

SENATE No. 01069

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to surgical technology.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------------|--|
| <i>Stephen M. Brewer</i> | <i>Worcester, Hampden, Hampshire, Franklin</i> |
| <i>Anthony W. Petrucci</i> | <i>First Suffolk and Middlesex</i> |
| <i>Jeffrey Sánchez</i> | <i>15th Suffolk</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> |
| <i>Benjamin B. Downing</i> | <i>Berkshire, Hampshire, and Franklin</i> |
| <i>Michael R. Knapik</i> | <i>Second Hampden and Hampshire</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> |
| <i>Gailanne Cariddi</i> | <i>1st Berkshire</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> |
| <i>Gale D. Candaras</i> | <i>First Hampden and Hampshire</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> |
| <i>Richard J. Ross</i> | <i>Norfolk, Bristol, and Middlesex</i> |
| <i>Frederick E. Berry</i> | <i>Second Essex</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> |
| <i>Vincent A. Pedone</i> | <i>15th Worcester</i> |

Michael F. Kane

5th Hampden

SENATE No. 01069

By Mr. Brewer, petition (accompanied by bill, Senate, No. 1069) of Stephen M. Brewer, Anthony W. Petruccelli, Jeffrey Sánchez, James Arciero and other members of the General Court for legislation relative to surgical technology [Joint Committee on Public Health].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 4809 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to surgical technology.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as so appearing, is hereby amended by
2 inserting after section 218 the following new section—

3 Section 219. Surgical Technologists.

4 (a) For purposes of this Section, the following terms shall have the following meanings:

5 (1) “Surgical facility” means any organization, partnership, association, corporation or
6 trust, however named, or the commonwealth or any subdivision thereof, or any person or group
7 of persons that provides surgical health care services, whether inpatient or outpatient and
8 whether overnight or ambulatory, including but not limited to any hospital, clinic, or private

9 office of a health care practitioner or practitioners, whether conducted for charity or for profit
10 and whether or not subject to the provisions of section 25C of chapter 111 of the general laws.

11 (2) “Health care practitioner” means any person licensed or registered under the
12 provisions of chapter 112, Secs. 2, 16, 74, or 74A of the General Laws including any intern,
13 resident, fellow, or medical officer, who may conduct or assist with the performance of surgery.

14 (3) “Operating room circulator” means a licensed registered nurse who is educated,
15 trained, and experienced in perioperative nursing. A person who may be employed or otherwise
16 retained to practice surgical technology in a healthcare facility may assist in the performance of
17 circulating duties under direct supervision, limited to clinical guidance, of the registered nurse
18 circulator, who shall be in the operating room for the duration of the procedure (i) consistent
19 with the person’s education, training, and experience; and (ii) as assigned by a registered nurse
20 circulator.

21 (4) “Surgical technologist” means any person not a health care practitioner who provides
22 surgical technology services.

23 (5) “Surgical technology” means surgical patient care that may include, but is not limited
24 to, one or more of the following activities:

25 (i) collaborating with the registered nurse circulator prior to the surgical
26 procedure to carry out the plan of care by preparing the operating room, gathering and preparing
27 sterile supplies, instruments and equipment, preparing and maintaining the sterile field using
28 sterile and aseptic technique, and ensuring that surgical equipment is functioning properly and
29 safely;

30 (ii) intraoperatively, anticipating and responding to the needs of the surgeon and
31 other team members by monitoring the sterile field and providing the required instruments or
32 supplies;

33 (iii) as directed in an operating room setting, performing tasks at the sterile field,
34 including: (1) passing supplies, equipment, or instruments; (2) sponging or suctioning an
35 operative site; (3) preparing and cutting suture material; (4) transferring and irrigating with
36 fluids; (5) transferring but not administering drugs within the sterile field; (6) handling
37 specimens; (7) holding retractors; and (8) assisting in counting sponges, needles, supplies, and
38 instruments with an operating room circulator.

39 (b) A surgical facility shall not employ or otherwise retain the services of any person to
40 perform surgical technology tasks or functions unless the person: (1) has successfully completed
41 an accredited educational program for surgical technologists and holds and maintains a certified
42 surgical technologist credential administered by a nationally recognized surgical technologist
43 certifying body accredited by the National Commission for Certifying Agencies and recognized
44 by the American College of Surgeons and the Association of Surgical Technologists; (2) has
45 successfully completed an accredited school of surgical technology but has not, as of the date of
46 hire, obtained the certified surgical technologist certification required in subsection (b)(1) above,
47 provided that such certification is obtained within twelve months of the graduation date; (3) was
48 employed as a surgical technologist in a surgical facility on January 1, 2010; (4) has successfully
49 completed an appropriate training program for surgical technology in the Army, Navy, Air
50 Force, Marine Corps, or Coast Guard of the United States or in the United States Public Health
51 Service; or (5) is in the service of the federal government, but only to the extent the person is
52 performing duties related to that service. (c) Nothing in this section shall prohibit a registered

53 nurse or other health care practitioner from performing surgical technology tasks or functions if
54 the person is acting within the scope of his or her license. (d) The provisions of this Section 219
55 of Chapter 111 do not repeal or modify any law or regulation relating to the supervision of
56 surgical technologists, including provisions of the Medicare Conditions of Participation
57 established under 42 CFR 482.51. (e) The department shall enforce the provisions of this section
58 and shall adopt and promulgate such rules and regulations as are necessary to carry out the
59 purposes hereof.