

## **BILL ANALYSIS**

Senate Research Center  
81R12081 JSC-F

H.B. 643  
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Health & Human Services  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Surgical technologists (technologist) maintain the sterile field during surgical procedures, assist the surgeon by handling sterile instruments during a surgery, and function as a member of the surgical team. This role has become increasingly important recently as surgical instrumentation and procedures have become more complex. Encouraging health care facilities to hire qualified technologists will help improve patient safety without creating a license or another new administrative framework.

H.B. 643 relates to the qualifications of surgical technologists and provides penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of State Health Services in SECTION 1 (Section 259.006, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle B, Title 4, Health and Safety Code, by adding Chapter 259, as follows:

#### **CHAPTER 259. SURGICAL TECHNOLOGISTS AT HEALTH CARE FACILITIES**

Sec. 259.001. DEFINITIONS. Defines "department," "surgical technologist," and "surgical technology."

Sec. 259.002. REQUIREMENTS FOR PRACTICING SURGICAL TECHNOLOGY.  
(a) Prohibits a health care facility licensed by the Department of State Health Services (DSHS) under this subtitle or owned or operated by the state from employing a person to practice surgical technology in that health care facility unless that person provides certain evidence.

(b) Authorizes a health care facility, notwithstanding Subsection (a), to employ a person to practice surgical technology at that health care facility from the date the person graduates from an accredited educational program for surgical technologists until the 180th day after the date of graduation. Prohibits the person from continuing to practice surgical technology after the 180th day after the date of graduation without showing documentation to the health care facility that the person holds and maintains the surgical technologist certification required by Subsection (a)(1) (relating to having completed an accredited educational program).

(c) Authorizes a health care facility, notwithstanding Subsection (a), to employ a surgical technologist who does not meet the requirements of this section if after a diligent and thorough effort has been made, the health care facility is unable to employ a sufficient number of qualified surgical technologists who meet the requirements of this section and the health care facility makes a written record of its efforts under Subdivision (1) and retains the record at the health care facility.

Sec. 259.003. SUPERVISION OF SURGICAL TECHNOLOGISTS. Provides that this chapter does not repeal or modify any law relating to the supervision of surgical technologists.

Sec. 259.004. OTHER LICENSED PRACTITIONERS. Provides that this chapter does not prohibit a licensed practitioner from performing a task or function within the scope of the practitioner's license.

Sec. 259.005. APPLICABILITY. Provides that this chapter does not apply to a licensed registered nurse or a licensed vocational nurse or the employment by a health care facility of an individual whose primary functions include the cleaning or sterilization of supplies, instruments, equipment, or operating rooms.

Sec. 259.006. ENFORCEMENT. (a) Authorizes DSHS to adopt rules to administer and enforce this chapter.

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

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

SECTION 3. Effective date: September 1, 2009.