

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1735

04/08/2013 Authored by Fritz; Abeler; Allen; Ward, J.A.; Morgan and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; requiring qualifications and continuing education for
1.3 employment as a surgical technologist; proposing coding for new law as
Minnesota Statutes, chapter 146C.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[146C.01] SURGICAL TECHNOLOGISTS; DEFINITIONS.**

1.7 Subdivision 1. **Scope.** For purposes of sections 146C.02 to 146C.04, the terms
1.8 defined in this section have the meanings given.

1.9 Subd. 2. **Commissioner.** "Commissioner" means the commissioner of the
1.10 Department of Health.

1.11 Subd. 3. **Health care facility.** "Health care facility" means a health care facility
1.12 licensed under section 144.50, subdivision 1.

1.13 Subd. 4. **Surgical technology.** "Surgical technology" means surgical patient care
1.14 under the supervision of a licensed health practitioner that involves:

1.15 (1) maintaining surgical instrument integrity from within the surgical field during
1.16 surgical procedures;

1.17 (2) performing surgical support tasks, including instrument and equipment handling,
1.18 transfers and counts, and managing fluids, specimens, and supplies:

1.19 (3) identifying and correcting sepsis; and

1.20 (4) performing other surgical tasks as directed.

1.21 Sec. 2. **[146C.02] SURGICAL TECHNOLOGISTS; EMPLOYMENT.**

2.1 Subdivision 1. **Training requirements.** A health care facility shall not employ,
2.2 contract with, or retain the services of an individual to perform surgical technology tasks
2.3 or functions unless the individual:

2.4 (1) has successfully completed a nationally and programmatically accredited
2.5 education program for surgical technologists and holds and maintains a certified surgical
2.6 technologist credential from a nationally recognized surgical technologist certifying body
2.7 accredited by the National Commission for Certifying Agencies and recognized by the
2.8 American College of Surgeons and the Association of Surgical Technologists;

2.9 (2) provides verification that the individual has been employed to practice surgical
2.10 technology in a health care facility for six months in the two years preceding the effective
2.11 date of this act;

2.12 (3) has successfully completed an appropriate training program for surgical
2.13 technologists in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United
2.14 States, or in the United States Public Health Service;

2.15 (4) is in the service of the federal government, to the extent the person is performing
2.16 duties related to that service;

2.17 (5) is a student who performs, within the scope of the student's training, the functions
2.18 of a surgical technologist under the direct supervision of a licensed health practitioner;

2.19 (6) is a person who completes a training program to become a surgical technologist
2.20 before July 1, 2013. The person may continue to practice surgical technology for one
2.21 year after completing the surgical technology program, and thereafter must meet the
2.22 requirements in clause (1); or

2.23 (7) is a licensed practitioner performing surgical technology tasks or functions
2.24 within the scope of the practitioner's license.

2.25 Subd. 2. **Exception to training requirements.** A health care facility may employ
2.26 an individual to perform surgical technology tasks and functions who does not meet the
2.27 requirements of subdivision 1 under the following conditions:

2.28 (1) after making a diligent and thorough effort, the health care facility is unable to
2.29 employ a sufficient number of individuals who meet the requirements of subdivision 1; and

2.30 (2) the health care facility petitions the commissioner for a waiver from the
2.31 requirements of subdivision 1.

2.32 A waiver granted under this subdivision is valid for no longer than six months from the
2.33 date the waiver is granted.

2.34 Sec. 3. **[146C.03] CONTINUING EDUCATION.**

3.1 An individual who qualifies to be employed under section 146C.02, subdivision 1,
3.2 clause (2) or (3), must complete 15 hours of continuing education annually to remain
3.3 qualified for employment by a health care facility.

3.4 Sec. 4. **[146C.04] ENFORCEMENT.**

3.5 The commissioner shall enforce the provisions of this section under the authority
3.6 granted in section 144.05.