

## **BILL ANALYSIS**

Senate Research Center

S.B. 1239  
By: Johnson  
Health & Human Services  
5/29/2019  
Enrolled

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

In 2009, H.B. 643 by Rep. Zerwas established uniform standards for surgical technologists, which are contained in Chapter 259, Health and Safety Code. Surgical technologists handle necessary instruments, supplies, and equipment during a surgical procedure, passing instruments to the surgeon, and establishing and maintaining the "sterile field" during surgery to protect patients from infections and related complications.

Chapter 259 provides that a health care facility may not employ an individual as a surgical technologist unless the individual is either certified, was trained in the military, works for the federal government, or was employed to practice surgical technology in a health care facility before September 1, 2009 (grandfather provision). However, if the health care facility is unable to employ enough qualified surgical technologists after a diligent and thorough effort, it can hire an individual who does not meet these requirements.

Surgical technologists who are certified are required to complete 30 hours of continuing education every two years as part of the requirements already imposed by their certifying bodies in order to maintain their certification. However, non-certified surgical technologists hired under one of the exceptions in Chapter 259 do not have continuing education requirements.

Requiring surgical technologists to receive continuing education regarding the best practices for surgical technologists and the rapidly evolving technology used in surgeries is in the best interest of patients. Accordingly, S.B. 1239 simply extends the continuing education requirements that already apply to certified surgical technologists, as a condition of maintaining their certification, to also apply to non-certified surgical technologists. Additionally, the bill provides that a health care facility can restrict the abilities of a surgical technologist who does not complete the continuing education requirements, in order to make it clear that the facility has flexibility in how to handle the continued practice of a surgical technologist that does not meet the continuing education requirements.

A forthcoming committee substitute will exempt federally employed workers from the continuing education requirement, and will strike the term "satisfactory," to simply require "completion" of the continuing education requirements. Finally, the committee substitute clarifies that the responsibility of proving completion of continuing education falls upon the surgical technologists, not their employers.

The Association of Surgical Technologists and the Texas State Assembly of the Association of Surgical Technologists support the bill, as do the members of those associations; individual facilities or surgical technologists may be against the bill if they oppose continuing education or costs associated with it, but at this time the author is unaware of any opposition. (Original Author's/Sponsor's Statement of Intent)

S.B. 1239 amends current law relating to continuing education requirements for surgical technologists.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 259.002, Health and Safety Code, to read as follows:

Sec. 259.002. REQUIREMENTS FOR PRACTICING SURGICAL TECHNOLOGY;  
CONTINUING EDUCATION.

SECTION 2. Amends Section 259.002, Health and Safety Code, by adding Subsections (d), (e), and (f), as follows:

(d) Requires a person employed by a health care facility to practice surgical technology under Subsection (a)(1) (relating to authorizing a licensed individual to work in a health care facility if the individual has successfully completed an educational program and continues to be certified) to complete the number of hours of continuing education required to maintain certification by the organization that issued the surgical technologist certification to the person. Requires the person, on the facility's request, to submit to the facility evidence of satisfactory completion of the continuing education.

(e) Requires a person employed by a health care facility to practice surgical technology under Subsection (a)(2) (relating to authorizing a licensed individual to work in a health care facility if the individual has successfully completed training while serving in the United States armed forces or in the United States Public Health Service) or (3) (relating to authorizing a licensed individual to work in a health care facility if the individual was employed to practice surgical technology before September 1, 2009) or Subsection (c) (relating to requiring a health care facility to employ a surgical technologist who does not meet certain requirements if qualified surgical technologists are not found after a diligent search) to complete every two years 30 hours of continuing education related to surgical technology. Requires the person, on the facility's request, to submit to the facility evidence of completion of the continuing education.

(f) Authorizes a health care facility to restrict the ability of a person employed by the facility to practice surgical technology in the facility if the person fails to complete the continuing education required by Subsection (d) or (e).

SECTION 3. Provides that, notwithstanding Sections 259.002(d) and (e), Health and Safety Code, as added by this Act, a person employed by a health care facility to practice surgical technology is not required to complete the continuing education before September 1, 2020.

SECTION 4. Effective date: September 1, 2019.