

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 468
PROPOSED COMMITTEE SUBSTITUTE H468-PCS30295-SH-19

Short Title: Establish Surgical Technology Standards.

(Public)

Sponsors:

Referred to:

April 1, 2021

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 an accredited educational
6 program for surgical technology and holds and maintains an accredited
7 surgical technologist certification credential.

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

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

12 a. Documentation of employment to practice surgical technology in a
13 hospital licensed under this Part or an ambulatory surgical facility
14 licensed under Part 4 of Article 6 of this Chapter on December 31,
15 2021.

16 b. Documentation of employment to practice surgical technology during
17 the three years immediately preceding December 31, 2021.

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

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

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

31 (2) A surgical technologist who is not certified according to subdivision (1) of
32 subsection (b) of this section shall complete 30 hours of relevant continuing
33 education every two years and shall provide proof of compliance upon
34 employer's request.

35 (e) Exception. – A hospital may employ or otherwise contract with an individual who
36 does not meet any of the qualifications specified in subsection (b) of this section if all of the
37 following requirements are met:

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

42 (2) The hospital documents and retains records of its efforts made pursuant to
43 subdivision (1) of this subsection.

44 (3) The hospital ensures that any noncertified surgical technologist employed or
45 contracted by the hospital complies with the continuing education
46 requirements of subsection (d) of this section.

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

50 (g) Adverse Action. – The Department of Health and Human Services may take adverse
51 action against a hospital under G.S. 131E-78 for a violation of this section. A hospital may restrict

1 an employee's eligibility to practice surgical technology, as deemed appropriate by the hospital,
2 in the event the employee does not comply with the requirements 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, but is not limited
11 to, the following perioperative tasks or functions as directed by the surgeon:

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

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

20 d. Sponging or suctioning the operative site.

21 e. Preparing and cutting suture material.

22 f. Preparing and pouring irrigation solutions during procedures.

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

25 h. Preparing and passing off specimens.

26 i. Holding retractors and other instruments.

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

28 k. Connecting drains to suction apparatus.

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

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

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

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

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

40 (1) Provides evidence of successfully completing an accredited educational
41 program for surgical technology and holds and maintains an accredited
42 surgical technologist certification credential.

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 an ambulatory
49 surgical facility licensed under Part 4 of Article 6 of this Chapter on
50 December 31, 2021.

1 b. Documentation of employment to practice surgical technology during
2 the three years immediately preceding December 31, 2021.

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

10 (d) Continuing Education. – A surgical technician employed by or contracted with an
11 ambulatory surgical facility shall comply with one of the following:

12 (1) A surgical technologist who is certified by the credentialing organization
13 specified in subdivision (1) of subsection (b) of this section shall comply with
14 the continuing education requirements set forth by the credentialing
15 organization, as necessary to keep the certification current, and shall provide
16 proof of compliance upon employer's request.

17 (2) A surgical technologist who is not certified according to subdivision (1) of
18 subsection (b) of this section shall complete 30 hours of relevant continuing
19 education every two years and shall provide proof of compliance upon
20 employer's request.

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

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

28 (2) The ambulatory surgical facility documents and retains records of its efforts
29 made pursuant to subdivision (1) of this subsection.

30 (3) The ambulatory surgical facility ensures that any noncertified surgical
31 technologist employed or contracted by the ambulatory surgical facility
32 complies with the continuing education requirements of subsection (d) of this
33 section.

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

37 (g) Adverse Action. – The Department of Health and Human Services may take adverse
38 action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section.
39 An ambulatory surgical facility may restrict an employee's eligibility to practice surgical
40 technology, as deemed appropriate by the ambulatory surgical facility, in the event the employee
41 does not comply with the requirements of this section."

42 **SECTION 3.** This act becomes effective January 1, 2022.