

**SENATE . . . . . No. 797**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Stephen M. Brewer**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to surgical technology.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Frederick E. Berry	Second Essex
Angelo J. Puppolo, Jr.	12th Hampden
David P. Linsky	5th Middlesex
Benjamin B. Downing	Berkshire, Hampshire and Franklin
Michael O. Moore	Second Worcester
Harold P. Naughton, Jr.	12th Worcester
Gale D. Candaras	First Hampden and Hampshire
Peter J. Koutoujian	10th Middlesex
Patricia A. Haddad	5th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02782 OF 2007-2008.]

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### AN ACT RELATIVE TO SURGICAL TECHNOLOGY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1           **SECTION 1.** Chapter 111 of the General Laws, as so appearing, is hereby amended by inserting  
2 after section 218 the following new section—
- 3 Section 219. Surgical Technologists.
- 4 (a) For purposes of this Section, the following terms shall have the following meanings:
- 5           (1) “Health care facility” means any organization, partnership, association, corporation or  
6 trust, however named, or the commonwealth or any subdivision thereof, or any person or  
7 group of persons that provides surgical health care services, whether inpatient or  
8 outpatient and whether overnight or ambulatory, including but not limited to any hospital,  
9 clinic, or private office of a health care practitioner or practitioners, whether conducted  
10 for charity or for profit and whether or not subject to the provisions of section 25C of  
11 chapter 111 of the general laws.
- 12           (2) “Health care practitioner” means any person licensed under the provisions of chapter 112  
13 of the general laws, including any intern, resident, fellow, or medical officer, who may  
14 supervise, conduct, or assist with the performance of surgery.
- 15           (3) “Surgical technologist” means any person not a health care practitioner who provides  
16 surgical technology services.
- 17           (4) “Surgical technology” means surgical patient care that may include, but is not limited to,  
18 one or more of the following activities:
- 19           (i) preparing the operating room for surgical procedures by ensuring that surgical  
20 equipment is functioning properly and safely;

- 21 (ii) preparing the operating room and the sterile field for surgical procedures by  
22 preparing sterile supplies, instruments, and equipment using sterile technique;
- 23 (iii) anticipating the needs of the surgical team based on knowledge of human  
24 anatomy and pathophysiology and how they relate to the surgical patient and the  
25 patient's surgical procedure; and
- 26 (iv) as directed in an operating room setting, performing tasks at the sterile field,  
27 including: (1) passing supplies, equipment, or instruments; (2) sponging or  
28 suctioning an operative site; (3) preparing and cutting suture material; (4)  
29 transferring and irrigating with fluids; (5) transferring but not administering  
30 drugs within the sterile field; (6) handling specimens; (7) holding retractors; and  
31 (8) assisting in counting sponges, needles, supplies, and instruments.

32 (b) A health care facility shall not employ or otherwise retain the services of any person to perform  
33 surgical technology tasks or functions unless the person:

- 34 (1) has successfully completed an educational program for surgical technologists and holds  
35 and maintains a certified surgical technologist credential administered by a nationally  
36 recognized surgical technologist certifying body accredited by the National Commission  
37 for Certifying Agencies and recognized by the American College of Surgeons and the  
38 Association of Surgical Technologists;
- 39 (2) has graduated from an accredited school of surgical technology but has not, as of the date  
40 of hire, obtained the certified surgical technologist certification required in subsection  
41 (b)(1) above, provided that such certification is obtained within twelve months of the  
42 graduation date;
- 43 (3) was employed to practice surgical technology in a health care facility on January 1, 2010;
- 44 (4) has completed an appropriate training program for surgical technology in the army, navy,  
45 air force, marine corps, or coast guard of the United States or in the United States Public  
46 Health Service;
- 47 (5) is a health care practitioner who performs surgical technology services within the scope  
48 of the practitioner's license; or
- 49 (6) is in the service of the federal government, but only to the extent the person is performing  
50 duties related to that service.

51 (c) A health care facility shall supervise each surgical technologist to monitor the technologist's  
52 competent performance of delegated surgical technology services, in accordance with the facility's  
53 policies and procedures, this section and any other applicable provisions of law.

54 (d) Nothing in this section shall prohibit a health care practitioner from performing surgical  
55 technology tasks or functions if the person is acting within the scope of his or her license.

56 (e) The department shall enforce the provisions of this section and shall adopt and promulgate such  
57 rules and regulations as are necessary to carry out the purposes hereof.