

A-Engrossed
Senate Bill 784

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 technologist to obtain certificate to practice in this state. Establishes requirements for certification.

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

Prohibits hospital, ambulatory surgical center or other facility providing surgical services from employing person to practice surgical technology unless person is certified surgical technologist. Authorizes Department of Human Services to impose civil penalty for violation. Provides that hospital, ambulatory surgical center or other facility providing surgical services may petition department for waiver if unable to employ qualified surgical technologist.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to surgical technologist 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 technologist" means a surgical technologist certified in accordance**
6 **with sections 1 to 8 of this 2005 Act.**

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

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

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

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

23 (c) **The department shall by rule establish standards for issuing and revoking a waiver**

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 under this section.

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

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

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

8 (b) Has graduated from an accredited surgical technologist training program approved
9 by the department;

10 (c) Has the skills and professional experience to satisfactorily perform the duties of sur-
11 gical technologist;

12 (d) Has certification as a surgical technologist from a national organization recognized
13 by the department; and

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

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

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

20 (5) A person certified as a surgical technologist in accordance with the provisions of
21 sections 1 to 8 of this 2005 Act may use the title "certified surgical technologist" or the ab-
22 breviation "CST."

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

25 (1) The applicant has been disciplined by a licensing, registration or certification au-
26 thority of this or another state if, in the judgment of the department, the act or conduct
27 resulting in the disciplinary action has bearing on the ability of the applicant to practice
28 surgical technology in this state. A certified copy of the record of the disciplinary action is
29 conclusive evidence of the disciplinary action.

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

31 (3) In the judgment of the department, the applicant is not fit to practice surgical tech-
32 nology in this state.

33 (4) The department may suspend or revoke the certificate of a surgical technologist if the
34 department finds that the continuation of the practice of surgical technology by the certif-
35 icate holder constitutes a threat to the public. If the certificate of the surgical technologist
36 is suspended or revoked, the certificate holder may not practice surgical technology during
37 the term of suspension.

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

39 (a) Certification of surgical technologists;

40 (b) Certification by waiver or reciprocity;

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

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

44 (2) The department may:

45 (a) Establish a code of professional responsibility and standards of practice for certified

1 surgical technologists, including continuing medical education requirements;

2 (b) Investigate complaints against certified surgical technologists and applicants for cer-
3 tification or renewal of certification; and

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

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

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

7 (b) Reinstatement of certification;

8 (c) Delinquency in renewal; or

9 (d) Duplication of a lost certificate.

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

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

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

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

22 (3) Prevent any person from completing any supervised practical experience require-
23 ments established by the Department of Human Services.

24 **SECTION 8.** The Department of Human Services may impose a civil penalty not to exceed
25 \$5,000 against a hospital or ambulatory surgical treatment center providing surgical services
26 for a violation of any provisions of sections 1 to 8 of this 2005 Act.

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

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

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

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