

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 43  
PROPOSED COMMITTEE SUBSTITUTE H43-PCS10130-BC-5

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.

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



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1        (b) Qualifications for Employment or Contract. – Except as provided by subsection (e)  
2 of this section, a hospital shall not employ or otherwise contract for the services of a surgical  
3 technologist in that hospital unless the individual meets, at a minimum, one of the following  
4 qualifications:

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

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

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

15            a.        Documentation of employment to practice surgical technology in a  
16 hospital licensed under this Part or an ambulatory surgical facility  
17 licensed under Part 4 of Article 6 of this Chapter on December 31,  
18 2019.

19            b.        Documentation of active and continuous employment to practice  
20 surgical technology during the three years immediately preceding  
21 December 31, 2019.

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

28        (d) Continuing Education. – A surgical technician employed by or contracted with a  
29 hospital shall comply with one of the following:

30            (1) A surgical technologist who is certified by the credentialing organization  
31 specified in subdivision (1) of subsection (a) of this section shall comply with  
32 the continuing education requirements set forth by the credentialing  
33 organization, as necessary to keep the certification current, and shall provide  
34 proof of compliance upon employer's request.

35            (2) A surgical technologist who is not certified according to subdivision (1) of  
36 subsection (a) shall complete 30 hours of relevant continuing education every  
37 two years and shall provide proof of compliance upon employer's request.

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

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