

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1582

H.P. 1144

House of Representatives, April 16, 2019

### **An Act Relating to Surgical Technologists and the Practice of Surgical Technology**

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Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative NADEAU of Winslow.  
Cosponsored by Senator VITELLI of Sagadahoc and  
Representatives: BROOKS of Lewiston, HYMANSON of York, MASTRACCIO of Sanford,  
Senator: SANBORN, L. of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1813-A** is enacted to read:

3 **§1813-A. Surgical technologists**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Critical access hospital" has the same meaning as in section 7932, subsection 10.

7 B. "Health care facility" means a hospital or ambulatory surgical center licensed  
8 under chapter 405 and physicians' offices in which surgical procedures are  
9 performed.

10 C. "Surgical technologist" means a person who is employed or contracted by a health  
11 care facility to perform surgical technology tasks and functions.

12 D. "Surgical technology" means the practice of surgical patient care that includes,  
13 but is not limited to, performing the following perioperative tasks and functions, as  
14 directed:

15 (1) Preparing the operating room and the sterile operating field for surgical  
16 procedures by ensuring that surgical equipment is functioning properly and safely  
17 and using sterile techniques to prepare supplies, instruments and equipment;

18 (2) Assisting a surgeon with placing sterile drapes on the patient to establish the  
19 sterile operating field;

20 (3) Participating in the process of verifying correct patient, procedure and  
21 surgical site;

22 (4) Anticipating the needs of the surgeon, based on knowledge of human  
23 anatomy and pathophysiology, by preparing and passing instruments and supplies  
24 during the surgical procedure;

25 (5) Sponging and suctioning the surgical site;

26 (6) Preparing and cutting suture material;

27 (7) Preparing and utilizing irrigation solutions during the surgical procedure;

28 (8) Preparing and passing medications and hemostatic agents during the surgical  
29 procedure, but not administering drugs;

30 (9) Preparing and passing off specimens;

31 (10) Holding retractors or other instruments;

32 (11) Applying electrocautery to clamps or forceps on bleeding vessels;

33 (12) Operating the camera during endoscopic procedures;

34 (13) Placing instruments in robotic arms during the surgical procedure;

35 (14) Connecting drains to suction apparatus;

36 (15) Performing urinary catheterization;

1           (16) Preparing and applying sterile dressings to closed wounds;

2           (17) Assisting with counts of instruments and sponges;

3           (18) Assisting with transferring the patient to and positioning the patient on the  
4           operating table; and

5           (19) Maintaining the highest standard of sterile technique, including identifying  
6           and correcting breaks in the sterile operating field.

7           **2. Employment.** A health care facility may not employ or otherwise contract for the  
8           services of a surgical technologist unless the surgical technologist:

9           A. Has successfully completed a nationally accredited surgical technology education  
10           program and has and maintains a certified surgical technologist credential  
11           administrated by a nationally accredited surgical technologist credentialing  
12           organization; or

13           B. Provides evidence of being employed to practice surgical technology as a primary  
14           function in a health care facility in this State or any other state on the effective date of  
15           this section or at any time during the 2 years immediately prior to the effective date  
16           of this section.

17           A health care facility may employ or contract with an individual to practice surgical  
18           technology during the 6-month period immediately following the individual's successful  
19           completion of a surgical technology program described in subsection 2, paragraph A.  
20           The health care facility shall terminate the employment or contract at the end of the 6-  
21           month period unless the individual satisfies the certification requirement of subsection 2,  
22           paragraph A.

23           **3. Continuing education.** A surgical technologist employed or contracted with by a  
24           health care facility who is certified according to subsection 2, paragraph A shall comply  
25           with the continuing education requirements set forth by the credentialing organization as  
26           necessary to keep the certification current and shall provide proof of compliance with  
27           those continuing education requirements to the health care facility upon the health care  
28           facility's request.

29           A surgical technologist employed or contracted with by a health care facility who is not  
30           certified according to subsection 2, paragraph A must complete 30 hours of relevant  
31           continuing education every 2 years in order to remain eligible to practice surgical  
32           technology and is responsible for proving, to the satisfaction of the health care facility,  
33           compliance with this requirement.

34           **4. Exemption.** A federal health care facility that provides surgical services and an  
35           individual practicing surgical technology in such a federal health care facility are exempt  
36           from the requirements of this section.

37           **5. Critical access hospital.** A critical access hospital shall make every effort to  
38           employ surgical technologists who are certified in accordance with subsection 2,  
39           paragraph A, but may employ a surgical technologist who does not qualify under  
40           subsection 2, paragraph A if the critical access hospital:

41           A. Conducts exhaustive and verifiable recruitment efforts;

