

By: Zerwas

H.B. No. 643

Substitute the following for H.B. No. 643:

By: King of Taylor

C.S.H.B. No. 643

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the qualifications of surgical technologists;
3 providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle B, Title 4, Health and Safety Code, is
6 amended by adding Chapter 259 to read as follows:

CHAPTER 259. SURGICAL TECHNOLOGISTS

AT HEALTH CARE FACILITIES

9 Sec. 259.001. DEFINITIONS. In this chapter:

12 (2) "Surgical technologist" means a person who
13 practices surgical technology.

14 (3) "Surgical technology" means intraoperative
15 surgical patient care as follows:

22 (C) anticipating the needs of the surgical team
23 based on knowledge of human anatomy and pathophysiology and how
24 they relate to the surgical patient and the patient's surgical

1 procedure;

2 (D) as directed in an operating room setting,

3 performing the following tasks at the sterile field:

4 (i) passing supplies, equipment, or

5 instruments;

6 (ii) sponging or suctioning an operative

7 site;

8 (iii) preparing and cutting suture

9 material;

10 (iv) transferring and pouring irrigation

11 fluids;

12 (v) transferring but not administering

13 drugs within the sterile field;

14 (vi) handling specimens;

15 (vii) holding retractors and other

16 instruments;

17 (viii) applying electrocautery to clamps on

18 bleeders;

19 (ix) connecting drains to suction

20 apparatus;

21 (x) applying dressings to closed wounds;

22 and

23 (xi) assisting in counting sponges,

24 needles, supplies, and instruments with the registered nurse

25 circulator;

26 (E) cleaning and preparing instruments for

27 sterilization on completion of the surgery; and

(F) assisting the surgical team with cleaning of the operating room on completion of the surgery.

Sec. 259.002. REQUIREMENTS FOR PRACTICING SURGICAL TECHNOLOGY. (a) A health care facility licensed by the department under this subtitle or owned or operated by the state may not employ a person to practice surgical technology in that health care facility unless that person provides evidence that the person:

1 educational program for surgical technologists until the 180th day
2 after the date of graduation. The person may not continue to
3 practice surgical technology after the 180th day after the date of
4 graduation without showing documentation to the health care
5 facility that the person holds and maintains the surgical
6 technologist certification required by Subsection (a)(1).

7 (c) Notwithstanding Subsection (a), a health care facility
8 may employ a surgical technologist who does not meet the
9 requirements of this section if:

10 (1) after a diligent and thorough effort has been
11 made, the health care facility is unable to employ a sufficient
12 number of qualified surgical technologists who meet the
13 requirements of this section; and

14 (2) the health care facility makes a written record of
15 its efforts under Subdivision (1) and retains the record at the
16 health care facility.

17 Sec. 259.003. SUPERVISION OF SURGICAL TECHNOLOGISTS. This
18 chapter does not repeal or modify any law relating to the
19 supervision of surgical technologists.

20 Sec. 259.004. OTHER LICENSED PRACTITIONERS. This chapter
21 does not prohibit a licensed practitioner from performing a task or
22 function within the scope of the practitioner's license.

23 Sec. 259.005. APPLICABILITY. This chapter does not apply
24 to:

25 (1) a licensed registered nurse or a licensed
26 vocational nurse; or

27 (2) the employment by a health care facility of an

C.S.H.B. No. 643

1 individual whose primary functions include the cleaning or
2 sterilization of supplies, instruments, equipment, or operating
3 rooms.

4 Sec. 259.006. ENFORCEMENT. (a) The department may adopt
5 rules to administer and enforce this chapter.

6 (b) A health care facility that violates Section 259.002 is
7 subject to an administrative penalty, a civil penalty, or other
8 disciplinary action, as applicable, in the same manner as if the
9 facility violated the chapter under which the facility is licensed.

10 SECTION 2. A health care facility is not required to comply
11 with Section 259.002, Health and Safety Code, as added by this Act,
12 before September 1, 2010.

13 SECTION 3. This Act takes effect September 1, 2009.