

# SENATE, NO. 2340

[Senate, April 1, 2010 - New draft of Senate, No. 797 reported from the committee on Public Health.]



## The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

### 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 inserting  
2 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) “Health care facility” means any organization, partnership, association, corporation or  
6           trust, however named, or the commonwealth or any subdivision thereof, or any person or  
7           group of persons that provides surgical health care services, whether inpatient or

8 outpatient and whether overnight or ambulatory, including but not limited to any hospital,  
9 clinic, or private office of a health care practitioner or practitioners, whether conducted  
10 for charity or for profit and whether or not subject to the provisions of section 25C of  
11 chapter 111 of the general laws.

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

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

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

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

26 (i) collaborating with the RN Circulator prior to the surgical procedure to carry out the  
27 plan of care by preparing the operating room, gathering and preparing sterile supplies,  
28 instruments and equipment, preparing and maintaining the sterile field using sterile

29 and aseptic technique, and ensuring that surgical equipment is functioning properly  
30 and safely;

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

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

40 (b) A health care facility shall not employ or otherwise retain the services of any person to  
41 perform surgical technology tasks or functions unless the person:

42 (1) has successfully completed an accredited educational program for surgical technologists  
43 and holds and maintains a certified surgical technologist credential administered by a  
44 nationally recognized surgical technologist certifying body accredited by the National  
45 Commission for Certifying Agencies and recognized by the American College of  
46 Surgeons and the Association of Surgical Technologists;

47 (2) has successfully completed an accredited school of surgical technology but has not, as of  
48 the date of hire, obtained the certified surgical technologist certification required in

49 subsection (b)(1) above, provided that such certification is obtained within twelve months  
50 of the graduation date;

51 (3) was employed as a surgical technologist in a health care facility on January 1, 2010;

52 (4) has successfully completed an appropriate training program for surgical technology in  
53 the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States or in the  
54 United States Public Health Service;

55 (5) is in the service of the federal government, but only to the extent the person is  
56 performing duties related to that service.

57 (c) Nothing in this section shall prohibit a registered nurse or other health care practitioner from  
58 performing surgical technology tasks or functions if the person is acting within the scope of his  
59 or her license.

60 (d) The provisions of this Section 219 of Chapter 111 do not repeal or modify any law or  
61 regulation relating to the supervision of surgical technologists, including provisions of the  
62 Medicare Conditions of Participation established under 42 CFR 482.51.

63 (e) The department shall enforce the provisions of this section and shall adopt and promulgate  
64 such rules and regulations as are necessary to carry out the purposes hereof.