

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 43\*

Short Title: Establish Standards for Surgical Technology. (Public)

Sponsors: Senators Perry, D. Davis, and Krawiec (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 13, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN  
3 HOSPITALS AND AMBULATORY SURGICAL FACILITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 2 of Article 5 of Chapter 131E of the General Statutes is amended  
6 by adding a new section to read:

7 "**§ 131E-79.3. Hospital standards for surgical technology care.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Surgical technologist. – An individual who is employed or contracted by a  
10 hospital to perform surgical technology tasks and functions.

11 (2) Surgical technology. – Surgical patient care that includes the following tasks  
12 or functions:

13 a. Preparing the operating room and the sterile field for surgical  
14 procedures by ensuring that surgical equipment is functioning properly  
15 and safely and preparing sterile supplies, instruments, and equipment  
16 using sterile technique.

17 b. As directed by the surgical team, performing tasks in the sterile field,  
18 including the following:

19 1. Maintaining asepsis and correcting breaks in the sterile field.

20 2. Passing supplies, equipment, or instruments according to the  
21 needs of the surgical team.

22 3. Sponging or suctioning an operative site.

23 4. Preparing and cutting suture material.

24 5. Transferring and irrigating with fluids.

25 6. Transferring, but not administering, drugs within the sterile  
26 field.

27 7. Handling specimens.

28 8. Holding retractors and other instruments.

29 9. Applying electrocautery to clamps on bleeders.

30 10. Connecting drains to suction apparatus.

31 11. Applying dressings to closed wounds.

32 12. Performing sponge, needle, supply, and instrument counts with  
33 the registered nurse circulator.

34 (b) Qualifications for Employment or Contract. – Except as provided by subsection (f) of  
35 this section, a hospital shall not employ or otherwise contract for the services of a surgical



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1 technologist in that hospital unless the individual meets, at a minimum, one of the following  
2 qualifications:

3 (1) Provides evidence of successfully completing a program accredited by the  
4 Commission on Accreditation of Allied Health Education Programs or  
5 another nationally accredited educational program for surgical technologists  
6 and holds and maintains the Certified Surgical Technologist credential issued  
7 by the National Board of Surgical Technology and Surgical Assisting or its  
8 successor.

9 (2) Provides evidence of successfully completing an appropriate training program  
10 for surgical technology in the United States Army, Navy, Air Force, Marine  
11 Corps, or Coast Guard or in the United States Public Health Service.

12 (3) Provides evidence that satisfies one of the following requirements:

13 a. Documentation of employment to practice surgical technology in a  
14 hospital licensed under this Part or an ambulatory surgical facility  
15 licensed under Part 4 of Article 6 of this Chapter on December 31,  
16 2019.

17 b. Documentation of employment to practice surgical technology during  
18 the two years immediately preceding December 31, 2019.

19 (4) Provides evidence of practicing surgical technology as an employee of an  
20 agency or institution of the federal government.

21 (c) Probationary Practice. – A hospital may employ or contract with an individual to  
22 practice surgical technology during the 12-month period that immediately follows the successful  
23 completion of a surgical technology program as described in subdivision (1) of subsection (b) of  
24 this section. However, the hospital may not continue to employ or contract with that individual  
25 beyond the 12-month period that immediately follows the successful completion of a surgical  
26 technology program without documentation that the employee or contractor holds and maintains  
27 the certified surgical technologist credential as described in subdivision (1) of subsection (b) of  
28 this section.

29 (d) Continuing Education. – A hospital may employ or contract with an individual who  
30 qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4) of subsection (b)  
31 of this section, or pursuant to an exception under subsection (f) of this section, provided the  
32 individual annually completes 15 hours of continuing education approved by the National Board  
33 of Surgical Technology and Surgical Assisting or its successor.

34 (e) Verification of Continuing Education or Credential. – A hospital that employs or  
35 contracts with an individual to practice surgical technology shall verify that the individual  
36 satisfies the continuing education requirements of subsection (d) of this section or, if applicable,  
37 that the individual holds and maintains the Certified Surgical Technologist credential as  
38 described in subdivision (1) of subsection (b) of this section.

39 (f) Exception. – A hospital may employ or otherwise contract with an individual who  
40 does not meet any of the qualifications specified in subsection (b) of this section if both of the  
41 following requirements are met:

42 (1) The hospital makes a diligent and thorough effort, and after such an effort is  
43 completed, the hospital is unable to employ or contract with a sufficient  
44 number of qualified surgical technologists who satisfy the requirements of this  
45 section.

46 (2) The hospital documents and retains, on the hospital premises, a written record  
47 of its efforts made pursuant to subdivision (1) of this subsection.

48 (g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed  
49 practitioner from performing surgical technology tasks or functions if the practitioner is acting  
50 within the scope of his or her license.

1        (h) Adverse Action. – The Department of Health and Human Services may take adverse  
2 action against a hospital under G.S. 131E-78 for a violation of this section."

3        **SECTION 2.** Part 4 of Article 6 of Chapter 131E of the General Statutes is amended  
4 by adding a new section to read:

5 **"§ 131E-147.2. Ambulatory surgical facility standards for surgical technology care.**

6        (a) Definitions. – The following definitions apply in this section:

7            (1) Surgical technologist. – An individual who is employed or contracted by an  
8 ambulatory surgical facility to perform surgical technology tasks and  
9 functions.

10          (2) Surgical technology. – Surgical patient care that includes the following tasks  
11 or functions:

12            a. Preparing the operating room and the sterile field for surgical  
13 procedures by ensuring that surgical equipment is functioning properly  
14 and safely and preparing sterile supplies, instruments, and equipment  
15 using sterile technique.

16            b. As directed by the surgical team, performing tasks in the sterile field,  
17 including the following:

18                  1. Maintaining asepsis and correcting breaks in the sterile field.

19                  2. Passing supplies, equipment, or instruments according to the  
20 needs of the surgical team.

21                  3. Sponging or suctioning an operative site.

22                  4. Preparing and cutting suture material.

23                  5. Transferring and irrigating with fluids.

24                  6. Transferring, but not administering, drugs within the sterile  
25 field.

26                  7. Handling specimens.

27                  8. Holding retractors and other instruments.

28                  9. Applying electrocautery to clamps on bleeders.

29                  10. Connecting drains to suction apparatus.

30                  11. Applying dressings to closed wounds.

31                  12. Performing sponge, needle, supply, and instrument counts with  
32 the registered nurse circulator.

33        (b) Qualifications for Employment or Contract. – Except as provided by subsection (f) of  
34 this section, an ambulatory surgical facility shall not employ or otherwise contract for the services  
35 of a surgical technologist in that facility unless the individual meets, at a minimum, one of the  
36 following qualifications:

37            (1) Provides evidence of successfully completing a program accredited by the  
38 Commission on Accreditation of Allied Health Education Programs or  
39 another nationally accredited educational program for surgical technologists  
40 and holds and maintains the Certified Surgical Technologist credential issued  
41 by the National Board of Surgical Technology and Surgical Assisting or its  
42 successor.

43            (2) Provides evidence of successfully completing an appropriate training program  
44 for surgical technology in the United States Army, Navy, Air Force, Marine  
45 Corps, or Coast Guard or in the United States Public Health Service.

46            (3) Provides evidence that satisfies one of the following requirements:

47                  a. Documentation of employment to practice surgical technology in an  
48 ambulatory surgical facility licensed under this Part or a hospital  
49 licensed under Part 2 of Article 5 of this Chapter on December 31,  
50 2019.

1                    b. Documentation of employment to practice surgical technology during  
2                    the two years immediately preceding December 31, 2019.

3                    (4) Provides evidence of practicing surgical technology as an employee of an  
4                    agency or institution of the federal government.

5                    (c) Probationary Practice. – An ambulatory surgical facility may employ or contract with  
6                    an individual to practice surgical technology during the 12-month period that immediately  
7                    follows the successful completion of a surgical technology program as described in subdivision  
8                    (1) of subsection (b) of this section. However, the facility may not continue to employ or contract  
9                    with that individual beyond the 12-month period that immediately follows the successful  
10                   completion of a surgical technology program without documentation that the employee or  
11                   contractor holds and maintains the certified surgical technologist credential as described in  
12                   subdivision (1) of subsection (b) of this section.

13                   (d) Continuing Education. – An ambulatory surgical facility may employ or contract with  
14                   an individual who qualifies to practice surgical technology pursuant to subdivision (2), (3), or (4)  
15                   of subsection (b) of this section, or pursuant to an exception under subsection (f) of this section,  
16                   provided the individual annually completes 15 hours of continuing education approved by the  
17                   National Board of Surgical Technology and Surgical Assisting or its successor.

18                   (e) Verification of Continuing Education or Credential. – An ambulatory surgical facility  
19                   that employs or contracts with an individual to practice surgical technology shall verify that the  
20                   individual satisfies the continuing education requirements of subsection (d) of this section or, if  
21                   applicable, that the individual holds and maintains the Certified Surgical Technologist credential  
22                   as described in subdivision (1) of subsection (b) of this section.

23                   (f) Exception. – An ambulatory surgical facility may employ or otherwise contract with  
24                   an individual who does not meet any of the qualifications specified in subsection (b) of this  
25                   section if both of the following requirements are met:

26                   (1) The ambulatory surgical facility makes a diligent and thorough effort, and  
27                   after such an effort is completed, the facility is unable to employ or contract  
28                   with a sufficient number of qualified surgical technologists who satisfy the  
29                   requirements of this section.

30                   (2) The ambulatory surgical facility documents and retains, on the facility  
31                   premises, a written record of its efforts made pursuant to subdivision (1) of  
32                   this subsection.

33                   (g) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed  
34                   practitioner from performing surgical technology tasks or functions if the practitioner is acting  
35                   within the scope of his or her license.

36                   (h) Adverse Action. – The Department of Health and Human Services may take adverse  
37                   action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section."

38                   **SECTION 3.** This act becomes effective January 1, 2020.