

SENATE No. 2340

The Commonwealth of Massachusetts

In the Year Two Thousand 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
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) “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 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, 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 RN circulator, who
18 shall be in the operating room for the duration of the procedure (i) consistent with the person’s
19 education, training, and experience; and (ii) as assigned by a registered nurse circulator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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