

Senate Bill 783

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 **as introduced**.

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.

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 10 of this 2005 Act:**

5 (1) "Certified surgical assistant" means a surgical assistant certified in accordance with
6 sections 1 to 10 of this 2005 Act.

7 (2) "Surgical assistance" means assisting a surgeon in exposure, hemostasis, closure and
8 other intraoperative technical functions that enable a surgeon to perform a surgical opera-
9 tion.

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 the provisions of**
12 **sections 1 to 10 of this 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 Surgical Assistant Certification Committee in the form and manner**
15 **provided by the committee 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) Is of good moral character;

20 (c) Has a degree in surgical assistance from an accredited educational institution ap-
21 proved by the committee;

22 (d) Has the skills and professional experience to satisfactorily perform the duties of
23 surgical assistant;

24 (e) Has passed a national test for surgical assistant certification approved by the com-
25 mittee; and

26 (f) Has other qualifications for certification as established by the committee by rule.

27 (3) Each application shall be accompanied by a nonrefundable application fee established
28 by the committee by rule.

29 (4) The committee shall issue a certificate to an applicant who demonstrates evidence
30 satisfactory to the committee that the applicant meets the requirements of sections 1 to 10

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 of this 2005 Act.

2 (5) A person certified as a surgical assistant in accordance with the provisions of sections
3 1 to 10 of this 2005 Act may use the title "certified surgical assistant" or the abbreviation
4 "CSA."

5 **SECTION 4.** The Surgical Assistant Certification Committee may refuse to issue or re-
6 new a certificate of surgical assistant to an applicant to whom one or more of the following
7 apply:

8 (1) The applicant has been convicted of a violation of law, if the committee finds that the
9 violation has bearing on the ability of the applicant to safely practice surgical assistance in
10 this state.

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

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

17 (4) In the judgment of the committee, the applicant is not fit to practice surgical assist-
18 ance in this state.

19 **SECTION 5.** (1) There is created in the Health Licensing Office the Surgical Assistant
20 Certification Committee consisting of seven members appointed by the Director of the Health
21 Licensing Office as follows:

22 (a) Two surgical technologists, each with at least five years' experience practicing in the
23 field of surgical technology;

24 (b) Three certified surgical assistants, each with at least five years' experience as a
25 surgical assistant;

26 (c) One surgical technology instructor from an accredited surgical technology program
27 with at least five years' experience as a surgical technology instructor; and

28 (d) One physician licensed under ORS chapter 677 with at least five years' experience as
29 a surgeon.

30 (2) The term of office of each member shall be three years. A member may not serve
31 more than two consecutive terms. A member shall serve until a successor is appointed. If a
32 vacancy occurs for any reason, it shall immediately be filled by the appointment by the di-
33 rector of a person with the same qualifications as the vacating member to serve the re-
34 mainder of the unexpired term.

35 (3) A majority of the members of the committee constitutes a quorum for the transaction
36 of business. Official action by the committee requires a vote of a majority of the members
37 of the committee.

38 (4) The committee shall select one of its members as chairperson and another as vice
39 chairperson.

40 (5) The committee shall meet at times and places selected by the chairperson or by a vote
41 of a majority of the members of the committee.

42 (6) Members of the committee are entitled to compensation and expenses as provided in
43 ORS 292.495.

44 **SECTION 6.** (1) Notwithstanding the term of office specified in section 5 of this 2005 Act,
45 of the members first appointed to the Surgical Assistant Certification Committee:

1 (a) The physician and one surgical technologist shall each serve for a term of one year.

2 (b) One surgical assistant and the surgical technology instructor shall each serve for a
3 term of two years.

4 (c) Two surgical assistants and one surgical technologist shall each serve for a term of
5 three years.

6 (2) The members originally appointed as surgical technologists or surgical assistants need
7 not have certification as provided by sections 1 to 10 of this 2005 Act.

8 **SECTION 7.** (1) The Surgical Assistant Certification Committee shall by rule establish
9 standards for:

10 (a) Certification of surgical assistants;

11 (b) Certification by waiver or reciprocity;

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

13 (d) Discipline of certified surgical assistants.

14 (2) The committee may:

15 (a) Establish a code of professional responsibility and standards of practice for certified
16 surgical assistants, including continuing medical education requirements;

17 (b) Investigate complaints, conduct hearings and take disciplinary action against certified
18 surgical assistants and applicants for certification or renewal of certification; and

19 (c) Adopt rules for the collaboration between certified surgical assistants and physicians
20 licensed under ORS chapter 677.

21 **SECTION 8.** (1) The Surgical Assistant Certification Committee may impose a fee for:

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

23 (b) Reinstatement of certification;

24 (c) Delinquency in renewal; or

25 (d) Duplication of a lost certificate.

26 (2) All moneys received by the committee under subsection (1) of this section shall be
27 paid into the Health Licensing Office Account in the State Treasury and may be used by the
28 Health Licensing Office only for the administration and enforcement of sections 1 to 10 of
29 this 2005 Act.

30 **SECTION 9.** (1) The Surgical Assistant Certification Committee may discipline any person
31 for:

32 (a) Unprofessional conduct, negligence or incompetence in the practice of surgical as-
33 sistance;

34 (b) Fraud, misrepresentation or concealment of material facts in applying for certif-
35 ication or renewal of certification;

36 (c) Using false, fraudulent or misleading advertisements or making false, fraudulent or
37 misleading statements regarding the training, skill or certification of the person or the effi-
38 cacy or value of a medical treatment or procedure;

39 (d) Using the certificate of another person or permitting another person to use a certif-
40 icate to practice surgical assistance;

41 (e) Conviction of any criminal offense;

42 (f) Disciplinary action by a licensing, registration or certification authority of this or
43 another state;

44 (g) Practicing surgical assistance while under the influence of alcohol or any other sub-
45 stance so as to create a risk of harm to a patient; or

1 (h) Violating any provision of sections 1 to 10 of this 2005 Act or rules adopted by the
2 committee.

3 (2) The committee may take any of the following disciplinary actions:

4 (a) Refusal to issue or renew a certificate;

5 (b) Probation, suspension, revocation or limitation of certification; or

6 (c) Other actions as the committee finds appropriate.

7 (3) If the committee places any certified surgical assistant on probation, the committee
8 may determine, impose and at any time modify the conditions of the probation, including any
9 reasonable condition for the purpose of rehabilitation of the surgical assistant.

10 (4) The committee may temporarily suspend the certificate of a surgical assistant with-
11 out a hearing if the committee finds that the continuation of the practice of surgical as-
12 sistance by the certificate holder constitutes a threat to the public. If the certificate of the
13 surgical assistant is suspended, the certificate holder may not practice surgical assistance
14 during the term of suspension.

15 **SECTION 10.** Nothing in sections 1 to 10 of this 2005 Act is intended to:

16 (1) Limit, preclude or otherwise interfere with a health care provider or other person li-
17 censed, certified or registered in this state under any other statute, or prevent a health care
18 provider or other person from engaging in the profession or occupation for which the health
19 care provider or person is licensed, certified or registered;

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

23 (3) Prevent any person from completing any supervised practical experience require-
24 ments established by the Board of Medical Examiners for the State of Oregon.

25 **SECTION 11.** Sections 1 to 10 of this 2005 Act become operative on January 1, 2006.

26 **SECTION 12.** (1) The Director of the Health Licensing Office may appoint members to the
27 Surgical Assistant Certification Committee and may take any action before the operative
28 date of sections 1 to 10 of this 2005 Act that is necessary to allow the committee to exercise,
29 on or after the operative date of section 1 to 10 of this 2005 Act, all the duties, functions and
30 powers conferred on the committee by sections 1 to 10 of this 2005 Act.

31 (2) The committee may meet and take any action before the operative date of sections 1
32 to 10 of this 2005 Act that is necessary to allow the committee to exercise, on or after the
33 operative date of sections 1 to 10 of this 2005 Act, all the duties, functions and powers con-
34 ferred on the committee by sections 1 to 10 of this 2005 Act.

35 **SECTION 13.** This 2005 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
37 on its passage.

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