

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative C. Douglas

As Engrossed: H3/3/15
A Bill

HOUSE BILL 1142

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS SURGICAL TECHNOLOGISTS ACT; TO ESTABLISH THE CERTIFICATION OF SURGICAL TECHNOLOGISTS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS SURGICAL TECHNOLOGISTS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) A surgical technologist is an individual who:

(A) Prepares the operating room, the sterile field, and the sterile supplies, instruments, and equipment for surgical procedures; and
(B) Performs various tasks in the sterile field which include handling specimens, providing irrigation solutions to the supervising physician, and irrigating the operative site;

(2) The practice of surgical technology is a separate and distinct healthcare profession that does not include the practice of surgical assisting as performed by physician assistants, surgical assistants, or first assistants;

(3) Employment of surgical technologists is expected to grow between 2006 and 2016 as the volume of surgeries increases with the aging population of the United States;

(4) Eight (8) surgical technology programs in Arkansas have received accreditation from the Commission on Accreditation of Allied Health



1 *Education Programs, with an average of one hundred twenty (120) individuals*
2 *graduating from these programs per year;*

3 *(5) The State of Arkansas does not have a registration,*
4 *certification, or licensure procedure for surgical technologists; and*

5 *(6) It is the duty of the General Assembly to pursue efforts to*
6 *improve healthy medical outcomes by ensuring professional competency and*
7 *professional discipline over a growing healthcare profession.*

8 *(b) The intent of this act is to regulate individuals who practice*
9 *surgical technology.*

10
11 *SECTION 2. Arkansas Code Title 17 is amended to add an additional*
12 *chapter to read as follows:*

13
14 *Chapter 108*

15 *Surgical Technologists*

16
17 *17-108-101. Title.*

18 *This chapter shall be known and may be cited as the "Arkansas Surgical*
19 *Technologists Act".*

20
21 *17-108-102. Definitions.*

22 *As used in this chapter:*

23 *(1) "Office-based surgery" means surgery that:*

24 *(A) Is performed by a physician in a medical office that*
25 *is not a hospital, outpatient clinic, or other facility licensed by the State*
26 *Board of Health;*

27 *(B) Requires the use of general or intravenous*
28 *anesthetics; and*

29 *(C) In the opinion of the physician, does not require*
30 *hospitalization;*

31 *(2) "Supervising practitioner" means a doctor of medicine*
32 *licensed by the Arkansas State Medical Board, registered nurse licensed by*
33 *the Arkansas State Board of Nursing, or other licensed healthcare*
34 *practitioner who supervises a surgical technologist and assumes*
35 *responsibility for the services rendered by the surgical technologist;*

36 *(3) "Surgical technologist" means an individual who performs the*

1 skills and techniques of surgical technology under the direction and
2 supervision of a supervising practitioner other than in the course of
3 practicing as a licensed healthcare professional; and

4 (4) "Surgical technology" means surgical patient care that
5 includes without limitation:

6 (A) Preparing an operating room and a sterile field for
7 surgical procedures by ensuring that surgical equipment is assembled and
8 functioning properly and safely;

9 (B) Preparing sterile supplies, instruments, and equipment
10 using sterile technique; and

11 (C) Performing tasks in a sterile field, including:
12 (i) Maintaining asepsis and a sterile operating
13 field;

14 (ii) Passing supplies, equipment, or instruments
15 according to the needs of the surgical team;

16 (iii) Sponging or suctioning an operative site;

17 (iv) Preparing and cutting suture material;

18 (v) Providing irrigation solutions to the
19 supervising physician and irrigating an operative site;

20 (vi) Providing drugs within the sterile field for
21 administration by the supervising physician;

22 (vii) Handling specimens;

23 (viii) Holding retractors and other instruments;

24 (ix) Applying electrocautery to clamps on blood
25 vessels;

26 (x) Connecting drains to a suction apparatus;

27 (xi) Applying dressings to closed wounds; and

28 (xii) Performing counts of supplies such as sponges,
29 needles, and instruments with the registered nurse circulator.

30

31 17-108-103. Certification.

32 (a) The Arkansas State Medical Board shall certify as a surgical
33 technologist an applicant who:

34 (1) Holds a current credential as a certified surgical
35 technologist from the National Board of Surgical Technology and Surgical
36 Assisting or its successor or a national organization approved by the

1 Arkansas State Medical Board;

2 (2) Has successfully completed a surgical technologist training
3 program during the person's service as a member of any branch of the United
4 States Armed Forces; or

5 (3) Has been employed to practice as a surgical technologist in
6 a healthcare facility on or before January 1, 2016.

7 (b) The Arkansas State Medical Board may require an initial
8 application fee for the certification of a surgical technologist.

9 (c) A provisional certification may be granted to a person who
10 receives credentials from the licensed hospital in which the person is to
11 perform surgical technology on the condition that the person obtains full
12 certification within one (1) year of the effective date of this subchapter.

13

14 17-108-104. Exemptions.

15 This chapter does not restrict:

16 (1) The practice of surgical technology by:

17 (A) An individual who is employed by the federal
18 government or by a bureau, division, or agency of the federal government and
19 while the individual is in the discharge of the employee's official duties;

20 (B) A student enrolled in:

21 (i) A surgical technology education or training
22 program; or

23 (ii) A nursing program, doctor of medicine program,
24 or physician's assistant education or training program; or

25 (C) A student participating in:

26 (i) A surgical technology work experience program or
27 internship approved by the Arkansas State Medical Board;

28 (ii) A nursing work experience program or
29 internship;

30 (iii) A doctor of medicine work experience program
31 or internship; or

32 (iv) A physician's assistant work experience program
33 or internship;

34 (2) A licensed healthcare practitioner from engaging in the full
35 scope of practice of the practitioner's profession or from doing work within
36 the standards and ethics of the practitioner's profession;

(3) The practice of surgical technology during office-based surgery;

(4)(A) The practice of surgical technology by a person brought from the office of a physician or across state lines to assist a physician who has experience working with the person.

(B) A person exempt under subdivision (3) of this section shall:

(i) Receive credentials from the licensed hospital where the person is to perform surgical technology; or

(ii) Obtain a provisional certification; or

(5) The practice of surgical technology by a person who is an employee or contractor of a healthcare facility if:

(A) The healthcare facility is unable to employ or contract with a sufficient number of qualified surgical technologists who meet the requirements of this chapter after making a diligent and thorough effort;

(B) The healthcare facility makes a written record of its efforts under subdivision (4)(A) of this section and retains the record at the healthcare facility; and

(C) The person meets the requirements of this chapter within two (2) years of the start of employment or contracting for the performance of surgical technology.

17-108-105. Renewal of certification.

To remain certified to practice as a surgical technologist, an individual certified under this chapter shall renew his or her certification every four (4) years by:

(1) Submitting a nominal renewal fee and renewal application to the Arkansas State Medical Board; and

(2) Completing sixty (60) hours of continuing education approved by the board within the four (4) year certification period.

17-108-106. Supervision.

Supervision of a surgical technologist shall be continuous but does not require the physical presence of the supervising practitioner at the time and place that services of the surgical technologist are rendered if the

1 supervising practitioner and the surgical technologist are or can be easily
2 available to respond.

3

4 17-108-107. Title and practice protection.

5 An individual not certified under this chapter is guilty of a Class A
6 misdemeanor and is subject to penalties applicable to the unlicensed practice
7 of medicine if he or she:

8 (1) Holds himself or herself out as a surgical technologist;
9 (2) Uses any combination or abbreviation of the terms "surgical
10 technologist", "certified surgical technologist", "ST", or "CST" to indicate
11 or imply that he or she is a surgical technologist;
12 (3) Practices surgical technology without a certification or
13 during any time that his or her certification is suspended; or
14 (4) Otherwise violates this chapter or rules promulgated under
15 this chapter.

16

17 17-108-108. Violation.

18 The Arkansas State Medical Board may discipline an applicant for
19 certification as a surgical technologist or a surgical technologist who:

20 (1) Fraudulently or deceptively obtains or attempts to obtain a
21 certification as a surgical technologist;
22 (2) Fraudulently or deceptively uses a certification as a
23 surgical technologist;
24 (3) Violates this chapter or any rules adopted by the board
25 pertaining to this chapter;
26 (4) Is convicted of a felony;
27 (5) Is a habitual user of intoxicants or drugs to such an extent
28 that he or she is unable to safely perform as a surgical technologist;
29 (6) Has been adjudicated as mentally incompetent or has a mental
30 condition that renders him or her unable to safely perform as a surgical
31 technologist; or
32 (7) Represents himself or herself as a physician, physician's
33 assistant, or other healthcare practitioner for which the person is not
34 licensed or certified.

35

36 17-108-109. Disciplinary and rulemaking authority.

(a) Upon finding that an applicant for certification as a surgical technologist or a surgical technologist has committed any offense described in § 17-108-107 or § 17-108-108, the Arkansas State Medical Board may:

- (1) Refuse to grant a certification as a surgical technologist;
- (2) Administer a public or private reprimand;
- (3) Revoke, suspend, limit, or otherwise restrict a certification as a surgical technologist;

(4) Require a surgical technologist to submit to the care, counseling, or treatment of a physician or physicians designated by the board;

(5) Suspend enforcement of the finding of the board and place the surgical technologist on probation with the right to vacate the probationary order for noncompliance; or

(6) Restore or reissue, at the discretion of the board, a certification as a surgical technologist and rescind any disciplinary or corrective measure that the board has imposed.

(b) The board shall promulgate and adopt rules that are reasonable and necessary to implement this chapter.

17-108-110. Effective date.

This subchapter shall be effective on and after January 1, 2016.

/s/C. Douglas