

AMENDED IN SENATE JUNE 23, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2062**

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**Introduced by Assembly Member Roger Hernández**

February 20, 2014

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An act to add Section 1316.1 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as amended, Roger Hernández. Health facilities: surgical technologists.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. A violation of the provisions governing health facilities constitutes a misdemeanor. Existing law requires specified health facilities to employ a dietitian and requires health facilities owned and operated by the state offering care within the scope of practice of a psychologist to establish rules and medical staff bylaws that include provisions for medical staff membership and clinical privileges for clinical psychologists, as specified.

This bill would prohibit a health facility, as defined, from employing a surgical technologist or contracting with an individual to practice surgical technology at the facility, unless the individual possesses specified training and certification or was practicing surgical technology at a health facility at any time prior to January 1, 2015. The bill would exempt a facility from this requirement if the facility documents its

inability to recruit a sufficient number of individuals that meet the requirements regarding training and certification or prior practice, as specified. The bill would *also specify other exceptions to this prohibition and would provide* that a violation of these requirements is not a crime.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Surgical technologists are coresponsible for the  
3 environmental disinfection, safety, and efficiency of the operating  
4 room, and their knowledge and experience with aseptic surgical  
5 techniques qualifies them for a role of importance in the surgical  
6 suite.

7 (b) The surgical technology profession has grown to meet the  
8 continuing demand for well-educated, highly skilled, and versatile  
9 individuals to work with physicians and surgeons and other skilled  
10 professionals to deliver the highest possible level of patient care.

11 (c) As surgical site infections have been found to be the second  
12 most common hospital-acquired infections in the United States, a  
13 key purpose of this act is to encourage the education, training, and  
14 utilization of surgical technologists in California, given their role  
15 in surgical settings in order to take specific steps to prevent surgical  
16 site infections.

17 SEC. 2. Section 1316.1 is added to the Health and Safety Code,  
18 to read:

19 1316.1. (a) A health facility shall not employ a surgical  
20 technologist or otherwise contract with an individual to practice  
21 surgical technology at the facility, unless the individual meets  
22 either of the following requirements:

- 23 (1) Meets both of the following requirements:
- 24 (A) Has successfully completed either of the following:
- 25 (i) A surgical technology educational program accredited by
- 26 the Commission on Accreditation of Allied Health Education
- 27 Programs or by an organization recognized by the Council for
- 28 Higher Education Accreditation or the United States Department
- 29 of Education.

1 (ii) A training program for surgical technology provided by the  
2 United States Army, Navy, Air Force, Marine Corps, Coast Guard,  
3 or Public Health Service.

4 (B) Holds and maintains certification as a surgical technologist  
5 by a credentialing organization with a surgical technologist  
6 certification program that is accredited by either the National  
7 Commission for Certifying Agencies or the American National  
8 Standards Institute.

9 (2) Provides evidence that the individual was employed to  
10 practice surgical technology in a health facility at any time prior  
11 to January 1, 2015. *An individual employed or under contract*  
12 *pursuant to this paragraph shall complete continuing education*  
13 *or skills training equivalent to the continuing education or skills*  
14 *training necessary to maintain a certification described in*  
15 *subparagraph (B) of paragraph (1).*

16 (b) For purposes of paragraph (2) of subdivision (a), a health  
17 facility that employs or contracts with surgical technologists shall,  
18 upon request of another health facility pursuant to this section, or  
19 upon request of a surgical technologist who is employed by, or  
20 has contracted with, or who was formerly employed by or had  
21 contracted with, the health facility to perform surgical technology  
22 tasks, verify the dates of employment of, or a contract with, the  
23 surgical technologist.

24 (c) Notwithstanding subdivision (a), both of the following shall  
25 apply:

26 (1) A health facility may employ a surgical technologist or  
27 contract with an individual to practice surgical technology at the  
28 facility during the 12-month period immediately following the  
29 individual's successful completion of an educational or training  
30 program for surgical technology described in subparagraph (A) of  
31 paragraph (1) of subdivision (a). The employment or contract shall  
32 cease at the end of that 12-month period unless the individual  
33 satisfies subparagraph (B) of paragraph (1) of subdivision (a).

34 (2) A health facility may employ a surgical technologist or  
35 otherwise contract with an individual to practice surgical  
36 technology at the facility who does not meet the requirements of  
37 subdivision (a) or paragraph (1) if both of the following  
38 requirements are satisfied:

39 (A) After a diligent and thorough effort has been made, the  
40 health facility is unable to employ or contract with a sufficient

1 number of surgical technologists who meet the requirements of  
2 subdivision (a) or paragraph (1).

3 (B) The health facility makes a written record of the efforts  
4 described in subparagraph (A) and retains that record at the facility.

5 (d) This section ~~shall not be construed to prohibit a licensed~~  
6 *does not apply to a health care practitioner from licensed or*  
7 *certified pursuant to Division 2 (commencing with Section 500)*  
8 *of the Business and Professions Code, or under an initiative act*  
9 *referred to in that division, who is performing tasks that fall within*  
10 *the practice of surgical technology if the individual practitioner*  
11 *is acting within the scope of practice of his or her license or*  
12 *certification.*

13 (e) A violation of this section shall not be subject to Section  
14 1290.

15 (f) For purposes of this section, the following definitions shall  
16 apply:

17 (1) "Health facility" means any health facility that is defined  
18 pursuant to Section 1204 or 1250, and includes any outpatient  
19 setting described in Section 1248.

20 ~~(2) "Health care practitioner" means a person who engages in~~  
21 ~~acts that are the subject of licensure or regulation under Division~~  
22 ~~2 (commencing with Section 500) of the Business and Professions~~  
23 ~~Code or under any initiative act referred to in that division.~~

24 ~~(3)~~  
25 (2) "Surgical technologist" means an individual who practices  
26 surgical technology.

27 ~~(4)~~  
28 (3) "Surgical technology" means intraoperative surgical patient  
29 care as follows:

30 (A) At the direction of, or subject to supervision by, a physician  
31 and surgeon, or registered nurse, preparing the operating room for  
32 surgical procedures by ensuring that surgical equipment is  
33 functioning properly and safely.

34 (B) At the direction of, or subject to supervision by, a physician  
35 and surgeon, or registered nurse, preparing the operating room and  
36 the sterile field for surgical procedures by preparing sterile supplies,  
37 instruments, and equipment using sterile technique.

38 (C) Anticipating the needs of the surgical team based on  
39 knowledge of human anatomy and pathophysiology and how they  
40 relate to the surgical patient and the patient's surgical procedure.

- 1 (D) As directed in an operating room setting, performing the
- 2 following tasks at the sterile field:
- 3 (i) Passing supplies, equipment, or instruments.
- 4 (ii) Sponging or suctioning an operative site.
- 5 (iii) Preparing and cutting suture material.
- 6 (iv) Transferring and pouring irrigation fluids.
- 7 (v) Transferring but not administering drugs within the sterile
- 8 field.
- 9 (vi) Handling specimens.
- 10 (vii) Holding retractors and other instruments.
- 11 (viii) Connecting drains to suction apparatus.
- 12 (ix) Applying dressings to closed wounds.
- 13 (x) Assisting in counting sponges, needles, supplies, and
- 14 instruments with the registered nurse circulator.
- 15 (xi) Cleaning and preparing instruments for sterilization on
- 16 completion of the surgery.
- 17 (xii) Assisting the surgical team with cleaning of the operating
- 18 room on completion of the surgery.

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