

BILL ANALYSIS

Senate Research Center
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S.B. 2203
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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 (facility) to hire qualified technologists will help improve patient safety without creating a license or another new administrative framework.

This bill prohibits a facility licensed by the Department of State Health Services from employing a person to practice surgical technology in that facility unless that person provides certain evidence. This bill also authorizes a facility to employ a technologist who does not meet the requirements of this section if after a diligent and thorough effort has been made, the facility is unable to employ a sufficient number of technologists who meet certain requirements, the facility makes a written record of its efforts, and retains the record at the facility.

As proposed, S.B. 2203 amends current law relating to the qualifications of technologists and imposes penalties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of State Health Services in SECTION 1 (Section 259.005, 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" (technologist), and "surgical technology."

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

(b) Authorizes a facility, notwithstanding Subsection (a), to employ a person to practice surgical technology at that facility from the date the person graduates from an accredited school of surgical technology 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 facility that the person holds and maintains the technologist certification required by Subsection (a)(1) (relating to completion of an accredited technologist educational program).

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

Sec. 259.003. SUPERVISION OF SURGICAL TECHNOLOGISTS. Requires a facility that employs a technologist to supervise the technologist according to the facility's policies and procedures to ensure that the technologist competently performs delegated tasks intraoperatively in accordance with this chapter and other applicable law.

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

(b) Provides that a facility that violates this chapter 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. Repealer: Section 241.0262 (Circulating Duties for Surgical Services), Health and Safety Code.

SECTION 3. Provides that a facility is not required to comply with Section 259.002, Health and Safety Code, as added by this Act, before September 1, 2010.

SECTION 4. Effective date: September 1, 2009.