

**HOUSE . . . . . No. 4809**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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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 procedure to  
26 carry out the plan of care by preparing the operating room, gathering and preparing sterile  
27 supplies, instruments and equipment, preparing and maintaining the sterile field using sterile and  
28 aseptic technique, and ensuring that surgical equipment is functioning properly and safely;

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

31 (iii) as directed in an operating room setting, performing tasks at the sterile field,  
32 including: (1) passing supplies, equipment, or instruments; (2) sponging or suctioning an  
33 operative site; (3) preparing and cutting suture material; (4) transferring and irrigating with  
34 fluids; (5) transferring but not administering drugs within the sterile field; (6) handling

35 specimens; (7) holding retractors; and (8) assisting in counting sponges, needles, supplies, and  
36 instruments with an operating room circulator.

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

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

44 (2) has successfully completed an accredited school of surgical technology but has not,  
45 as of the date of hire, obtained the certified surgical technologist certification required in  
46 subsection (b)(1) above, provided that such certification is obtained within twelve months of the  
47 graduation date;

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

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

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

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

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

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