

A-Engrossed
Senate Bill 783

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by Senator MORRISETTE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires surgical assistant to obtain certificate to practice in this state. Establishes requirements for certification.

[Creates Surgical Assistant Certification Committee in Health Licensing Office. Directs committee to adopt rules relating to practice of surgical assistance.]

Prohibits hospital, ambulatory surgical center or other facility providing surgical services from employing person to practice surgical assistance unless person is certified surgical assistant. Authorizes Department of Human Services to impose civil penalty for violation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to surgical assistant certification; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

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

5 (1) **"Certified surgical assistant" means a surgical assistant certified in accordance with**
6 **sections 1 to 8 of this 2005 Act.**

7 (2) **"Surgical assistance" means providing aid under direct supervision in exposure,**
8 **hemostasis, closure and other intraoperative technical functions that assist a physician in**
9 **performing a surgical operation.**

10 **SECTION 2. A person may not practice surgical assistance or purport to be a surgical**
11 **assistant in this state unless the person is certified in accordance with sections 1 to 8 of this**
12 **2005 Act.**

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

16 (2) **Each application shall include or be accompanied by evidence, under oath or affirma-**
17 **tion, that the applicant:**

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

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

21 (c) **Has the skills and professional experience to satisfactorily perform the duties of sur-**
22 **gical assistant;**

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (3) Each application shall be accompanied by a nonrefundable application fee established
2 by the department by rule.

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

6 (5) A person certified as a surgical assistant in accordance with the provisions of sections
7 1 to 8 of this 2005 Act may use the title granted by the certifying body.

8 **SECTION 4.** (1) The Department of Human Services may refuse to issue or renew a cer-
9 tificate if one or more of the following apply to the applicant:

10 (a) The applicant has been disciplined by a licensing, registration or certification au-
11 thority of this or another state if, in the judgment of the department, the act or conduct
12 resulting in the disciplinary action has bearing on the ability of the applicant to practice
13 surgical assistance in this state. A certified copy of the record of the disciplinary action is
14 conclusive evidence of the disciplinary action.

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

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

18 (2) The department may suspend or revoke the certificate of a surgical assistant if the
19 department finds that continuation of the practice of surgical assistance by the certificate
20 holder constitutes a threat to the public. A surgical assistant may not practice during the
21 period of suspension or revocation.

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

23 (a) Certification of surgical assistants;

24 (b) Certification by waiver or reciprocity;

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

26 (d) Continuing medical education for renewal of certification that requires no fewer than
27 75 credits in a four-year period.

28 (2) The department may:

29 (a) Establish a code of professional responsibility;

30 (b) Investigate complaints against certified surgical assistants and applicants for certif-
31 ication or renewal of certification; and

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

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

35 (a) Application for certification or renewal of certification;

36 (b) Reinstatement of certification;

37 (c) Delinquency in renewal; or

38 (d) Duplication of a certificate.

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

43 **SECTION 7.** (1) A hospital, ambulatory surgical center or other facility providing surgical
44 services may not employ a person to practice surgical assistance unless the person is certi-
45 fied in accordance with the provisions of sections 1 to 8 of this 2005 Act.

