

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 360

Introduced by Kolterman, 24.

Read first time January 13, 2017

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to surgical technologists; to amend section
- 2 38-2025, Reissue Revised Statutes of Nebraska; to adopt the Surgical
- 3 Technologist Registry Act; to harmonize provisions; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 12 of this act shall be known and may be
2 cited as the Surgical Technologist Registry Act.

3 Sec. 2. For purposes of the Surgical Technologist Registry Act, the
4 definitions found in sections 3 to 5 of this act apply.

5 Sec. 3. Board means the Board of Medicine and Surgery.

6 Sec. 4. Department means the Department of Health and Human
7 Services.

8 Sec. 5. Registered surgical technologist means a person registered
9 as a surgical technologist pursuant to the Surgical Technologist Registry
10 Act.

11 Sec. 6. Beginning January 1, 2018, any surgical technologist
12 employed by a facility licensed under the Health Care Facility Licensure
13 Act or by a physician shall register within one hundred eighty days of
14 employment with the Surgical Technologist Registry created pursuant to
15 section 9 of this act.

16 Sec. 7. To register as a surgical technologist, an individual
17 shall:

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

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

22 (3) Be of good moral character;

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

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

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

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

1 (ii) Documentation of completion of an accredited program in
2 surgical technology accredited by the Commission on Accreditation of
3 Allied Health Education Programs or the Accrediting Bureau of Health
4 Education Schools; or

5 (iii) Certification of competency assessment completed by a licensed
6 health care professional. The assessment shall include the components
7 listed in section 8 of this act; and

8 (5) Pay the required nonrefundable fee as determined by the
9 department.

10 Sec. 8. A registered surgical technologist may perform tasks and
11 functions including, but not limited to:

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

16 (2) Creating and maintaining the sterile field through organization
17 and preparation of instruments and supplies, including performance of
18 necessary surgical counts;

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

20 (4) Providing visualization of the surgical site;

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

22 (6) Positioning the patient;

23 (7) Passing instruments, supplies, and equipment to the surgeon and
24 assistants during the procedure while anticipating the needs of the
25 surgical team;

26 (8) Assisting the surgeon as directed in accordance with applicable
27 law;

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

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

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

4 (12) Assisting in preparing the surgical suite for the next surgical
5 procedure.

6 Sec. 9. The Surgical Technologist Registry is created. The registry
7 shall be used to register surgical technologists beginning January 1,
8 2018.

9 Sec. 10. The board shall provide supervision and oversight of the
10 Surgical Technologist Registry.

11 Sec. 11. The department shall establish and collect fees for
12 registration under the Surgical Technologist Registry Act.

13 Sec. 12. The department shall adopt and promulgate rules and
14 regulations as deemed necessary to implement the Surgical Technologist
15 Registry Act, including, but not limited to, rules and regulations
16 setting minimum standards for competencies listed in section 8 of this
17 act and methods for competency assessment of surgical technologists.

18 Sec. 13. Section 38-2025, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-2025 The following classes of persons shall not be construed to
21 be engaged in the unauthorized practice of medicine:

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

23 (2) Persons administering ordinary household remedies;

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

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

1 (5) Physicians who serve in the armed forces of the United States or
2 the United States Public Health Service or who are employed by the United
3 States Department of Veterans Affairs or other federal agencies, if their
4 practice is limited to that service or employment;

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

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

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

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

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

31 (11) Optometrists practicing their profession when licensed and

1 practicing under and in accordance with the Optometry Practice Act;

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

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

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

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

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

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

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

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

28 (20) Other trained persons employed by a licensed health care
29 facility or health care service defined in the Health Care Facility
30 Licensure Act or clinical laboratory certified pursuant to the federal
31 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII

1 or XIX of the federal Social Security Act to withdraw human blood for
2 scientific or medical purposes; and -

3 (21) A skilled professional or nonprofessional assistant who is
4 licensed, certified, or registered under a relevant area of practice to
5 whom assigned tasks by a qualified physician as defined in section
6 38-1212, in a manner consistent with accepted medical standards and
7 appropriate to the assistant's skill in the practice area of which he or
8 she is licensed, certified, or registered.

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

20 Sec. 14. Original section 38-2025, Reissue Revised Statutes of
21 Nebraska, is repealed.