

AMENDMENTS TO LB731

(Amendments to Standing Committee amendments, AM2432)

Introduced by Kolterman, 24.

1 1. Insert the following new sections:

2 Sec. 67. Sections 67 to 80 of this act shall be known and may be
3 cited as the Surgical Technologist Registry Act.

4 Sec. 68. For purposes of the Surgical Technologist Registry Act,
5 the definitions found in sections 69 to 71 of this act apply.

6 Sec. 69. Board means the Board of Medicine and Surgery.

7 Sec. 70. Department means the Department of Health and Human
8 Services.

9 Sec. 71. Registered surgical technologist means a person registered
10 as a surgical technologist pursuant to the Surgical Technologist Registry
11 Act.

12 Sec. 72. Beginning January 1, 2019, any surgical technologist
13 employed by a facility licensed under the Health Care Facility Licensure
14 Act or by a physician shall register within one hundred eighty days of
15 employment with the Surgical Technologist Registry created pursuant to
16 section 75 of this act.

17 Sec. 73. To register as a surgical technologist, an individual
18 shall:

19 (1) Be at least nineteen years of age;

20 (2) Be a high school graduate or be officially recognized by the
21 State Department of Education as possessing the equivalent degree of
22 education;

23 (3) Be of good moral character;

24 (4) File an application with the department. The application shall
25 include:

26 (a) The applicant's name, address, birth date, and social security

1 number;

2 (b) Documentation of any felony or misdemeanor conviction, along
3 with date of occurrence and county in which the conviction occurred; and

4 (c)(i) Documentation of current certification as a surgical
5 technologist by the State of Nebraska or a national certifying body
6 approved by the board, if the applicant is currently certified;

7 (ii) Documentation of completion of an accredited program in
8 surgical technology accredited by the Commission on Accreditation of
9 Allied Health Education Programs or the Accrediting Bureau of Health
10 Education Schools if the applicant is a graduate of such program; or

11 (iii) Certification of competency assessment completed by a licensed
12 health care professional. The assessment shall include the components
13 listed in section 74 of this act; and

14 (5) Pay the required nonrefundable fee as determined by the
15 department.

16 Sec. 74. A registered surgical technologist may perform tasks and
17 functions including, but not limited to:

18 (1) Preparing the operating suite for the planned surgical
19 procedure, including gathering and opening all equipment supplies and
20 instrumentation, including, but not limited to, sterile dressings and
21 instruments, scrubs, gowns, gloves, medications, and solutions;

22 (2) Creating and maintaining the sterile field through organization
23 and preparation of instruments and supplies, including performance of
24 necessary surgical counts;

25 (3) Gowning and gloving the surgeon and assistants;

26 (4) Providing visualization of the surgical site;

27 (5) Preparing and draping the patient for the surgical procedure;

28 (6) Positioning the patient;

29 (7) Passing instruments, supplies, and equipment to the surgeon and
30 assistants during the procedure while anticipating the needs of the
31 surgical team;

1 (8) Assisting the surgeon as directed in accordance with applicable
2 law;

3 (9) Assisting the circulating nurse as directed in the care of the
4 surgical patient, including appropriate counts prior to the surgical
5 procedure and before the incision is closed;

6 (10) Maintaining sterile technique during the surgical procedure;

7 (11) Assisting other members of the surgical team with cleaning the
8 operating suite, including decontamination of instruments, supplies, and
9 equipment utilized during the surgical procedure; and

10 (12) Assisting in preparing the surgical suite for the next surgical
11 procedure.

12 Sec. 75. The Surgical Technologist Registry is created. The
13 registry shall be used to register surgical technologists beginning
14 January 1, 2019.

15 Sec. 76. The board shall provide supervision and oversight of the
16 Surgical Technologist Registry.

17 Sec. 77. The department shall establish and collect fees for
18 registration under the Surgical Technologist Registry Act.

19 Sec. 78. (1) The department may deny registration or refuse renewal
20 of or remove a registration from the Surgical Technologist Registry for
21 failure to meet the standards or for violation of the Surgical
22 Technologist Registry Act or the rules and regulations.

23 (2) If the department proposes to deny, refuse renewal of, or remove
24 a registration, it shall send the applicant or registrant a notice
25 setting forth the action to be taken and the reasons for the
26 determination. The denial, refusal to renew, or removal shall become
27 final thirty days after mailing the notice unless the applicant or
28 registrant gives written notice to the department of his or her desire
29 for an informal conference or for a formal hearing.

30 (3) Notice may be served by any method specified in section
31 25-505.01, or the department may permit substitute or constructive

1 service as provided in section 25-517.02 when service cannot be made with
2 reasonable diligence by any of the methods specified in section
3 25-505.01.

4 Sec. 79. A person whose registration has been denied, refused
5 renewal, or removed from the Surgical Technologist Registry may reapply
6 for registration or for lifting of the disciplinary sanction at any time
7 after one year has elapsed since the date such registration was denied,
8 refused renewal, or removed from the registry, in accordance with the
9 rules and regulations.

10 Sec. 80. The department shall adopt and promulgate rules and
11 regulations as deemed necessary to implement the Surgical Technologist
12 Registry Act, including, but not limited to, rules and regulations
13 setting minimum standards for competencies listed in section 74 of this
14 act and methods for competency assessment of surgical technologists.

15 Sec. 81. Section 38-2025, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2025 The following classes of persons shall not be construed to
18 be engaged in the unauthorized practice of medicine:

19 (1) Persons rendering gratuitous services in cases of emergency;

20 (2) Persons administering ordinary household remedies;

21 (3) The members of any church practicing its religious tenets,
22 except that they shall not prescribe or administer drugs or medicines,
23 perform surgical or physical operations, nor assume the title of or hold
24 themselves out to be physicians, and such members shall not be exempt
25 from the quarantine laws of this state;

26 (4) Students of medicine who are studying in an accredited school or
27 college of medicine and who gratuitously prescribe for and treat disease
28 under the supervision of a licensed physician;

29 (5) Physicians who serve in the armed forces of the United States or
30 the United States Public Health Service or who are employed by the United
31 States Department of Veterans Affairs or other federal agencies, if their

1 practice is limited to that service or employment;

2 (6) Physicians who are licensed in good standing to practice
3 medicine under the laws of another state when incidentally called into
4 this state or contacted via electronic or other medium for consultation
5 with a physician licensed in this state. For purposes of this
6 subdivision, consultation means evaluating the medical data of the
7 patient as provided by the treating physician and rendering a
8 recommendation to such treating physician as to the method of treatment
9 or analysis of the data. The interpretation of a radiological image by a
10 physician who specializes in radiology is not a consultation;

11 (7) Physicians who are licensed in good standing to practice
12 medicine in another state but who, from such other state, order
13 diagnostic or therapeutic services on an irregular or occasional basis,
14 to be provided to an individual in this state, if such physicians do not
15 maintain and are not furnished for regular use within this state any
16 office or other place for the rendering of professional services or the
17 receipt of calls;

18 (8) Physicians who are licensed in good standing to practice
19 medicine in another state and who, on an irregular and occasional basis,
20 are granted temporary hospital privileges to practice medicine and
21 surgery at a hospital or other medical facility licensed in this state;

22 (9) Persons providing or instructing as to use of braces, prosthetic
23 appliances, crutches, contact lenses, and other lenses and devices
24 prescribed by a physician licensed to practice medicine while working
25 under the direction of such physician;

26 (10) Dentists practicing their profession when licensed and
27 practicing in accordance with the Dentistry Practice Act;

28 (11) Optometrists practicing their profession when licensed and
29 practicing under and in accordance with the Optometry Practice Act;

30 (12) Osteopathic physicians practicing their profession if licensed
31 and practicing under and in accordance with sections 38-2029 to 38-2033;

1 (13) Chiropractors practicing their profession if licensed and
2 practicing under the Chiropractic Practice Act;

3 (14) Podiatrists practicing their profession when licensed and
4 practicing under and in accordance with the Podiatry Practice Act;

5 (15) Psychologists practicing their profession when licensed and
6 practicing under and in accordance with the Psychology Practice Act;

7 (16) Advanced practice registered nurses practicing in their
8 clinical specialty areas when licensed under the Advanced Practice
9 Registered Nurse Practice Act and practicing under and in accordance with
10 their respective practice acts;

11 (17) Surgical first assistants practicing in accordance with the
12 Surgical First Assistant Practice Act;

13 (18) Persons licensed or certified under the laws of this state to
14 practice a limited field of the healing art, not specifically named in
15 this section, when confining themselves strictly to the field for which
16 they are licensed or certified, not assuming the title of physician,
17 surgeon, or physician and surgeon, and not professing or holding
18 themselves out as qualified to prescribe drugs in any form or to perform
19 operative surgery;

20 (19) Persons obtaining blood specimens while working under an order
21 of or protocols and procedures approved by a physician, registered nurse,
22 or other independent health care practitioner licensed to practice by the
23 state if the scope of practice of that practitioner permits the
24 practitioner to obtain blood specimens; ~~and~~

25 (20) Other trained persons employed by a licensed health care
26 facility or health care service defined in the Health Care Facility
27 Licensure Act or clinical laboratory certified pursuant to the federal
28 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
29 or XIX of the federal Social Security Act to withdraw human blood for
30 scientific or medical purposes; and -

31 (21) A skilled professional or nonprofessional assistant who is

1 licensed, certified, or registered under a relevant area of practice to
2 whom assigned tasks by a qualified physician as defined in section
3 38-1212, in a manner consistent with accepted medical standards and
4 appropriate to the assistant's skill in the practice area of which he or
5 she is licensed, certified, or registered.

6 Any person who has held or applied for a license to practice
7 medicine and surgery in this state, and such license or application has
8 been denied or such license has been refused renewal or disciplined by
9 order of limitation, suspension, or revocation, shall be ineligible for
10 the exceptions described in subdivisions (5) through (8) of this section
11 until such license or application is granted or such license is renewed
12 or reinstated. Every act or practice falling within the practice of
13 medicine and surgery as defined in section 38-2024 and not specially
14 excepted in this section shall constitute the practice of medicine and
15 surgery and may be performed in this state only by those licensed by law
16 to practice medicine in Nebraska.

17 2. Renumber the remaining sections and correct internal references
18 accordingly.

19 3. Correct the operative date and repealer sections so the sections
20 inserted by this amendment become operative on their effective date.