A BILL TO BE ENTITLED
AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN
HOSPITALS AND AMBULATORY SURGICAL FACILITIES.
The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 5 of Chapter 131E of the General Statutes is amended
by adding a new section to read:

§ 131E-79.3. Hospital standards for surgical technology care.

(a) Definitions. – The following definitions apply in this section:

(1) Surgical technologist. – An individual who is employed or contracted by a
hospital to perform surgical technology tasks and functions.

(2) Surgical technology. – Surgical patient care that includes the following tasks or
functions:

a. Preparing the operating room and the sterile field for surgical
procedures by ensuring that surgical equipment is functioning properly
and safely and preparing sterile supplies, instruments, and equipment
using sterile technique.

b. As directed by the surgical team, performing tasks in the sterile field,
including the following:

1. Maintaining asepsis and correcting breaks in the sterile field.
2. Passing supplies, equipment, or instruments according to the
needs of the surgical team.
3. Sponging or suctioning an operative site.
4. Preparing and cutting suture material.
5. Transferring and irrigating with fluids.
6. Transferring, but not administering, drugs within the sterile field.
7. Handling specimens.
8. Holding retractors and other instruments.
9. Applying electrocautery to clamps on bleeders.
11. Applying dressings to closed wounds.
12. Performing sponge, needle, supply, and instrument counts with
the registered nurse circulator.

(b) Qualifications for Employment or Contract. – Except as provided by subsection (f) of
this section, a hospital shall not employ or otherwise contract for the services of a surgical
technologist in that hospital unless the individual meets, at a minimum, one of the following qualifications:

(1) Provides evidence of successfully completing a program accredited by the Commission on Accreditation of Allied Health Education Programs or another nationally accredited educational program for surgical technologists and holds and maintains the Certified Surgical Technologist credential issued by the National Board of Surgical Technology and Surgical Assisting or its successor.

(2) Provides evidence of successfully completing an appropriate training program for surgical technology in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard or in the United States Public Health Service.

(3) Provides evidence that satisfies one of the following requirements:
   a. Documentation of employment to practice surgical technology in a hospital licensed under this Part or an ambulatory surgical facility licensed under Part 4 of Article 6 of this Chapter on December 31, 2017.
   b. Documentation of employment to practice surgical technology during the two years immediately preceding December 31, 2017.

(4) Provides evidence of practicing surgical technology as an employee of an agency or institution of the federal government.

(c) Probationary Practice. – A hospital may employ or contract with an individual to practice surgical technology during the 12-month period that immediately follows the successful completion of a surgical technology program as described in subdivision (1) of subsection (b) of this section. However, the hospital may not continue to employ or contract with that individual beyond the 12-month period that immediately follows the successful completion of a surgical technology program without documentation that the employee or contractor holds and maintains the certified surgical technologist credential as described in subdivision (1) of subsection (b) of this section.

(d) Continuing Education. – A hospital may employ or contract with an individual who qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4) of subsection (b) of this section, or pursuant to an exception under subsection (f) of this section, provided the individual annually completes 15 hours of continuing education approved by the National Board of Surgical Technology and Surgical Assisting or its successor.

(e) Verification of Continuing Education or Credential. – A hospital that employs or contracts with an individual to practice surgical technology shall verify that the individual satisfies the continuing education requirements of subsection (d) of this section or, if applicable, that the individual holds and maintains the Certified Surgical Technologist credential as described in subdivision (1) of subsection (b) of this section.

(f) Exception. – A hospital may employ or otherwise contract with an individual who does not meet any of the qualifications specified in subsection (b) of this section if both of the following requirements are met:

(1) The hospital makes a diligent and thorough effort, and after such an effort is completed, the hospital is unable to employ or contract with a sufficient number of qualified surgical technologists who satisfy the requirements of this section.

(2) The hospital documents and retains, on the hospital premises, a written record of its efforts made pursuant to subdivision (1) of this subsection.

(g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed practitioner from performing surgical technology tasks or functions if the practitioner is acting within the scope of his or her license.

(h) Adverse Action. – The Department of Health and Human Services may take adverse action against a hospital under G.S. 131E-78 for a violation of this section."

SECTION 2. Part 4 of Article 6 of Chapter 131E of the General Statutes is amended by adding a new section to read:
§ 131E-147.2. Ambulatory surgical facility standards for surgical technology care.

(a) Definitions. – The following definitions apply in this section:

1. Surgical technologist. – An individual who is employed or contracted by an ambulatory surgical facility to perform surgical technology tasks and functions.

2. Surgical technology. – Surgical patient care that includes the following tasks or functions:

a. Preparing the operating room and the sterile field for surgical procedures by ensuring that surgical equipment is functioning properly and safely and preparing sterile supplies, instruments, and equipment using sterile technique.

b. As directed by the surgical team, performing tasks in the sterile field, including the following:

1. Maintaining asepsis and correcting breaks in the sterile field.

2. Passing supplies, equipment, or instruments according to the needs of the surgical team.

3. Sponging or suctioning an operative site.

4. Preparing and cutting suture material.

5. Transferring and irrigating with fluids.

6. Transferring, but not administering, drugs within the sterile field.

7. Handling specimens.

8. Holding retractors and other instruments.

9. Applying electrocautery to clamps on bleeders.


11. Applying dressings to closed wounds.

12. Performing sponge, needle, supply, and instrument counts with the registered nurse circulator.

(b) Qualifications for Employment or Contract. – Except as provided by subsection (f) of this section, an ambulatory surgical facility shall not employ or otherwise contract for the services of a surgical technologist in that facility unless the individual meets, at a minimum, one of the following qualifications:

1. Provides evidence of successfully completing a program accredited by the Commission on Accreditation of Allied Health Education Programs or another nationally accredited educational program for surgical technologists and holds and maintains the Certified Surgical Technologist credential issued by the National Board of Surgical Technology and Surgical Assisting or its successor.

2. Provides evidence of successfully completing an appropriate training program for surgical technology in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard or in the United States Public Health Service.

3. Provides evidence that satisfies one of the following requirements:

a. Documentation of employment to practice surgical technology in an ambulatory surgical facility licensed under this Part or a hospital licensed under Part 2 of Article 5 of this Chapter on December 31, 2017.

b. Documentation of employment to practice surgical technology during the two years immediately preceding December 31, 2017.

4. Provides evidence of practicing surgical technology as an employee of an agency or institution of the federal government.

(c) Probationary Practice. – An ambulatory surgical facility may employ or contract with an individual to practice surgical technology during the 12-month period that immediately follows the successful completion of a surgical technology program as described in subdivision (1) of subsection (b) of this section. However, the facility may not continue to employ or contract with that individual beyond the 12-month period that immediately follows the successful completion of
a surgical technology program without documentation that the employee or contractor holds and
maintains the certified surgical technologist credential as described in subdivision (1) of
subsection (b) of this section.

(d) Continuing Education. – An ambulatory surgical facility may employ or contract with
an individual who qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4)
of subsection (b) of this section, or pursuant to an exception under subsection (f) of this section,
provided the individual annually completes 15 hours of continuing education approved by the
National Board of Surgical Technology and Surgical Assisting or its successor.

(e) Verification of Continuing Education or Credential. – An ambulatory surgical facility
that employs or contracts with an individual to practice surgical technology shall verify that the
individual satisfies the continuing education requirements of subsection (d) of this section or, if
applicable, that the individual holds and maintains the Certified Surgical Technologist credential
as described in subdivision (1) of subsection (b) of this section.

(f) Exception. – An ambulatory surgical facility may employ or otherwise contract with an
individual who does not meet any of the qualifications specified in subsection (b) of this section if
both of the following requirements are met:

(1) The ambulatory surgical facility makes a diligent and thorough effort, and after
such an effort is completed, the facility is unable to employ or contract with a
sufficient number of qualified surgical technologists who satisfy the
requirements of this section.

(2) The ambulatory surgical facility documents and retains, on the facility
premises, a written record of its efforts made pursuant to subdivision (1) of this
subsection.

(g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
practitioner from performing surgical technology tasks or functions if the practitioner is acting
within the scope of his or her license.

(h) Adverse Action. – The Department of Health and Human Services may take adverse
action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section."

SECTION 3. This act becomes effective January 1, 2018.