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LAW/RWH

P.L.2011, CHAPTER 148, *approved December 20, 2011*
Assembly, No. 3946 (*Third Reprint*)

1 **AN ACT** requiring certain qualifications for employment as a
2 surgical technologist and supplementing P.L.1971, c.136
3 (C.26:2H-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. For purposes of this act:

9 "Health care facility" means a hospital or other health care
10 facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

11 "Surgical technologist" means a person who is authorized to
12 practice surgical technology pursuant to the provisions of this act.

13 "Surgical technology" means surgical patient care that includes,
14 but is not limited to, the following tasks or functions:

15 (1) preparing the operating room for surgical procedures by
16 ensuring that surgical equipment is functioning properly and
17 safely;

18 (2) preparing the operating room and the sterile field for surgical
19 procedures by preparing sterile supplies, instruments, and
20 equipment using sterile technique;

21 (3) anticipating the needs of the surgical team based on
22 knowledge of human anatomy and pathophysiology and how
23 they relate to the surgical patient and the patient's surgical
24 procedure; and

25 (4) as directed, performing tasks at the sterile field including:

26 (a) passing supplies, equipment or instruments;

27 (b) sponging or suctioning an operative site;

28 (c) preparing and cutting suture material;

29 (d) transferring and irrigating with fluids;

30 (e) transferring and administering drugs within the sterile field,
31 according to applicable law;

32 (f) handling specimens;

33 (g) holding retractors and other instruments;

34 (h) applying electrocautery to clamps on bleeders;

35 (i) connecting drains to suction apparatus;

36 (j) applying dressings to closed wounds; and

EXPLANATION – Matter enclosed in bold-faced brackets [**thus**] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted June 13, 2011.

²Senate floor amendments adopted June 27, 2011.

³Assembly amendments adopted in accordance with Governor's
recommendations December 1, 2011.

1 (k) performing sponge, needle, supply and instrument counts
2 with the registered nurse circulator.

3
4 2. No person shall practice surgical technology in a health care
5 facility unless that person:

6 a. has successfully completed a nationally ³or regionally³
7 accredited educational program for surgical technologists ³[and] ³;
8 or

9 ³b.³ holds and maintains ³[the] ³a³ certified surgical technologist
10 credential administered by the National Board of Surgical
11 Technology and Surgical Assisting or its successor¹, or other
12 nationally ³[accredited] ³recognized³ credentialing organization
13 ²[approved by the Department of Health and Senior Services¹]²; or

14 ³[b.] ³c.³ has completed an appropriate training program for
15 surgical technology in the Army, Navy, Air Force, Marine Corps, or
16 Coast Guard of the United States or in the United States Public
17 Health Service Commissioned Corps; or

18 ³[c.] ³d.³ provides evidence that the person was employed to
19 practice surgical technology in a health care facility on the effective
20 date of this act; or

21 ³[d.] ³e.³ is in the service of the federal government, to the extent
22 that individual is performing surgical technology duties related to
23 that service.

24
25 ³[3. Notwithstanding the provisions of subsection a. of section 2
26 of this act, a person may be employed or contracted to practice
27 surgical technology during the 12-month period immediately
28 following successful completion of a surgical technology program,
29 but shall not continue to be employed or contracted beyond that
30 period without submitting documentation to that person's employer
31 that he holds and maintains the certified surgical technologist
32 credential prescribed in subsection a. of section 2 of this act.]³

33
34 ³[4.] ³3.³ A health care facility shall not employ or otherwise
35 contract for the services of a surgical technologist unless the person
36 employed or contracted meets the requirements of section 2 ³[or,
37 where applicable, section 3]³ of this act.

38
39 ³[5. a.] ³4.³ A person who qualifies to practice surgical
40 technology in a health care facility under ³[subsection b. or c. of]³
41 section 2 of this act shall annually complete 15 hours of continuing
42 education to remain qualified to practice as a surgical technologist
43 in this State.

44 ³[b. A health care facility that employs or contracts with a
45 person to practice surgical technology shall verify, where
46 applicable, that the person meets: (1) the continuing education

1 requirements of subsection a. of this section; and (2) the
2 requirements of subsection a. of section 2 of this act.]³

3

4 ³5. A health care facility that employs or contracts with a person
5 to practice surgical technology shall verify that the person meets: a.
6 the continuing education requirements of section 4 of this act; and
7 b. the requirements of section 2 of this act.³

8

9 6. Nothing in this act shall prohibit any person licensed under
10 any other law from practicing surgical technology if the person is
11 acting within the scope of practice of his license.

12

13 ²[7. The Commissioner of the Department of Health and Senior
14 Services shall adopt rules and regulations pursuant to the
15 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
16 seq.), necessary to effectuate the purposes of this act.]²

17

18 ²[8.] 7.² This act shall take effect immediately ³, except that
19 section 4 shall take effect one year from the date of enactment³.

20

21

22

23

24 _____
25 Requires certain qualifications for employment as a surgical
technologist.

ASSEMBLY, No. 3946

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 5, 2011

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman NANCY F. MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblywoman Voss and Assemblyman Giblin

SYNOPSIS

Requires certain qualifications for employment as a surgical technologist.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/14/2011)

1 AN ACT requiring certain qualifications for employment as a
2 surgical technologist and supplementing P.L.1971, c.136
3 (C.26:2H-1 et seq.).

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. For purposes of this act:

9 "Health care facility" means a hospital or other health care
10 facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

11 "Surgical technologist" means a person who is authorized to
12 practice surgical technology pursuant to the provisions of this act.

13 "Surgical technology" means surgical patient care that includes,
14 but is not limited to, the following tasks or functions:

15 (1) preparing the operating room for surgical procedures by
16 ensuring that surgical equipment is functioning properly and
17 safely;

18 (2) preparing the operating room and the sterile field for surgical
19 procedures by preparing sterile supplies, instruments, and
20 equipment using sterile technique;

21 (3) anticipating the needs of the surgical team based on
22 knowledge of human anatomy and pathophysiology and how
23 they relate to the surgical patient and the patient's surgical
24 procedure; and

25 (4) as directed, performing tasks at the sterile field including:

26 (a) passing supplies, equipment or instruments;

27 (b) sponging or suctioning an operative site;

28 (c) preparing and cutting suture material;

29 (d) transferring and irrigating with fluids;

30 (e) transferring and administering drugs within the sterile field,
31 according to applicable law;

32 (f) handling specimens;

33 (g) holding retractors and other instruments;

34 (h) applying electrocautery to clamps on bleeders;

35 (i) connecting drains to suction apparatus;

36 (j) applying dressings to closed wounds; and

37 (k) performing sponge, needle, supply and instrument counts
38 with the registered nurse circulator.

39
40 2. No person shall practice surgical technology in a health care
41 facility unless that person:

42 a. has successfully completed a nationally accredited
43 educational program for surgical technologists and holds and
44 maintains the certified surgical technologist credential administered
45 by the National Board of Surgical Technology and Surgical
46 Assisting or its successor; or

47 b. has completed an appropriate training program for surgical
48 technology in the Army, Navy, Air Force, Marine Corps, or Coast

1 Guard of the United States or in the United States Public Health
2 Service Commissioned Corps; or

3 c. provides evidence that the person was employed to practice
4 surgical technology in a health care facility on the effective date of
5 this act; or

6 d. is in the service of the federal government, to the extent that
7 individual is performing surgical technology duties related to that
8 service.

9
10 3. Notwithstanding the provisions of subsection a. of section 2
11 of this act, a person may be employed or contracted to practice
12 surgical technology during the 12-month period immediately
13 following successful completion of a surgical technology program,
14 but shall not continue to be employed or contracted beyond that
15 period without submitting documentation to that person's employer
16 that he holds and maintains the certified surgical technologist
17 credential prescribed in subsection a. of section 2 of this act.

18
19 4. A health care facility shall not employ or otherwise contract
20 for the services of a surgical technologist unless the person
21 employed or contracted meets the requirements of section 2 or,
22 where applicable, section 3 of this act.

23
24 5. a. A person who qualifies to practice surgical technology in
25 a health care facility under subsection b. or c. of section 2 of this act
26 shall annually complete 15 hours of continuing education to remain
27 qualified to practice as a surgical technologist in this State.

28 b. A health care facility that employs or contracts with a person
29 to practice surgical technology shall verify, where applicable, that
30 the person meets: (1) the continuing education requirements of
31 subsection a. of this section; and (2) the requirements of subsection
32 a. of section 2 of this act.

33
34 6. Nothing in this act shall prohibit any person licensed under
35 any other law from practicing surgical technology if the person is
36 acting within the scope of practice of his license.

37
38 7. The Commissioner of the Department of Health and Senior
39 Services shall adopt rules and regulations pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), necessary to effectuate the purposes of this act.

42
43 8. This act shall take effect immediately.

STATEMENT

1

2

3 This bill provides that a health care facility shall not employ or
4 retain the services of an individual to perform surgical technology
5 unless that individual has: (1) successfully completed a nationally
6 accredited education program for surgical technologists and holds
7 and maintains a certified surgical technologist credential
8 administered by the National Board of Surgical Technology and
9 Surgical Assisting or its successor; or (2) completed an appropriate
10 training program for surgical technology offered by one of the five
11 branches of the military or the United States Public Health Service
12 Commissioned Corps; or (3) provided evidence that the individual
13 was employed to practice surgical technology in a health care
14 facility on the effective date of this act; or (4) practiced surgical
15 technology within the scope of his official duties when employed by
16 any agency, bureau or division of the federal government.

17 The bill further provides that an individual may continue to be
18 employed or contracted to practice surgical technology in a health
19 care facility in this State during the 12-month period immediately
20 following that individual's successful completion of a surgical
21 technology program; however, the individual may not maintain his
22 employment with the health care facility beyond that 12-month
23 period without providing his employer with documentation that he
24 holds a certified surgical technologist credential.

25 The bill provides that individuals who have completed an
26 appropriate training program for surgical technology via one of the
27 five branches of the armed forces or the United States Public Health
28 Service Commissioned Corps, or who provide evidence that they
29 were employed to practice surgical technology in a health care
30 facility on the effective date of this act must complete 15 hours of
31 continuing education annually. The bill further provides that a
32 health care facility that employs individuals to practice surgical
33 technology must verify, where applicable, that they meet the
34 continuing education requirements, as prescribed in the bill, and,
35 where applicable, have successfully completed a nationally
36 accredited educational program for surgical technologists and
37 possess the certified surgical technologist credential specified in the
38 bill.

39 The bill further provides that nothing contained in the bill shall
40 prohibit any licensed practitioner from performing surgical
41 technology if the individual is acting within the scope of that
42 practitioner's license.

43 Finally, the bill provides that the Commissioner of the
44 Department of Health and Senior Services shall adopt rules and
45 regulations necessary to effectuate the purposes of the bill.

46 As used in this bill, the term "surgical technologist" means a
47 person who practices surgical technology pursuant to the provisions

- 1 of the bill. “Surgical technology” means surgical patient care that
2 includes, but is not limited to, the following tasks or functions:
- 3 (1) preparing the operating room for surgical procedures by
4 ensuring that surgical equipment is functioning properly and
5 safely;
 - 6 (2) preparing the operating room and the sterile field for surgical
7 procedures by preparing sterile supplies, instruments, and
8 equipment using sterile technique;
 - 9 (3) anticipating the needs of the surgical team based on
10 knowledge of human anatomy and pathophysiology and how
11 they relate to the surgical patient and the patient’s surgical
12 procedure; and
 - 13 (4) as directed, performing various tasks at the sterile field.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3946

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2011

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 3946.

As amended, this bill provides that a health care facility shall not employ or retain the services of an individual to perform surgical technology unless that individual has: (1) successfully completed a nationally accredited education program for surgical technologists and holds and maintains a certified surgical technologist credential administered by the National Board of Surgical Technology and Surgical Assisting or its successor, or other nationally accredited credentialing organization approved by the Department of Health and Senior Services; or (2) completed an appropriate training program for surgical technology offered by one of the five branches of the military or the United States Public Health Service Commissioned Corps; or (3) provided evidence that the individual was employed to practice surgical technology in a health care facility on the effective date of this act; or (4) practiced surgical technology within the scope of his official duties when employed by any agency, bureau or division of the federal government.

The bill further provides that an individual may continue to be employed or contracted to practice surgical technology in a health care facility in this State during the 12-month period immediately following that individual's successful completion of a surgical technology program; however, the individual may not maintain his employment with the health care facility beyond that 12-month period without providing his employer with documentation that he holds a certified surgical technologist credential.

The bill provides that individuals who have completed an appropriate training program for surgical technology via one of the five branches of the armed forces or the United States Public Health Service Commissioned Corps, or who provide evidence that they were employed to practice surgical technology in a health care facility on the effective date of this act must complete 15 hours of continuing education annually. The bill further provides that a health care facility that employs individuals to practice surgical technology must verify, where applicable, that they meet the continuing education

requirements, as prescribed in the bill, and, where applicable, have successfully completed a nationally accredited educational program for surgical technologists and possess the certified surgical technologist credential specified in the bill.

The bill further provides that nothing contained in the bill shall prohibit any licensed practitioner from performing surgical technology if the individual is acting within the scope of that practitioner's license.

Finally, the bill provides that the Commissioner of the Department of Health and Senior Services shall adopt rules and regulations necessary to effectuate the purposes of the bill.

As used in this bill, the term “surgical technologist” means a person who practices surgical technology pursuant to the provisions of the bill. “Surgical technology” means surgical patient care that includes, but is not limited to, the following tasks or functions:

- (1) preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;
- (2) preparing the operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;
- (3) anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient’s surgical procedure; and
- (4) as directed, performing various tasks at the sterile field.

Committee Amendments

The committee amended the bill to provide that the surgical technologist credentials required in the bill may be from the National Board of Surgical Technology and Surgical Assisting or its successor, as originally stated in the bill, or other nationally accredited credentialing organization approved by the Department of Health and Senior Services.

As amended by the committee, this bill is identical to Senate Bill No. 2817 (1R), which was also reported favorably by the Senate Health, Human Services and Senior Citizens Committee today.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3946

with Senate Floor Amendments
(Proposed by Senator BUONO)

ADOPTED: JUNE 27, 2011

These floor amendments delete language that provided that the Department of Health and Senior Services would approve an alternate surgical technologist credentialing organization, and delete the provision authorizing the department to adopt rules and regulations to carry out the purposes of the bill.

SENATE, No. 2817

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED APRIL 11, 2011

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senator Weinberg

SYNOPSIS

Requires certain qualifications for employment as a surgical technologist.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2011)

1 AN ACT requiring certain qualifications for employment as a
2 surgical technologist and supplementing P.L.1971, c.136
3 (C.26:2H-1 et seq.).

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. For purposes of this act:

9 "Health care facility" means a hospital or other health care
10 facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

11 "Surgical technologist" means a person who is authorized to
12 practice surgical technology pursuant to the provisions of this act.

13 "Surgical technology" means surgical patient care that includes,
14 but is not limited to, the following tasks or functions:

15 (1) preparing the operating room for surgical procedures by
16 ensuring that surgical equipment is functioning properly and
17 safely;

18 (2) preparing the operating room and the sterile field for surgical
19 procedures by preparing sterile supplies, instruments, and
20 equipment using sterile technique;

21 (3) anticipating the needs of the surgical team based on
22 knowledge of human anatomy and pathophysiology and how
23 they relate to the surgical patient and the patient's surgical
24 procedure; and

25 (4) as directed, performing tasks at the sterile field including:

26 (a) passing supplies, equipment or instruments;

27 (b) sponging or suctioning an operative site;

28 (c) preparing and cutting suture material;

29 (d) transferring and irrigating with fluids;

30 (e) transferring and administering drugs within the sterile field,
31 according to applicable law;

32 (f) handling specimens;

33 (g) holding retractors and other instruments;

34 (h) applying electrocautery to clamps on bleeders;

35 (i) connecting drains to suction apparatus;

36 (j) applying dressings to closed wounds; and

37 (k) performing sponge, needle, supply and instrument counts
38 with the registered nurse circulator.

39
40 2. No person shall practice surgical technology in a health care
41 facility unless that person:

42 a. has successfully completed a nationally accredited
43 educational program for surgical technologists and holds and
44 maintains the certified surgical technologist credential administered
45 by the National Board of Surgical Technology and Surgical
46 Assisting or its successor; or

47 b. has completed an appropriate training program for surgical
48 technology in the Army, Navy, Air Force, Marine Corps, or Coast

1 Guard of the United States or in the United States Public Health
2 Service Commissioned Corps; or

3 c. provides evidence that the person was employed to practice
4 surgical technology in a health care facility on the effective date of
5 this act; or

6 d. is in the service of the federal government, to the extent that
7 individual is performing surgical technology duties related to that
8 service.

9
10 3. Notwithstanding the provisions of subsection a. of section 2
11 of this act, a person may be employed or contracted to practice
12 surgical technology during the 12-month period immediately
13 following successful completion of a surgical technology program,
14 but shall not continue to be employed or contracted beyond that
15 period without submitting documentation to that person's employer
16 that he holds and maintains the certified surgical technologist
17 credential prescribed in subsection a. of section 2 of this act.

18
19 4. A health care facility shall not employ or otherwise contract
20 for the services of a surgical technologist unless the person
21 employed or contracted meets the requirements of section 2 or,
22 where applicable, section 3 of this act.

23
24 5. a. A person who qualifies to practice surgical technology in
25 a health care facility under subsection b. or c. of section 2 of this act
26 shall annually complete 15 hours of continuing education to remain
27 qualified to practice as a surgical technologist in this State.

28 b. A health care facility that employs or contracts with a person
29 to practice surgical technology shall verify, where applicable, that
30 the person meets: (1) the continuing education requirements of
31 subsection a. of this section; and (2) the requirements of subsection
32 a. of section 2 of this act.

33
34 6. Nothing in this act shall prohibit any person licensed under
35 any other law from practicing surgical technology if the person is
36 acting within the scope of practice of his license.

37
38 7. The Commissioner of the Department of Health and Senior
39 Services shall adopt rules and regulations pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), necessary to effectuate the purposes of this act.

42
43 8. This act shall take effect immediately.

STATEMENT

1

2

3 This bill provides that a health care facility shall not employ or
4 retain the services of an individual to perform surgical technology
5 unless that individual has: (1) successfully completed a nationally
6 accredited education program for surgical technologists and holds
7 and maintains a certified surgical technologist credential
8 administered by the National Board of Surgical Technology and
9 Surgical Assisting or its successor; or (2) completed an appropriate
10 training program for surgical technology offered by one of the five
11 branches of the military or the United States Public Health Service
12 Commissioned Corps; or (3) provided evidence that the individual
13 was employed to practice surgical technology in a health care
14 facility on the effective date of this act; or (4) practiced surgical
15 technology within the scope of his official duties when employed by
16 any agency, bureau or division of the federal government.

17 The bill further provides that an individual may continue to be
18 employed or contracted to practice surgical technology in a health
19 care facility in this State during the 12-month period immediately
20 following that individual's successful completion of a surgical
21 technology program; however, the individual may not maintain his
22 employment with the health care facility beyond that 12-month
23 period without providing his employer with documentation that he
24 holds a certified surgical technologist credential.

25 The bill provides that individuals who have completed an
26 appropriate training program for surgical technology via one of the
27 five branches of the armed forces or the United States Public Health
28 Service Commissioned Corps, or who provide evidence that they
29 were employed to practice surgical technology in a health care
30 facility on the effective date of this act must complete 15 hours of
31 continuing education annually. The bill further provides that a
32 health care facility that employs individuals to practice surgical
33 technology must verify, where applicable, that they meet the
34 continuing education requirements, as prescribed in the bill, and,
35 where applicable, have successfully completed a nationally
36 accredited educational program for surgical technologists and
37 possess the certified surgical technologist credential specified in the
38 bill.

39 The bill further provides that nothing contained in the bill shall
40 prohibit any licensed practitioner from performing surgical
41 technology if the individual is acting within the scope of that
42 practitioner's license.

43 Finally, the bill provides that the Commissioner of the
44 Department of Health and Senior Services shall adopt rules and
45 regulations necessary to effectuate the purposes of the bill.

46 As used in this bill, the term "surgical technologist" means a
47 person who practices surgical technology pursuant to the provisions

- 1 of the bill. “Surgical technology” means surgical patient care that
2 includes, but is not limited to, the following tasks or functions:
- 3 (1) preparing the operating room for surgical procedures by
4 ensuring that surgical equipment is functioning properly and
5 safely;
 - 6 (2) preparing the operating room and the sterile field for surgical
7 procedures by preparing sterile supplies, instruments, and
8 equipment using sterile technique;
 - 9 (3) anticipating the needs of the surgical team based on
10 knowledge of human anatomy and pathophysiology and how
11 they relate to the surgical patient and the patient’s surgical
12 procedure; and
 - 13 (4) as directed, performing various tasks at the sterile field.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2817

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2011

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 2817.

As amended by the committee, this bill prohibits a health care facility from employing or retaining an individual to perform surgical technology unless the individual has:

- successfully completed a nationally accredited education program for surgical technologists and holds and maintains a certified surgical technologist credential administered by the National Board of Surgical Technology and Surgical Assisting, its successor, or a nationally accredited credentialing organization approved by the Department of Health and Senior Services;
- completed an appropriate training program for surgical technology offered by a branch of the military or the United States Public Health Service Commissioned Corps;
- provided evidence of employment practicing surgical technology in a health care facility on the effective date of the bill; or
- practiced surgical technology within the scope of his official duties as a federal employee.

Under the bill, an individual may continue to be employed or contracted to practice surgical technology in a health care facility in this State during the 12-month period immediately following his successful completion of a surgical technology program; however, the individual may not maintain employment with the health care facility beyond that 12-month period without providing the employer with documentation of the certified surgical technologist credential.

Individuals who have completed training via a branch of the armed forces or the United States Public Health Service Commissioned Corps, or who provide evidence that they were employed to practice surgical technology in a health care facility on the effective date of the bill must complete 15 hours of continuing education annually. The bill further provides that a health care facility that employs individuals to practice surgical technology must verify, where applicable, that they

meet the continuing education requirements, and, where applicable, have successfully completed a nationally accredited educational program for surgical technologists and possess the requisite credential.

The bill further provides that nothing contained in the bill shall prohibit any licensed practitioner from performing surgical technology within the scope of that practitioner's license.

The bill directs the Commissioner of Health and Senior Services to adopt rules and regulations necessary to effectuate the purposes of the bill.

The term “surgical technologist” is defined in the bill to mean a person who practices surgical technology. “Surgical technology” means surgical patient care that includes, but is not limited to, the following tasks or functions:

- (1) preparing the operating room by ensuring that surgical equipment is functioning properly and safely;
- (2) preparing the operating room and sterile field by preparing supplies, instruments, and equipment using sterile technique;
- (3) anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and their relation to the patient and the procedure; and
- (4) as directed, performing various tasks at the sterile field.

The committee amended the bill to clarify that the required credentials may be from the National Board of Surgical Technology and Surgical Assisting or its successor, “or other nationally accredited credentialing organization approved by the Department of Health and Senior Services.”

As amended, this bill is identical to Assembly Bill No. 3946 (ACA) (Diegnan/Munoz), which is pending before the General Assembly.

STATEMENT TO
[First Reprint]
SENATE, No. 2817

with Senate Floor Amendments
(Proposed by Senator BUONO)

ADOPTED: JUNE 27, 2011

These floor amendments delete language that provided that the Department of Health and Senior Services would approve an alternate surgical technologist credentialing organization, and delete the provision authorizing the department to adopt rules and regulations to carry out the purposes of the bill.

ASSEMBLY BILL NO. 3946
(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3946 (Second Reprint) with my recommendations for reconsideration.

This legislation would provide that a health care facility may not hire a person to serve as a surgical technologist unless that individual meets certain qualifications and would require surgical technologists to complete 15 hours of continuing education annually to remain qualified to practice as a surgical technologist in New Jersey. Under the bill, the health care facility that employs or contracts with a person to practice surgical technology would be required to verify that the individual holds the appropriate surgical technologist credential and meets the continuing education requirements.

I commend the sponsors for putting forward legislation that seeks to improve patient safety. Patient safety and a commitment to delivering high-quality health care are, and must continue to be, the primary goals of our health care system. Surgical technologists are part of the surgical team and it is critical that New Jersey's health care facilities hire the most competent and qualified surgical technologists.

Under current law, surgical technologists are not subject to the oversight of any separate professional board. Instead, health care facilities are responsible under the law for hiring qualified surgical technologists and, as a result, are liable for their conduct. This bill would not change this aspect of the law. Rather, it would add some additional criteria for becoming a surgical technologist and imposes a continuing education obligation.

While the bill does not change the manner in which surgical technologists are regulated as a profession, it does represent a positive step forward in increasing patient safety and ensuring that high-quality health care is delivered in this State. However, as drafted, the bill would limit the pool of candidates eligible for employment as a surgical technologist at a health care facility only to those individuals who possess a specific credential. Based on my review of the legislative record, it is not clear that this limitation will fully serve the public interest. I am concerned that this limitation may exclude hundreds of current and future qualified candidates from various vocational and county college programs from even submitting a job application.

Under the law, health care facilities serve as the primary gatekeepers on ensuring that only qualified individuals are hired. Given their legal liability and professional obligations, health care facilities have every legal and financial incentive to hire only the best and most qualified candidates. Therefore, I recommend revising the bill to eliminate this limitation to increase competition and ensure that the strongest and most competitive pool of candidates will be available for health care facilities to consider for these positions. In addition, I recommend revising the bill to make the continuing education requirement more fair and uniform for all surgical technologists practicing in New Jersey.

Accordingly, I herewith return Assembly Bill No. 3946 (Second Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 2, Line 42:</u>	After "nationally" insert "or regionally"
<u>Page 2, Section 2, Line 43:</u>	After "technologists" delete "and" and insert "; or b."
<u>Page 2, Section 2, Line 44:</u>	After "maintains" delete "the" and insert "a"

Page 3, Section 2, Line 2: After "nationally" delete "accredited" and insert "recognized"

Page 3, Section 2, Line 5: Delete "b." and insert "c."

Page 3, Section 2, Line 9: Delete "c." and insert "d."

Page 3, Section 2, Line 12: Delete "d." and insert "e."

Page 3, Section 3, Lines 16-23: Delete in their entirety

Page 3, Section 4, Line 25: Delete "4." and insert "3."

Page 3, Section 4, Lines 27-28: After "section 2" delete "or, where applicable, section 3"

Page 3, Section 5, Line 30: Delete "5. a." and insert "4."

Page 3, Section 5, Line 31: After "under" delete "subsection b. or c. of"

Page 3, Section 5, Line 34: Delete "b." and insert "5."

Page 3, Section 5, Line 35: Delete ", where applicable,"

Page 3, Section 5, Line 37: Delete "subsection a. of this section" and insert "section 4 of this act"

Page 3, Section 5, Lines 37-38: After "the requirements" delete "of subsection a."

Page 4, Section 7, Line 1: After "immediately" insert ", except that section 4 shall take effect one year from the date of enactment"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor