

SUBJECT: Personnel allowed in an operating room

COMMITTEE: Public Health — committee substitute recommended

VOTE: 6 ayes — Gray, Coleman, Capelo, Delisi, Glaze, Maxey

0 nays

3 absent — Hilderbran, McClendon, Uresti

WITNESSES: None

DIGEST: CSHB 885 would amend the Health and Safety Code to specify what personnel could be present in a hospital operating room during a medical procedure.

The only persons who could be present in the operating room would be a licensed, registered, or certified health-care provider or a person credentialed by the hospital where the procedure was being performed; a medical, nursing, or other health-care student working under the supervision of a licensed physician or other appropriate licensed health-care provider; an individual with information necessary to treat the patient; and a person necessary in an emergency.

A patient or other person legally authorized to consent to medical treatment on the patient's behalf could authorize nonmedical personnel to be present in an operating room during a medical procedure.

This bill would take effect September 1, 1999.

SUPPORTERS SAY: CSHB 885 would standardize hospital rules regarding who could be present in an operating room during a medical procedure, while protecting patients' rights to consent to who could be present during their operation.

According to the *New York Daily News*, in November 1997, a New York woman died in a Manhattan hospital when surgeons using unfamiliar equipment under the guidance of a sales representative caused the woman to have a heart attack during a routine procedure to remove a uterine cyst. The

HB 885
House Research Organization
page 2

salesman had been allowed into the room in violation of hospital rules. CSHB 885 would ensure that only appropriate personnel could be present in an operating room and require that others could be present only with the patient's consent.

OPPONENTS
SAY:

This bill is unnecessary because hospitals and doctors already follow guidelines as to who may and may not be in an operating room. It is in the best interest of the hospital, from a liability standpoint, to limit individuals present during an operation. All hospitals already do this and will continue to do this whether HB 885 is enacted or not.

NOTES:

The committee substitute added that persons necessary in an emergency could be present in an operating room and deleted the word "written" in describing the kind of consent that would have to be obtained for other people to be present in the operating room.