

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1142

5 By: Representative C. Douglas  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS SURGICAL TECHNOLOGISTS  
9 ACT; TO ESTABLISH THE CERTIFICATION OF SURGICAL  
10 TECHNOLOGISTS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO CREATE THE ARKANSAS SURGICAL  
14 TECHNOLOGISTS ACT.  
15  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code Title 17 is amended to add an additional  
21 chapter to read as follows:  
22

### Chapter 108

### Surgical Technologists

#### 17-108-101. Title.

23  
24  
25  
26 This chapter shall be known and may be cited as the "Arkansas Surgical  
27 Technologists Act".  
28

#### 17-108-102. Definitions.

##### As used in this chapter:

29  
30  
31  
32 (1) "Office-based surgery" means surgery that:

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

36 (B) Requires the use of general or intravenous



1 anesthetics; and

2 (C) In the opinion of the physician, does not require  
3 hospitalization;

4 (2) "Supervising practitioner" means a doctor of medicine  
5 licensed by the Arkansas State Medical Board, registered nurse licensed by  
6 the Arkansas State Board of Nursing, or other healthcare practitioner who  
7 supervises a surgical technologist and assumes responsibility for the  
8 services rendered by the surgical technologist;

9 (3) "Surgical technologist" means an individual who performs the  
10 skills and techniques of surgical technology under the direction and  
11 supervision of a supervising practitioner other than in the course of  
12 practicing as a licensed healthcare professional; and

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

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

18 (B) Preparing sterile supplies, instruments, and equipment  
19 using sterile technique; and

20 (C) Performing tasks in a sterile field, including:

21 (i) Maintaining asepsis and a sterile operating  
22 field;

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

25 (iii) Sponging or suctioning an operative site;

26 (iv) Preparing and cutting suture material;

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

29 (vi) Providing drugs within the sterile field for  
30 administration by the supervising physician;

31 (vii) Handling specimens;

32 (viii) Holding retractors and other instruments;

33 (ix) Applying electrocautery to clamps on blood  
34 vessels;

35 (x) Connecting drains to a suction apparatus;

36 (xi) Applying dressings to closed wounds; and

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

3  
 4           17-108-103. Certification.

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

7                   (1) Holds a current credential as a certified surgical  
 8 technologist from the National Board of Surgical Technology and Surgical  
 9 Assisting or its successor or a national organization approved by the  
 10 Arkansas State Medical Board;

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

14                   (3) Has been employed to practice as a surgical technologist in  
 15 a healthcare facility on or before July 1, 2015.

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

18  
 19           17-108-104. Exemptions.

20           This chapter does not restrict:

21                   (1) The practice of surgical technology by:

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

25                           (B) A student enrolled in:

26                                   (i) A surgical technology education or training  
 27 program; or

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

30                           (C) A student participating in:

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

33                                   (ii) A nursing work experience program or  
 34 internship;

35                                   (iii) A doctor of medicine work experience program  
 36 or internship; or

1                   (iv) A physician's assistant work experience program  
2 or internship;

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

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

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

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

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

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

20  
21                   17-108-105. Renewal of certification.

22                   To remain certified to practice as a surgical technologist, an  
23 individual certified under this chapter shall renew his or her certification  
24 annually by:

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

27                   (2) Completing fifteen (15) hours of continuing education  
28 approved by the board.

29  
30                   17-108-106. Supervision.

31                   Supervision of a surgical technologist shall be continuous but does not  
32 require the physical presence of the supervising practitioner at the time and  
33 place that services of the surgical technologist are rendered if the  
34 supervising practitioner and the surgical technologist are or can be easily  
35 in contact by radio, telephone, or other electronic or telecommunication  
36 device.

1  
2 17-108-107. Title and practice protection.

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

6 (1) Holds himself or herself out as a surgical technologist;

7 (2) Uses any combination or abbreviation of the terms "surgical  
8 technologist", "certified surgical technologist", "ST", or "CST" to indicate  
9 or imply that he or she is a surgical technologist;

10 (3) Practices surgical technology without a certification or  
11 during any time that his or her certification is suspended; or

12 (4) Otherwise violates this chapter or rules promulgated under  
13 this chapter.

14  
15 17-108-108. Violation.

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

18 (1) Fraudulently or deceptively obtains or attempts to obtain a  
19 certification as a surgical technologist;

20 (2) Fraudulently or deceptively uses a certification as a  
21 surgical technologist;

22 (3) Violates this chapter or any rules adopted by the board  
23 pertaining to this chapter;

24 (4) Is convicted of a felony;

25 (5) Is a habitual user of intoxicants or drugs to such an extent  
26 that he or she is unable to safely perform as a surgical technologist;

27 (6) Has been adjudicated as mentally incompetent or has a mental  
28 condition that renders him or her unable to safely perform as a surgical  
29 technologist; or

30 (7) Represents himself or herself as a physician, physician's  
31 assistant, or other healthcare practitioner for which the person is not  
32 licensed or certified.

33  
34 17-108-109. Disciplinary and rulemaking authority.

35 (a) Upon finding that an applicant for certification as a surgical  
36 technologist or a surgical technologist has committed any offense described

1 in § 17-108-107 or § 17-108-108, the Arkansas State Medical Board may:

2 (1) Refuse to grant a certification as a surgical technologist;

3 (2) Administer a public or private reprimand;

4 (3) Revoke, suspend, limit, or otherwise restrict a  
 5 certification as a surgical technologist;

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

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

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

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

17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36