

SENATE AMENDMENTS TO SENATE BILL 784

By COMMITTEE ON HEALTH POLICY

April 15

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

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

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

5 **“(2) ‘Surgical technology’ means perioperative surgical care, involving preparation and**
6 **sterilization of equipment and supplies prior to a specific surgical procedure and, as directed**
7 **in an operating room setting, passing instruments, equipment or supplies to a surgeon,**
8 **sponging or suctioning an operative site, preparing suture material, transferring fluids or**
9 **drugs or preparing biological specimens for subsequent pathological analysis.**

10 **“SECTION 2. (1) A person may not practice surgical technology or purport to be a cer-**
11 **tified surgical technologist in this state unless the person is certified in accordance with the**
12 **provisions of sections 1 to 8 of this 2005 Act.**

13 **“(2)(a) A hospital, ambulatory surgical treatment center or other facility providing sur-**
14 **gical services may petition the Department of Human Services for a waiver from the pro-**
15 **visions of subsection (1) of this section if the hospital, ambulatory surgical treatment center**
16 **or other facility is unable to employ a qualified surgical technologist certified under the**
17 **provisions of sections 1 to 8 of this 2005 Act.**

18 **“(b) The department shall issue a waiver if the department determines that the hospital,**
19 **ambulatory surgical treatment center or other facility made a good faith effort to employ a**
20 **certified surgical technologist.**

21 **“(c) The department shall by rule establish standards for issuing and revoking a waiver**
22 **under this section.**

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

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

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

29 **“(b) Has graduated from an accredited surgical technologist training program approved**
30 **by the department;**

31 **“(c) Has the skills and professional experience to satisfactorily perform the duties of**
32 **surgical technologist;**

33 **“(d) Has certification as a surgical technologist from a national organization recognized**
34 **by the department; and**

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

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 technologist in accordance with the provisions of
7 sections 1 to 8 of this 2005 Act may use the title ‘certified surgical technologist’ or the ab-
8 breviation ‘CST.’

9 “SECTION 4. The Department of Human Services may refuse to issue or renew a certif-
10 icate of surgical technology to an applicant to whom one or more of the following apply:

11 “(1) 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 department, the act or conduct
13 resulting in the disciplinary action has bearing on the ability of the applicant to practice
14 surgical technology in this state. A certified copy of the record of the disciplinary action is
15 conclusive evidence of the disciplinary action.

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

17 “(3) In the judgment of the department, the applicant is not fit to practice surgical
18 technology in this state.

19 “(4) The department may suspend or revoke the certificate of a surgical technologist if
20 the department finds that the continuation of the practice of surgical technology by the
21 certificate holder constitutes a threat to the public. If the certificate of the surgical
22 technologist is suspended or revoked, the certificate holder may not practice surgical tech-
23 nology during the term of suspension.

24 “SECTION 5. (1) The Department of Human Services shall by rule establish standards
25 for:

26 “(a) Certification of surgical technologists;

27 “(b) Certification by waiver or reciprocity;

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

29 “(d) Continuing medical education credits for renewal of certification that require no less
30 than 60 hours in a four-year period.

31 “(2) The department may:

32 “(a) Establish a code of professional responsibility and standards of practice for certified
33 surgical technologists, including continuing medical education requirements;

34 “(b) Investigate complaints against certified surgical technologists and applicants for
35 certification or renewal of certification; and

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

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

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

39 “(b) Reinstatement of certification;

40 “(c) Delinquency in renewal; or

41 “(d) Duplication of a lost certificate.

42 “(2) All moneys received by the department under subsection (1) of this section shall be
43 paid into the Department of Human Services Account in the State Treasury and may be used
44 by the department only for the administration and enforcement of sections 1 to 8 of this 2005
45 Act.

1 **“SECTION 7. Nothing in sections 1 to 8 of this 2005 Act is intended to:**

2 **“(1) Limit, preclude or otherwise interfere with a health care provider or other person**
3 **licensed, certified or registered in this state under any other statute, or prevent a health**
4 **care provider or other person from engaging in the profession or occupation for which the**
5 **health care provider or person is licensed, certified or registered;**

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

9 **“(3) Prevent any person from completing any supervised practical experience require-**
10 **ments established by the Department of Human Services.**

11 **“SECTION 8. The Department of Human Services may impose a civil penalty not to ex-**
12 **ceed \$5,000 against a hospital or ambulatory surgical treatment center providing surgical**
13 **services for a violation of any provisions of sections 1 to 8 of this 2005 Act.**

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

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

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

22
