

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 557**

Introduced by Dubas, 34; Gloor, 35.

Read first time January 19, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to surgical technology; to amend sections 71-401  
2 and 71-403, Revised Statutes Cumulative Supplement, 2010;  
3 to define terms; to provide requirements for health care  
4 facilities; to harmonize provisions; to provide an  
5 operative date; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-401, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           71-401 Sections 71-401 to 71-465 and sections 3 to 9 of  
4 this act shall be known and may be cited as the Health Care Facility  
5 Licensure Act.

6           Sec. 2. Section 71-403, Revised Statutes Cumulative  
7 Supplement, 2010, is amended to read:

8           71-403 For purposes of the Health Care Facility Licensure  
9 Act, unless the context otherwise requires, the definitions found in  
10 sections 71-404 to 71-431 and sections 3 and 4 of this act shall  
11 apply.

12           Sec. 3. Surgical technologist means a person who is  
13 employed or contracted by a health care facility to perform surgical  
14 technology tasks and functions.

15           Sec. 4. Surgical technology means surgical patient care  
16 performed with the other members of the surgical team that includes,  
17 but is not limited to, the following tasks or functions:

18           (1) Preparing the operating room for surgical procedures  
19 by ensuring that surgical equipment is functioning properly and  
20 safely;

21           (2) Preparing the operating room and the sterile field  
22 for surgical procedures by preparing sterile supplies, instruments,  
23 and equipment using sterile technique;

24           (3) Demonstrating knowledge of human anatomy and  
25 pathophysiology and how they relate to the surgical patient and the

- 1 patient's surgical procedure; and
- 2 (4) Performing tasks in an operating room setting in the  
3 sterile field, including the following:
- 4 (a) Identifying and maintaining asepsis and breaks in the  
5 sterile field;
- 6 (b) Passing supplies, equipment, or instruments according  
7 to the needs of the surgical team;
- 8 (c) Sponging or suctioning an operative site;
- 9 (d) Preparing and cutting suture material;
- 10 (e) Transferring and irrigating with fluids;
- 11 (f) Transferring but not administering drugs within the  
12 sterile field, according to applicable law;
- 13 (g) Handling specimens;
- 14 (h) Holding retractors and other instruments to assist in  
15 the visualization of a surgical site;
- 16 (i) Applying electrocautery to clamps on bleeders;
- 17 (j) Connecting drains to suction apparatus;
- 18 (k) Applying dressings to closed wounds;
- 19 (l) Performing sponge, needle, supply, and instrument  
20 counts with the registered nurse circulator;
- 21 (m) Cleaning and preparing instruments for sterilization  
22 on completion of the surgery; and
- 23 (n) Assisting the surgical team with cleaning of the  
24 operating room on completion of the surgery.
- 25 Sec. 5. (1) A health care facility licensed under the

1 Health Care Facility Licensure Act shall not employ, contract for the  
2 services of, or allow a surgical technologist to practice in the  
3 health care facility unless the person meets one of the following  
4 requirements:

5 (a) Has successfully completed a nationally accredited  
6 educational program for surgical technologists and holds the  
7 Certified Surgical Technologist credential administered by the  
8 National Board of Surgical Technology and Surgical Assisting or its  
9 successor or a similar credential from another nationally accredited  
10 surgical technologist credentialing organization approved by the  
11 department;

12 (b) Has completed a training program for surgical  
13 technology in the armed forces of the United States or in the United  
14 States Public Health Service Commissioned Corps;

15 (c) Was employed, under contract, or allowed to practice  
16 surgical technology in a licensed health care facility on the  
17 operative date of this act; or

18 (d) Performs surgical technology in the service of the  
19 federal government to the extent the person is performing duties  
20 related to that service.

21 (2) A licensed health care facility may employ or  
22 contract with a person to practice surgical technology during the  
23 twelve-month period immediately following his or her successful  
24 completion of a surgical technology program, but may not continue to  
25 employ or contract with such person beyond that period without

1 documentation that the employee or contractor holds and maintains the  
2 certified surgical technologist credential required in subdivision  
3 (1)(a) of this section.

4           Sec. 6. (1) A health care facility licensed under the  
5 Health Care Facility Licensure Act that employs a surgical  
6 technologist shall establish continuing education guidelines that  
7 maintain standards for continued credentialing such as standards  
8 established by the National Board of Surgical Technology and Surgical  
9 Assisting or its successor or other surgical technologist  
10 credentialing organization approved by the department.

11           (2) A person who qualifies to practice surgical  
12 technology in a licensed health care facility under subdivision (1)  
13 (b) or (c) of section 5 of this act shall annually complete fifteen  
14 hours of continuing education to remain qualified to practice as a  
15 surgical technologist.

16           (3) A licensed health care facility that employs,  
17 contracts with, or allows a person to practice surgical technology in  
18 the health care facility shall verify that the person meets the  
19 continuing education requirements of this section or, if applicable,  
20 that the person has maintained the certified surgical technologist  
21 credential required in subdivision (1)(a) of section 5 of this act.

22           Sec. 7. A health care facility licensed under the Health  
23 Care Facility Licensure Act shall establish policies and procedures  
24 ensuring that each person employed, contracted with, or allowed by  
25 the licensed health care facility to practice surgical technology

1 competently performs surgical technology tasks intraoperatively  
2 according to law.

3           Sec. 8. A health care facility licensed under the Health  
4 Care Facility Licensure Act that employs, contracts with, or allows  
5 surgical technologists to practice in the health care facility shall  
6 adopt, implement, and enforce policies and procedures to comply with  
7 sections 5 to 7 of this act.

8           Sec. 9. Nothing in sections 5 to 8 of this act shall  
9 prohibit any licensed health care practitioner from performing  
10 surgical technology tasks or functions if the person is acting within  
11 the scope of his or her license.

12           Sec. 10. This act becomes operative on January 1, 2012.

13           Sec. 11. Original sections 71-401 and 71-403, Revised  
14 Statutes Cumulative Supplement, 2010, are repealed.