

# HOUSE . . . . . No. 4298

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 23, 2012.

The committee on Ways and Means, to whom was referred the Senate Bill regulating surgical technology (Senate, No. 2058), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4298.

For the committee,

BRIAN S. DEMPSEY.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after section 224  
2 the following section:-

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

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

8 “Operating room circulator”, a licensed registered nurse who is educated, trained and  
9 experienced in perioperative nursing.

10 “Surgical facility”, any entity that provides surgical health care services, whether inpatient or  
11 outpatient and whether overnight or ambulatory including, but not limited to, any hospital, clinic  
12 or private office of a health care practitioner, whether conducted for charity or for profit and  
13 whether or not subject to section 25C, as well as any organization, partnership, association,  
14 corporation, trust or the commonwealth, or any subdivision thereof.

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

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

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

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

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

31 (b) A surgical facility shall not employ or otherwise retain the services of any person to  
32 perform surgical technology tasks or functions unless such person: (1) has successfully  
33 completed an accredited educational program for surgical technologists and holds and maintains  
34 a certified surgical technologist credential administered by a nationally recognized surgical  
35 technologist certifying body accredited by the National Commission for Certifying Agencies and  
36 recognized by the American College of Surgeons and the Association of Surgical Technologists;

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

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

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

55 SECTION 2. The commissioner of the department of public health shall adopt regulations  
56 necessary to carry out the purposes of this act.

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