SENATE DOCKET, NO. FILED ON: 11/10/2011

SENATE . . . . . No. 2058

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regulating 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:

SECTION 1. Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 225. (a) For purposes of this section, the following terms shall have the following meanings:

"Health care practitioner", any person licensed or registered under section 2, 16, 74 or 74A of chapter 112, including any intern, resident, fellow or medical officer who conducts or assists with the performance of surgery.

"Operating room circulator", a licensed registered nurse who is educated, trained and experienced in perioperative nursing.

"Surgical facility", any organization, partnership, association, corporation, trust, the commonwealth, or any subdivision thereof, or any person or group of persons that provides surgical health care services, whether inpatient or outpatient and whether overnight or ambulatory including, but not limited to, any hospital, clinic or private office of a health care

14 practitioner, whether conducted for charity or for profit and whether or not subject to section
15 25C.

16 “Surgical technologist”, any person who provides surgical technology services but is not
17 a health care practitioner.

18 “Surgical technology”, surgical patient care including, but not limited to, 1 or
19 more of the following:

20 (i) collaboration with an operating room circulator prior to a surgical procedure to carry
21 out the plan of care by preparing the operating room, gathering and preparing sterile supplies,
22 instruments and equipment, preparing and maintaining the sterile field using sterile and aseptic
23 technique and ensuring that surgical equipment is functioning properly and safely;

24 (ii) intraoperative anticipation and response to the needs of a surgeon and other team
25 members by monitoring the sterile field and providing the required instruments or supplies;

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

32 (b) A surgical facility shall not employ or otherwise retain the services of any
33 person to perform surgical technology tasks or functions unless such person: (1) has successfully
34 completed an accredited educational program for surgical technologists and holds and maintains

35 a certified surgical technologist credential administered by a nationally recognized surgical
36 technologist certifying body accredited by the National Commission for Certifying Agencies and
37 recognized by the American College of Surgeons and the Association of Surgical Technologists;
38 (2) has successfully completed an accredited school of surgical technology but has not, as of the
39 date of hire, obtained the certified surgical technologist certification required in clause (1),
40 provided that such certification shall be obtained within 12 months of the graduation date; (3)
41 was employed as a surgical technologist in a surgical facility on July 1, 2012; (4) has
42 successfully completed a training program for surgical technology in the Army, Navy, Air
43 Force, Marine Corps or Coast Guard of the United States or in the United States Public Health
44 Service which has been deemed appropriate by the commissioner; or (5) is performing surgical
45 technology tasks or functions in the service of the federal government, but only to the extent the
46 person is performing duties related to that service.

47 (c) A person employed or otherwise retained to practice surgical technology in a
48 healthcare facility may assist in the performance of operating room circulator duties under the
49 direct clinical supervision of the operating room circulator if: (1) the operating room circulator is
50 present in the operating room for the duration of the procedure; (2) any such assistance has been
51 assigned to such person by the operating room circulator; and (3) such assistance is consistent
52 with the education, training and experience of the person providing such assistance.

53 (d) Nothing in this section shall prohibit a registered nurse, licensed or registered health
54 care provider or other health care practitioner from performing surgical technology tasks or
55 functions if such person is acting within the scope of such person's license.

56 SECTION 2. The commissioner of the department of public health shall adopt
57 regulations necessary to carry out the purposes of this act in consultation with the board of
58 registration in medicine and the board of registration in podiatry. Such regulations shall be
59 adopted not later than 90 days after the effective date of this act.

60 SECTION 3. Section 1 shall take effect 180 days after the effective date of this act.