

HOUSE BILL No. 6419

September 10, 2008, Introduced by Reps. Stakoe, Moore, Hune, Gaffney, Nofs, Farrah, Green, Shaffer, Wojno, Donigan, Espinoza, Rick Jones, Spade, Meisner and Nitz 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 AND SECTION 20174A:

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

4 (B) "SURGICAL TECHNOLOGY" MEANS INTRAOPERATIVE SURGICAL
5 PATIENT CARE THAT INVOLVES ANY OF THE FOLLOWING:

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

9 (ii) PREPARING THE OPERATING ROOM AND THE STERILE FIELD FOR
10 SURGICAL PROCEDURES BY PREPARING STERILE SUPPLIES, INSTRUMENTS, AND

1 EQUIPMENT USING STERILE TECHNIQUES.

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

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

5 (B) SPONGING OR SUCTIONING AN OPERATIVE SITE.

6 (C) PREPARING AND CUTTING SUTURE MATERIALS.

7 (D) TRANSFERRING FLUIDS OR DRUGS.

8 (E) HOLDING RETRACTORS.

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

11 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SUBJECT
12 TO SECTION 20174A, A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT
13 FACILITY, OR ANY OTHER SIMILAR ENTITY THAT UTILIZES SURGICAL
14 TECHNOLOGISTS SHALL NOT EMPLOY, INDEPENDENTLY CONTRACT WITH, OR
15 GRANT CLINICAL PRIVILEGES TO AN INDIVIDUAL AS A SURGICAL
16 TECHNOLOGIST UNLESS THAT INDIVIDUAL SATISFIES 1 OF THE FOLLOWING:

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

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

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

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

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

17 Enacting section 1. This amendatory act takes effect January
18 1, 2009.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 6418(request no.
21 06852'08) of the 94th Legislature is enacted into law.