

# HOUSE BILL No. 4834

April 28, 2009, Introduced by Reps. Donigan, Liss, Segal, Young, Geiss and Haugh and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 20174.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 20174. (1) AS USED IN THIS SECTION:**

2           **(A) "SURGICAL TECHNOLOGIST" MEANS AN INDIVIDUAL WHO ENGAGES IN**  
3 **THE PRACTICE OF SURGICAL TECHNOLOGY.**

4           **(B) "SURGICAL TECHNOLOGY" MEANS WORKING COLLABORATIVELY WITH**  
5 **PERIOPERATIVE NURSES ON SURGICAL PATIENT CARE THAT INCLUDES, BUT IS**  
6 **NOT LIMITED TO, THE FOLLOWING TASKS OR FUNCTIONS:**

7           **(i) PREPARING THE OPERATING ROOM FOR SURGICAL PROCEDURES BY**  
8 **ENSURING THAT SURGICAL EQUIPMENT IS FUNCTIONING PROPERLY AND**  
9 **SAFELY.**

10           **(ii) PREPARING THE OPERATING ROOM AND THE STERILE FIELD FOR**

1 SURGICAL PROCEDURES BY PREPARING STERILE SUPPLIES, INSTRUMENTS, AND  
2 EQUIPMENT USING STERILE TECHNIQUES.

3 (iii) PERFORMING TASKS WITHIN THE STERILE FIELD INCLUDING ANY OF  
4 THE FOLLOWING:

5 (A) PASSING SUPPLIES, EQUIPMENT, OR INSTRUMENTS.

6 (B) SPONGING OR SUCTIONING AN OPERATIVE SITE.

7 (C) PREPARING AND CUTTING SUTURE MATERIALS.

8 (D) TRANSFERRING, BUT NOT ADMINISTERING, FLUIDS OR DRUGS.

9 (E) HOLDING RETRACTORS.

10 (F) ASSISTING IN COUNTING SPONGES, NEEDLES, SUPPLIES, OR  
11 INSTRUMENTS.

12 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A HOSPITAL,  
13 FREESTANDING SURGICAL OUTPATIENT FACILITY, OR ANY OTHER SIMILAR  
14 ENTITY THAT UTILIZES SURGICAL TECHNOLOGISTS SHALL NOT EMPLOY,  
15 INDEPENDENTLY CONTRACT WITH, OR GRANT CLINICAL PRIVILEGES TO AN  
16 INDIVIDUAL AS A SURGICAL TECHNOLOGIST UNLESS THAT INDIVIDUAL  
17 SATISFIES 1 OF THE FOLLOWING:

18 (A) HAS SUCCESSFULLY COMPLETED AN ACCREDITED EDUCATION PROGRAM  
19 FOR SURGICAL TECHNOLOGIST AND HOLDS AND MAINTAINS THE NATIONAL  
20 CERTIFICATION ESTABLISHED BY THE NATIONAL BOARD OF SURGICAL  
21 TECHNOLOGY AND SURGICAL ASSISTING FOR THE SURGICAL TECHNOLOGIST.

22 (B) HAS COMPLETED AN APPROPRIATE TRAINING PROGRAM FOR SURGICAL  
23 TECHNOLOGY IN THE UNITED STATES ARMY, AIR FORCE, MARINE CORPS, OR  
24 COAST GUARD OR IN THE UNITED STATES PUBLIC HEALTH SERVICE.

25 (3) SUBSECTION (2) (A) DOES NOT APPLY TO AN INDIVIDUAL WHO IS  
26 EMPLOYED BY OR UNDER CONTRACT WITH THE FEDERAL GOVERNMENT OR WHO,  
27 ON THE EFFECTIVE DATE OF THIS SECTION, IS EMPLOYED BY OR UNDER

1 CONTRACT WITH A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT  
2 FACILITY, OR OTHER ENTITY AND HAS BEEN EMPLOYED BY OR UNDER  
3 CONTRACT WITH THAT ENTITY FOR NOT LESS THAN 18 MONTHS OVER THE  
4 COURSE OF THE 3 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF  
5 THIS SECTION.

6 (4) A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT FACILITY, OR  
7 OTHER SIMILAR ENTITY THAT UTILIZES SURGICAL TECHNOLOGISTS MAY  
8 PETITION THE DIRECTOR OF THE DEPARTMENT FOR A WAIVER FROM THE  
9 REQUIREMENTS OF SUBSECTION (2) IF THAT ENTITY IS UNABLE TO EMPLOY A  
10 SUFFICIENT NUMBER OF SURGICAL TECHNOLOGISTS WHO MEET THE  
11 REQUIREMENTS OF SUBSECTION (2). THE DIRECTOR SHALL GRANT THE WAIVER  
12 IF THE HOSPITAL, FREESTANDING SURGICAL OUTPATIENT FACILITY, OR  
13 OTHER ENTITY CAN DEMONSTRATE THAT IT MADE A DILIGENT AND THOROUGH  
14 EFFORT TO EMPLOY SURGICAL TECHNOLOGISTS WHO MEET THE REQUIREMENTS  
15 OF SUBSECTION (2). A WAIVER GRANTED UNDER THIS SUBSECTION IS VALID  
16 FOR NOT MORE THAN 6 MONTHS. THE DEPARTMENT MAY RENEW THE WAIVER,  
17 BUT THE WAIVER SHALL NOT EXCEED 12 MONTHS.

18 (5) A SURGICAL TECHNOLOGIST DESCRIBED IN SUBSECTION (2) OR (3)  
19 WHO IS EMPLOYED BY, UNDER INDEPENDENT CONTRACT WITH, OR GRANTED  
20 CLINICAL PRIVILEGES BY A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT  
21 FACILITY, OR ANY OTHER ENTITY SHALL ANNUALLY COMPLETE 15 HOURS OF  
22 CONTINUING EDUCATION TO REMAIN QUALIFIED FOR AND RETAIN THAT  
23 EMPLOYMENT, CONTRACT, OR CLINICAL PRIVILEGES.

24 (6) A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT FACILITY, OR  
25 ANY OTHER ENTITY THAT EMPLOYS, CONTRACTS WITH, OR GRANTS CLINICAL  
26 PRIVILEGES TO A SURGICAL TECHNOLOGIST SHALL VERIFY THAT THE  
27 SURGICAL TECHNOLOGIST MEETS THE CONTINUING EDUCATION REQUIREMENTS

1 OF SUBSECTION (5). A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT  
2 FACILITY, OR ANY OTHER ENTITY THAT EMPLOYS, CONTRACTS WITH, OR  
3 GRANTS CLINICAL PRIVILEGES TO A SURGICAL TECHNOLOGIST WHO MEETS THE  
4 REQUIREMENTS UNDER SUBSECTION (2) (A) SHALL VERIFY THAT THE SURGICAL  
5 TECHNOLOGIST MAINTAINS THE CERTIFICATION REQUIRED IN THAT  
6 SUBDIVISION.

7 (7) NOTHING IN THIS SECTION PROHIBITS A LICENSED HEALTH  
8 PROFESSIONAL FROM PERFORMING SURGICAL TECHNOLOGY IF THE HEALTH  
9 PROFESSIONAL IS ACTING WITHIN THE SCOPE OF HIS OR HER LICENSE.

10 Enacting section 1. This amendatory act takes effect January  
11 1, 2010.