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RWH/JA

P.L. 2019, CHAPTER 226, *approved August 9, 2019*
Senate, No. 3334

1 AN ACT concerning surgical technologists and amending P.L.2011,
2 c.148.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.2011, c.148 (C.26:2H-12.63) is amended to
8 read as follows:

9 2. No person shall practice surgical technology in a health care
10 facility unless that person:

11 a. has successfully completed a nationally or regionally
12 accredited educational program for surgical technologists; or

13 b. holds and maintains a certified surgical technologist
14 credential administered by the National Board of Surgical
15 Technology and Surgical Assisting or its successor, or other
16 nationally recognized credentialing organization; or

17 c. has completed an appropriate training program for surgical
18 technology in the Army, Navy, Air Force, Marine Corps, or Coast
19 Guard of the United States or in the United States Public Health
20 Service Commissioned Corps; or

21 d. provides evidence that the person was employed to practice
22 surgical technology in a health care facility on the effective date of
23 **[this act]** P.L.2011, c.148 (C.26:2H-12.62 et seq.) or that the
24 person was employed to practice surgical technology in a surgical
25 practice, as defined in subsection g. of section 12 of P.L.1971,
26 c.136 (C.26:2H-12), on the effective date of section 1 of P.L.2017,
27 c.283; or

28 e. is in the service of the federal government, to the extent that
29 individual is performing surgical technology duties related to that
30 service.

31 (cf: P.L.2011, c.148, s.2)

32
33 2. This act shall take effect immediately and shall be
34 retroactive to the effective date of section 1 of P.L.2017, c.283.

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STATEMENT

38

39 This bill provides that the training and certification requirements
40 for surgical technologists set forth under current law do not apply to
41 surgical technologists who were employed at a surgical practice on

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.

1 the effective date of section 1 of P.L.2017, c.283, which amended
2 section 12 of P.L.1971, c.136 (C.26:2H-12) to require that surgical
3 practices be licensed by the Department of Health as ambulatory
4 care facilities. Prior to that enactment, surgical practices, which are
5 surgical care facilities with a single operating room, were required
6 to register with the department but were not required to obtain full
7 licensure. As a consequence of the enactment, surgical practices
8 now constitute licensed health care facilities within the meaning of
9 P.L.2011, c.184 (C.26:2H-12.62 et seq.), and surgical technologists
10 employed at the existing surgical practices are now required to
11 demonstrate that they either: completed an accredited surgical
12 technologist educational program; hold and maintain a certified
13 surgical technologist credential; completed a military-based or
14 United States Public Health Service Commissioned Corps surgical
15 technologist training program; are in the service of the federal
16 government; or were employed to practice surgical technology in a
17 licensed health care facility on the effective date of P.L.2011, c.184.

18 It is the sponsor's belief that many surgical technologists
19 currently employed at surgical practices will be unable to
20 demonstrate compliance with these educational and training
21 requirements. As a result, the enactment of P.L.2017, c.283 may
22 require surgical practices to terminate the employment of any
23 noncompliant surgical technologists, potentially resulting in
24 significant job loss and affecting the ability of surgical practices to
25 provide surgical services, which may in turn result in adverse health
26 consequences for individuals who require medically necessary
27 surgical treatment. It is the sponsor's belief that this legislation is
28 necessary to prevent job loss, avoid disruption of planned,
29 scheduled surgeries, and ensure patients in New Jersey have
30 uninterrupted access to surgical care.

31 Surgical technologists provide a variety of essential support
32 services before, during, and after surgery, including preparing the
33 operating room, assisting with equipment and supply counts, and
34 assisting during surgical procedures by passing supplies and
35 equipment, sponging, suctioning, and irrigating the surgical area,
36 handling specimens, holding retractors and other instruments,
37 applying electrocautery, and applying dressings to closed wounds.

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42 Exempts certain surgical technologists from general educational
43 and training requirements.

SENATE, No. 3334

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 17, 2019

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Exempts certain surgical technologists from general educational and training requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

S3334 DIEGNAN, VITALE

2

1 AN ACT concerning surgical technologists and amending P.L.2011,
2 c.148.

3

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

6

7 1. Section 2 of P.L.2011, c.148 (C.26:2H-12.63) is amended to
8 read as follows:

9 2. No person shall practice surgical technology in a health care
10 facility unless that person:

11 a. has successfully completed a nationally or regionally
12 accredited educational program for surgical technologists; or

13 b. holds and maintains a certified surgical technologist
14 credential administered by the National Board of Surgical
15 Technology and Surgical Assisting or its successor, or other
16 nationally recognized credentialing organization; or

17 c. has completed an appropriate training program for surgical
18 technology in the Army, Navy, Air Force, Marine Corps, or Coast
19 Guard of the United States or in the United States Public Health
20 Service Commissioned Corps; or

21 d. provides evidence that the person was employed to practice
22 surgical technology in a health care facility on the effective date of
23 **[this act]** P.L.2011, c.148 (C.26:2H-12.62 et seq.) or that the
24 person was employed to practice surgical technology in a surgical
25 practice, as defined in subsection g. of section 12 of P.L.1971,
26 c.136 (C.26:2H-12), on the effective date of section 1 of P.L.2017,
27 c.283; or

28 e. is in the service of the federal government, to the extent that
29 individual is performing surgical technology duties related to that
30 service.

31 (cf: P.L.2011, c.148, s.2)

32

33 2. This act shall take effect immediately and shall be
34 retroactive to the effective date of section 1 of P.L.2017, c.283.

35

36

37

STATEMENT

38

39 This bill provides that the training and certification requirements
40 for surgical technologists set forth under current law do not apply to
41 surgical technologists who were employed at a surgical practice on
42 the effective date of section 1 of P.L.2017, c.283, which amended
43 section 12 of P.L.1971, c.136 (C.26:2H-12) to require that surgical
44 practices be licensed by the Department of Health as ambulatory
45 care facilities. Prior to that enactment, surgical practices, which are

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.

1 surgical care facilities with a single operating room, were required
2 to register with the department but were not required to obtain full
3 licensure. As a consequence of the enactment, surgical practices
4 now constitute licensed health care facilities within the meaning of
5 P.L.2011, c.184 (C.26:2H-12.62 et seq.), and surgical technologists
6 employed at the existing surgical practices are now required to
7 demonstrate that they either: completed an accredited surgical
8 technologist educational program; hold and maintain a certified
9 surgical technologist credential; completed a military-based or
10 United States Public Health Service Commissioned Corps surgical
11 technologist training program; are in the service of the federal
12 government; or were employed to practice surgical technology in a
13 licensed health care facility on the effective date of P.L.2011, c.184.

14 It is the sponsor's belief that many surgical technologists
15 currently employed at surgical practices will be unable to
16 demonstrate compliance with these educational and training
17 requirements. As a result, the enactment of P.L.2017, c.283 may
18 require surgical practices to terminate the employment of any
19 noncompliant surgical technologists, potentially resulting in
20 significant job loss and affecting the ability of surgical practices to
21 provide surgical services, which may in turn result in adverse health
22 consequences for individuals who require medically necessary
23 surgical treatment. It is the sponsor's belief that this legislation is
24 necessary to prevent job loss, avoid disruption of planned,
25 scheduled surgeries, and ensure patients in New Jersey have
26 uninterrupted access to surgical care.

27 Surgical technologists provide a variety of essential support
28 services before, during, and after surgery, including preparing the
29 operating room, assisting with equipment and supply counts, and
30 assisting during surgical procedures by passing supplies and
31 equipment, sponging, suctioning, and irrigating the surgical area,
32 handling specimens, holding retractors and other instruments,
33 applying electrocautery, and applying dressings to closed wounds.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3334

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3334.

This bill provides an exception to the current training and certification requirements for surgical technologists, which are medical personnel who provide support services before, during, and after surgery, including preparing the operating room, assisting with equipment and supply counts, and assisting during surgical procedures by passing supplies and equipment, sponging, suctioning, and irrigating the surgical area, handling specimens, holding retractors and other instruments, applying electrocautery, and applying dressings to closed wounds.

Formerly, surgical technologists employed at a surgery practice, which is a surgical care facility with a single operating room, were not required to meet certain training and certification requirements that apply to surgical technologists employed at licensed health care facilities, as surgical practices were not licensed by the Department of Health. This changed with a 2017 enactment, section 1 of P.L.2017, c.283, which amended section 12 of P.L.1971, c.136 (C.26:2H-12) to require surgical practices to be licensed as health care facilities by the department. One effect of this enactment has been that surgical technologists employed at a surgical practice are now required to demonstrate that they either: completed an accredited surgical technologist educational program; hold and maintain a certified surgical technologist credential; completed a military-based or United States Public Health Service Commissioned Corps surgical technologist training program; are in the service of the federal government; or were employed to practice surgical technology in a licensed health care facility on the effective date of P.L.2011, c.184.

This bill provides that surgical technologists employed at a surgical practice on the effective date of P.L.2017, c.283 are not required to meet these training and certification requirements.

ASSEMBLY, No. 4966

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 28, 2019

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Exempts certain surgical technologists from general educational and training requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/8/2019)

1 AN ACT concerning surgical technologists and amending P.L.2011,
2 c.148.

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18 technology in the Army, Navy, Air Force, Marine Corps, or Coast
19 Guard of the United States or in the United States Public Health
20 Service Commissioned Corps; or

21 d. provides evidence that the person was employed to practice
22 surgical technology in a health care facility on the effective date of
23 **[this act]** P.L.2011, c.148 (C.26:2H-12.62 et seq.) or that the
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ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4966

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 4966.

This bill provides an exception to the current training and certification requirements for surgical technologists, which are medical personnel who provide support services before, during, and after surgery, including preparing the operating room, assisting with equipment and supply counts, and assisting during surgical procedures by passing supplies and equipment, sponging, suctioning, and irrigating the surgical area, handling specimens, holding retractors and other instruments, applying electrocautery, and applying dressings to closed wounds.

Formerly, surgical technologists employed at a surgery practice, which is a surgical care facility with a single operating room, were not required to meet certain training and certification requirements that apply to surgical technologists employed at licensed health care facilities, as surgical practices were not licensed by the Department of Health. This changed with a 2017 enactment, section 1 of P.L.2017, c.283, which amended section 12 of P.L.1971, c.136 (C.26:2H-12) to require surgical practices to be licensed as health care facilities by the department. One effect of this enactment has been that surgical technologists employed at a surgical practice are now required to demonstrate that they either: completed an accredited surgical technologist educational program; hold and maintain a certified surgical technologist credential; completed a military-based or United States Public Health Service Commissioned Corps surgical technologist training program; are in the service of the federal government; or were employed to practice surgical technology in a licensed health care facility on the effective date of P.L.2011, c.184.

This bill provides that surgical technologists employed at a surgical practice on the effective date of P.L.2017, c.283 are not required to meet these training and certification requirements.

Governor Murphy Takes Action on Legislation

08/9/2019

TRENTON - Today, Governor Phil Murphy signed the following bills into law:

A312 (Pinkin, Conaway, Giblin, Holley, Danielsen, Mukherji, Wimberly/Vitale, Rice) - Requires certain health care facilities to provide information concerning palliative care and hospice care services.

A841 (Land, Calabrese/Andrzejczak) - Provides for establishment of county college certificate programs to meet needs of certain regional employers.

A1700 (Dancer, Vainieri Huttie, Calabrese/Cruz-Perez, Cunningham) - Expands eligibility criteria for designating certain areas as being in need of redevelopment.

A2004 (Karabinchak, Mazzeo, Pinkin, Coughlin/Diegnan) - Requires municipality to pay certain nonresidential property tax appeal refunds in equal installments over period of three years.

A3937 (DeAngelo, Reynolds-Jackson, Verrelli/Turner) - Allows local government water system employees to reside in all municipalities served by water system.

A4115 (Benson, DeAngelo, Holley/Greenstein) - Clarifies that certain students are eligible for NJ STARS and NJ STARS II scholarship upon initial enrollment at institution of higher education on part-time basis.

A4223 (Johnson, Rooney/Weinberg, Lagana) - Requires State Treasurer to pay county prosecutor's expenses for overseeing certain law enforcement agencies.

A4938 (Tucker, Pinkin, Vainieri Huttie/Ruiz, Greenstein) - Requires DOH to establish "My Life, My Plan" program to support women of childbearing age in developing reproductive life plan.

A5021 (Quijano, Bramnick, Reynolds-Jackson, Pinkin, Downey/Vitale, Kean) - Requires Medicaid coverage for group prenatal care services under certain circumstances.

A5322 (Burzichelli, Milam, Houghtaling, Taliaferro/Sweeney, Oroho, Beach, Andrzejczak) - Establishes program for cultivation, handling, processing, transport, and sale of hemp; repeals New Jersey Industrial Hemp Pilot Program.

A5392 (Quijano, Murphy/Vitale, Scutari) - Establishes new liability standards in sexual abuse lawsuits filed against public entities and public employees.

A5595 (Milam, Houghtaling, Dancer, Wirths/Oroho, Pennacchio) - Expands eligibility for EDA small business loan program to specifically include certain farming operations and qualified dairy farmers.

S601 (Smith, Greenstein/Pinkin, McKeon) - Establishes "New Jersey Solar Panel Recycling Commission."

S781 (Sarlo, O'Scanlon/Giblin, DiMaso, Handlin) - Revises penalties for certain violations of law by public movers and warehousemen.

S984 (Vitale, Singleton/Conaway, Mukherji, Murphy) - Establishes certain requirements, including allowable fees, for provision of medical records to patients, legally authorized representatives, and authorized third parties.

S1109 (Ruiz/Munoz, Quijano) - Renames "Physician Orders for Life-Sustaining Treatment Act" as "Practitioner Orders for Life-Sustaining Treatment Act"; permits physician assistants to sign and modify POLST forms; requires continuing education concerning end-of-life care.

S1739 (Oroho, Andrzejczak/Land, Space, Milam) - Renames county corrections officers as county correctional police officers.

S2807 (Cryan, Cruz-Perez/Pinkin, Moriarty, Zwicker) - Concerns service of food or refreshments on mortuary premises.

S2858 (Gopal, Diegnan/Houghtaling, Downey, Johnson) - Prohibits issuance of certain badges to NJT board members, PANYNJ commissioners, and local and State elected officials.

S3212 (Ruiz, Rice/Pintor Marin, Holley) - Permits municipalities to establish temporary supplemental zoning boards of adjustment to address application backlogs.

S3334 (Diegnan, Vitale/Conaway, Pinkin) - Exempts certain surgical technologists from general educational and training requirements.