

## SENATE AMENDMENTS TO SENATE BILL 783

By COMMITTEE ON HEALTH POLICY

April 15

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages 2 through 4 and insert:

2 **“SECTION 1. As used in sections 1 to 8 of this 2005 Act:**

3 **“(1) ‘Certified surgical assistant’ means a surgical assistant certified in accordance with**  
4 **sections 1 to 8 of this 2005 Act.**

5 **“(2) ‘Surgical assistance’ means providing aid under direct supervision in exposure,**  
6 **hemostasis, closure and other intraoperative technical functions that assist a physician in**  
7 **performing a surgical operation.**

8 **“SECTION 2. A person may not practice surgical assistance or purport to be a surgical**  
9 **assistant in this state unless the person is certified in accordance with sections 1 to 8 of this**  
10 **2005 Act.**

11 **“SECTION 3. (1) A person desiring to be a certified surgical assistant in this state shall**  
12 **apply in writing to the Department of Human Services in the form and manner provided by**  
13 **the department by rule.**

14 **“(2) Each application shall include or be accompanied by evidence, under oath or affir-**  
15 **mation, that the applicant:**

16 **“(a) Is at least 18 years of age;**

17 **“(b) Has a degree in surgical assistance from an accredited educational institution ap-**  
18 **proved by the department;**

19 **“(c) Has the skills and professional experience to satisfactorily perform the duties of**  
20 **surgical assistant;**

21 **“(d) Is certified as a surgical assistant by a national organization recognized by the de-**  
22 **partment by rule; and**

23 **“(e) Has other qualifications for certification as established by the department by rule.**

24 **“(3) Each application shall be accompanied by a nonrefundable application fee established**  
25 **by the department by rule.**

26 **“(4) The department shall issue a certificate to an applicant who demonstrates evidence**  
27 **satisfactory to the department that the applicant meets the requirements of sections 1 to 8**  
28 **of this 2005 Act.**

29 **“(5) A person certified as a surgical assistant in accordance with the provisions of**  
30 **sections 1 to 8 of this 2005 Act may use the title granted by the certifying body.**

31 **“SECTION 4. (1) The Department of Human Services may refuse to issue or renew a**  
32 **certificate if one or more of the following apply to the applicant:**

33 **“(a) The applicant has been disciplined by a licensing, registration or certification au-**  
34 **thority of this or another state if, in the judgment of the department, the act or conduct**  
35 **resulting in the disciplinary action has bearing on the ability of the applicant to practice**

1 surgical assistance in this state. A certified copy of the record of the disciplinary action is  
2 conclusive evidence of the disciplinary action.

3 “(b) The applicant has falsified an application for certification or renewal.

4 “(c) In the judgment of the department, the applicant is not fit to practice surgical as-  
5 sistance in this state.

6 “(2) The department may suspend or revoke the certificate of a surgical assistant if the  
7 department finds that continuation of the practice of surgical assistance by the certificate  
8 holder constitutes a threat to the public. A surgical assistant may not practice during the  
9 period of suspension or revocation.

10 “**SECTION 5.** (1) The Department of Human Services shall by rule establish standards  
11 for:

12 “(a) Certification of surgical assistants;

13 “(b) Certification by waiver or reciprocity;

14 “(c) Renewal, lapse, suspension or revocation of certification; and

15 “(d) Continuing medical education for renewal of certification that requires no fewer than  
16 75 credits in a four-year period.

17 “(2) The department may:

18 “(a) Establish a code of professional responsibility;

19 “(b) Investigate complaints against certified surgical assistants and applicants for cer-  
20 tification or renewal of certification; and

21 “(c) Adopt rules as necessary to carry out the provisions of sections 1 to 8 of this 2005  
22 Act.

23 “**SECTION 6.** (1) The Department of Human Services may impose a fee for:

24 “(a) Application for certification or renewal of certification;

25 “(b) Reinstatement of certification;

26 “(c) Delinquency in renewal; or

27 “(d) Duplication of a certificate.

28 “(2) All moneys received by the department under subsection (1) of this section shall be  
29 paid into the Department of Human Services Account established by ORS 409.060 and may  
30 be used by the department only for the administration and enforcement of sections 1 to 8  
31 of this 2005 Act.

32 “**SECTION 7.** (1) A hospital, ambulatory surgical center or other facility providing sur-  
33 gical services may not employ a person to practice surgical assistance unless the person is  
34 certified in accordance with the provisions of sections 1 to 8 of this 2005 Act.

35 “(2) The Department of Human Services may impose a civil penalty not to exceed \$5,000  
36 against a hospital, ambulatory surgical center or other facility providing surgical services for  
37 a violation of subsection (1) of this section.

38 “**SECTION 8.** Nothing in sections 1 to 8 of this 2005 Act is intended to:

39 “(1) Limit, preclude or otherwise interfere with a health care provider or other person  
40 licensed, certified or registered in this state under any other law, or prevent a health care  
41 provider or other person from engaging in the profession or occupation for which the health  
42 care provider or person is licensed, certified or registered;

43 “(2) Prevent any person from pursuing a supervised course of study in an educational  
44 program for certification as a surgical assistant provided the person is identified by a title  
45 that clearly indicates student or trainee status; or

1       “(3) Prevent any person from completing any supervised practical experience require-  
2       ments established by a health professional regulatory board in this state.

3       “SECTION 9. Sections 1 to 8 of this 2005 Act become operative on January 1, 2006.

4       “SECTION 10. The Director of Human Services may take any action before the operative  
5       date of sections 1 to 8 of this 2005 Act that is necessary to allow the Department of Human  
6       Services to exercise, on or after the operative date of sections 1 to 8 of this 2005 Act, all the  
7       duties, functions and powers conferred on the department by sections 1 to 8 of this 2005 Act.

8       “SECTION 11. This 2005 Act being necessary for the immediate preservation of the public  
9       peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect  
10      on its passage.”.

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