

SECOND REGULAR SESSION

# HOUSE BILL NO. 1935

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MAY (Sponsor), WILDBERGER, SMITH (150), MCGHEE,  
PORTWOOD AND BAKER (25) (Co-sponsors).

Read 1st time January 31, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4707L.01I

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### AN ACT

To amend chapter 334, RSMo, by adding thereto one new section relating to the practice of surgical technology.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 334, RSMo, is amended by adding thereto one new section, to be  
2 known as section 334.475, to read as follows:

**334.475. 1. As used in this section, "surgical technology" means intraoperative  
2 surgical patient care that involves:**

**3 (1) Preparing the operating room for surgical procedures by ensuring that surgical  
4 equipment is functioning properly and safely;**

**5 (2) Preparing the operating room and the sterile field for surgical procedures by  
6 preparing sterile supplies, instruments, and equipment using sterile technique; and**

**7 (3) As directed in an operating room setting, performing tasks within the sterile  
8 field, including:**

**9 (a) Passing supplies, equipment, or instruments;**

**10 (b) Sponging or suctioning an operative site;**

**11 (c) Preparing and cutting suture materials;**

**12 (d) Transferring fluids or drugs;**

**13 (e) Holding retractors; and**

**14 (f) Assisting in counting sponges, needles, supplies, and instruments.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           **2. No person shall practice surgical technology in a health care facility unless such**  
16 **person meets one of the following:**

17           **(1) Has successfully completed an accredited educational program for surgical**  
18 **technologists, and holds and maintains the surgical technologist certification administered**  
19 **by the National Board of Surgical Technology and Surgical Assisting, or its successor**  
20 **entity; or**

21           **(2) Has completed an appropriate training program for surgical technology in the**  
22 **army, navy, air force, marine corps, or coast guard of the United States or in the United**  
23 **States Public Health Service; or**

24           **(3) Provides evidence that such person was employed during the five-year period**  
25 **immediately preceding the effective date of this section to practice surgical technology for**  
26 **not less than two years in a health care facility; or**

27           **(4) Is in the service of the federal government, to the extent such person is**  
28 **performing duties related to such service.**

29           **3. (1) A person qualified to be employed to practice surgical technology in a health**  
30 **care facility under subdivision (1), (2), or (3) of subsection 2 of this section shall annually**  
31 **complete fifteen hours of continuing education to remain qualified for employment.**

32           **(2) A health care facility that employs a person to practice surgical technology shall**  
33 **verify that the person meets the continuing education requirements of subdivision (1) of**  
34 **this subsection and, where applicable, that the person has maintained his or her surgical**  
35 **technologist certification.**

36           **4. A health care facility shall supervise each person employed by the facility to**  
37 **practice surgical technology in accordance with the health care facility's policies and**  
38 **procedures to ensure that such person competently performs delegated tasks**  
39 **intraoperatively and in accordance with this section and all applicable state law.**

40           **5. Nothing in this section shall prohibit any licensed practitioner from performing**  
41 **surgical technology tasks or functions if such licensed practitioner is acting within the**  
42 **scope of his or her license.**

43           **6. The department of health and senior services shall enforce the provisions of this**  
44 **section. The department may promulgate rules to implement this section. Any rule or**  
45 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**  
46 **the authority delegated in this section shall become effective only if it complies with and**  
47 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**  
48 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**  
49 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**  
50 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**

51 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**  
52 **2008, shall be invalid and void.**

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