

As Introduced

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H. B. No. 196

Representatives Kelly, Carruthers

**Cosponsors: Representatives Carfagna, O'Brien, Miller, J., Weinstein, Ginter,
Miller, A., Liston**

A BILL

To amend sections 4731.07 and 4731.071 and to enact 1
sections 4785.01, 4785.02, 4785.03, 4785.04, 2
4785.05, 4785.06, 4785.07, and 4785.08 of the 3
Revised Code to regulate the practice of 4
surgical assistants. 5

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

Section 1. That sections 4731.07 and 4731.071 be amended 6
and sections 4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 7
4785.06, 4785.07, and 4785.08 of the Revised Code be enacted to 8
read as follows: 9

Sec. 4731.07. (A) The state medical board shall keep a 10
record of its proceedings. The minutes of a meeting of the board 11
shall, on approval by the board, constitute an official record 12
of its proceedings. 13

(B) The board shall keep a register of applicants for 14
licenses and certificates issued under this chapter; licenses 15
issued under Chapters 4730., 4760., 4762., 4774., ~~and 4778., and~~ 16
4785.; and licenses and limited permits issued under Chapters 17

4759. and 4761. of the Revised Code. The register shall show the 18
name of the applicant and whether the applicant was granted or 19
refused the license, certificate, or limited permit being 20
sought. 21

With respect to applicants to practice medicine and 22
surgery or osteopathic medicine and surgery, the register shall 23
show the name of the institution that granted the applicant the 24
degree of doctor of medicine or osteopathic medicine. With 25
respect to applicants to practice respiratory care, the register 26
shall show the addresses of the person's last known place of 27
business and residence, the effective date and identification 28
number of the license or limited permit, and, if applicable, the 29
name and location of the institution that granted the person's 30
degree or certificate of completion of respiratory care 31
educational requirements and the date the degree or certificate 32
of completion was issued. 33

(C) The books and records of the board shall be prima- 34
facie evidence of matters therein contained. 35

Sec. 4731.071. The state medical board shall develop and 36
publish on its internet web site a directory containing the 37
names of, and contact information for, all persons who hold 38
current, valid certificates or licenses issued by the board 39
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 40
4774., ~~or 4778.~~, or 4785. of the Revised Code. Except as 41
provided in section 4731.10 of the Revised Code, the directory 42
shall be the sole source for verifying that a person holds a 43
current, valid certificate or license issued by the board. 44

Sec. 4785.01. As used in this chapter: 45

(A) "Ambulatory surgical facility" has the same meaning as 46

in section 3702.30 of the Revised Code. 47

(B) "Hospital" means a hospital registered under section 3701.07 of the Revised Code. 48
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(C) "National board of surgical technology and surgical assisting" means the organization known by that name or its successor organization. 50
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(D) "National commission for certification of surgical assistants" means the organization known by that name or its successor organization. 53
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(E) "Surgical assistant" means an individual, other than a licensed health professional, who assists in a surgical procedure by engaging in one or more of the activities described in section 4785.05 of the Revised Code. 56
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Sec. 4785.02. (A) Except as provided in division (B) of this section, no individual shall knowingly practice as a surgical assistant unless the individual holds a current, valid license to practice as a surgical assistant issued under this chapter. 60
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(B) Division (A) of this section does not apply to any of the following: 65
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(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 67
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(2) A physician assistant licensed under Chapter 4730. of the Revised Code to practice as a physician assistant; 70
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(3) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code to practice nursing as a registered nurse, 72
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advanced practice registered nurse, or licensed practical nurse; 75

(4) An individual who is practicing as a surgical 76
assistant at a hospital or ambulatory surgical facility that 77
meets the requirements of section 4785.06 of the Revised Code. 78

(C) If an individual violates division (A) of this 79
section, the board may, pursuant to an adjudication under 80
Chapter 119. of the Revised Code, impose a civil penalty. The 81
amount of the civil penalty imposed shall be determined by the 82
board in accordance with rules adopted under section 4785.08 of 83
the Revised Code. 84

Sec. 4785.03. (A) An individual seeking a license to 85
practice as a surgical assistant shall file with the state 86
medical board an application in a manner prescribed by the 87
board. The application shall include all the information the 88
board considers necessary to process the application, including 89
evidence satisfactory to the board that the applicant meets the 90
requirements specified in division (B) of this section. 91

(B) (1) To be eligible to receive a license to practice as 92
a surgical assistant, an applicant shall demonstrate to the 93
board that the applicant meets all of the following 94
requirements: 95

(a) Is at least eighteen years of age; 96

(b) Has attained a high school degree or equivalent; 97

(c) Except as provided in division (B) (2) of this section, 98
is credentialed as a surgical assistant by the national board of 99
surgical technology and surgical assisting or national 100
commission for certification of surgical assistants. 101

(2) In the case of an applicant who meets all eligibility 102

requirements other than the requirement specified in division 103
(B) (1) (c) of this section, the applicant is eligible for a 104
license to practice as a surgical assistant if either of the 105
following apply: 106

(a) The applicant practiced as a surgical assistant at a 107
hospital or ambulatory surgical facility located in this state 108
during any part of the six months that preceded the effective 109
date of this section. 110

(b) The applicant successfully completed a training 111
program for surgical assistants operated by a branch of the 112
United States armed forces. 113

(C) In addition to the requirements described in division 114
(B) of this section, each applicant for licensure shall complete 115
a criminal records check in accordance with rules adopted under 116
section 4785.08 of the Revised Code. The board shall specify in 117
rules adopted under section 4785.08 of the Revised Code the 118
offenses for which an applicant will be disqualified from 119
licensure. 120

(D) The board shall review all applications received under 121
this section. After receiving an application it considers 122
complete, the board shall determine whether the applicant meets 123
the requirements for a license to practice as a surgical 124
assistant. 125

Sec. 4785.04. (A) If the state medical board determines 126
under section 4785.03 of the Revised Code that an applicant 127
meets the requirements for a license to practice as a surgical 128
assistant, the secretary board shall issue the license to the 129
applicant. The license shall be valid for a two-year period 130
unless revoked or suspended, shall expire on the date that is 131

two years after the date of issuance, and may be renewed for 132
additional two-year periods in accordance with rules adopted 133
under section 4785.08 of the Revised Code. 134

(B) Each applicant seeking to renew a license issued under 135
this section shall complete continuing education in accordance 136
with rules adopted under section 4785.08 of the Revised Code. 137

(C) In the event a license issued under this section is 138
not renewed and is therefore expired or inactive, the board 139
shall reinstate or restore the license if the individual seeking 140
reinstatement or restoration satisfies the conditions specified 141
in rules adopted under section 4785.08 of the Revised Code. 142

Sec. 4785.05. An individual who holds a current, valid 143
license to practice as a surgical assistant may assist a 144
physician in the performance of surgical procedures by engaging 145
in one or more of the following activities: 146

(A) Providing exposure; 147

(B) Maintaining hemostasis; 148

(C) Performing one or more of the following tasks: 149

(1) Making incisions; 150

(2) Closing or suturing surgical sites; 151

(3) Manipulating or removing tissue; 152

(4) Implanting surgical devices or drains; 153

(5) Suctioning surgical sites; 154

(6) Placing catheters; 155

(7) Clamping or cauterizing vessels or tissues; 156

(8) Applying dressings to surgical sites; 157

<u>(9) Any other tasks as directed by the physician.</u>	158
<u>Sec. 4785.06.</u> (A) <u>Subject to division (B) of this section,</u>	159
<u>an individual may practice as a surgical assistant without</u>	160
<u>holding a current, valid license issued under section 4785.04 of</u>	161
<u>the Revised Code if all of the following apply:</u>	162
<u>(1) The hospital or ambulatory surgical facility at which</u>	163
<u>the individual practices or intends to practice has submitted to</u>	164
<u>the state medical board, on behalf of its current and</u>	165
<u>prospective employees, an application for a waiver from the</u>	166
<u>requirement that surgical assistants be licensed by the board</u>	167
<u>under this chapter.</u>	168
<u>(2) As part of the application, the hospital or facility</u>	169
<u>submits evidence that it is located in an area of the state that</u>	170
<u>experiences special health problems and physician practice</u>	171
<u>patterns that limit access to surgical care.</u>	172
<u>(3) After receiving and reviewing the application, the</u>	173
<u>board grants to the hospital's or facility's employees a waiver</u>	174
<u>from the licensure requirements of this chapter.</u>	175
<u>(B) An individual may practice as a surgical assistant</u>	176
<u>without holding a current, valid license issued under section</u>	177
<u>4785.04 of the Revised Code if the individual practices only at</u>	178
<u>a hospital or ambulatory surgical facility that has been granted</u>	179
<u>a waiver under this section. When practicing as a surgical</u>	180
<u>assistant, the individual is subject to sections 4785.05 and</u>	181
<u>4785.07 of the Revised Code.</u>	182
<u>Sec. 4785.07.</u> <u>The state medical board shall limit, revoke,</u>	183
<u>or suspend an individual's license to practice as a surgical</u>	184
<u>assistant, refuse to issue a license to an applicant, refuse to</u>	185
<u>renew a license, refuse to reinstate a license, or reprimand or</u>	186

place on probation the holder of a license for any of the 187
reasons specified in rules adopted under section 4785.08 of the 188
Revised Code. 189

Sec. 4785.08. (A) The state medical board shall adopt 190
rules establishing standards and procedures for the regulation 191
of surgical assistants. The rules shall be adopted in accordance 192
with Chapter 119. of the Revised Code and shall do all of the 193
following: 194

(1) Establish application procedures and fees for the 195
licensure of surgical assistants, including procedures and fees 196
for the completion of criminal records checks; 197

(2) Specify the criminal offenses for which an applicant 198
will be disqualified from licensure; 199

(3) Establish license renewal procedures and fees, 200
including procedures for reporting the completion of continuing 201
education; 202

(4) Specify the number of credits, hours, or units of 203
continuing education that must be completed to renew a license; 204

(5) Specify the amount of a civil penalty that may be 205
imposed for violating division (A) of section 4785.02 of the 206
Revised Code; 207

(6) Specify the reasons for which the board may refuse to 208
issue or renew, suspend, or revoke a license or otherwise impose 209
discipline on a license holder; 210

(7) Establish procedures for waiver applications submitted 211
pursuant to section 4785.06 of the Revised Code; 212

(8) Specify conditions to be satisfied before the board 213
reinstates or restores an expired or inactive license; 214

<u>(9) Establish procedures for reporting to the board</u>	215
<u>license holder misconduct;</u>	216
<u>(10) Establish procedures by which the board conducts</u>	217
<u>disciplinary investigations.</u>	218
<u>(B) In addition to the rules described in division (A) of</u>	219
<u>this section, the board may adopt any other rules it considers</u>	220
<u>necessary to implement and administer this chapter.</u>	221
Section 2. That existing sections 4731.07 and 4731.071 of	222
the Revised Code are hereby repealed.	223