of employment to practice surgical technology during  
10           the three years immediately preceding December 31, 2019.
- 11       (c)     Probationary Practice. – An ambulatory surgical facility may employ or contract with  
12       an individual to practice surgical technology during the 12-month period that immediately  
13       follows the successful completion of a surgical technology program as described in subdivision  
14       (1) of subsection (b) of this section. However, the ambulatory surgical facility may not continue  
15       to employ or contract with that individual beyond the 12-month period without documentation  
16       that the individual has obtained the credential described in subdivision (1) of subsection (b) of  
17       this section.
- 18       (d)     Continuing Education. – A surgical technician employed by or contracted with an  
19       ambulatory surgical facility shall comply with one of the following:  
20           (1)     A surgical technologist who is certified by the credentialing organization  
21           specified in subdivision (1) of subsection (b) of this section shall comply with  
22           the continuing education requirements set forth by the credentialing  
23           organization, as necessary to keep the certification current, and shall provide  
24           proof of compliance upon employer's request.  
25           (2)     A surgical technologist who is not certified according to subdivision (1) of  
26           subsection (b) shall complete 30 hours of relevant continuing education every  
27           two years and shall provide proof of compliance upon employer's request.
- 28       (e)     Exception. – An ambulatory surgical facility may employ or otherwise contract with  
29       an individual who does not meet any of the qualifications specified in subsection (b) of this  
30       section if all of the following requirements are met:  
31           (1)     The ambulatory surgical facility makes a diligent and thorough effort, and  
32           after such an effort is completed, the ambulatory surgical facility is unable to  
33           employ or contract with a sufficient number of qualified surgical technologists  
34           who satisfy the requirements of this section.  
35           (2)     The ambulatory surgical facility documents and retains records of its efforts  
36           made pursuant to subdivision (1) of this subsection.  
37           (3)     The ambulatory surgical facility ensures that any noncertified surgical  
38           technologist employed or contracted by the ambulatory surgical facility  
39           complies with the continuing education requirements of subsection (d).
- 40       (f)     Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed  
41       practitioner from performing surgical technology tasks or functions if the practitioner is acting  
42       within the scope of his or her license.
- 43       (g)     Adverse Action. – The Department of Health and Human Services may take adverse  
44       action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section.  
45       An ambulatory surgical facility may restrict an employee's eligibility to practice surgical  
46       technology, as deemed appropriate by the ambulatory surgical facility, in the event the employee  
47       does not comply with the requirements of this section."

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