

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 455

Representatives Smith, T., Kelly

Cosponsors: Representatives Galonski, Carfagna, Russo, Liston

A BILL

To amend sections 4731.07, 4731.071, and 4731.10 1
and to enact sections 4785.01, 4785.02, 4785.03, 2
4785.04, 4785.05, 4785.06, and 4785.07 of the 3
Revised Code to regulate the practice of 4
surgical assistants. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4731.07, 4731.071, and 4731.10 be 6
amended and sections 4785.01, 4785.02, 4785.03, 4785.04, 7
4785.05, 4785.06, and 4785.07 of the Revised Code be enacted to 8
read as follows: 9

Sec. 4731.07. (A) The state medical board shall keep a 10
record of its proceedings. The minutes of a meeting of the board 11
shall, on approval by the board, constitute an official record 12
of its proceedings. 13

(B) The board shall keep a register of applicants for 14
licenses and certificates issued under this chapter; licenses 15
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; ~~and~~ 16
licenses and limited permits issued under Chapters 4759. and 17
4761.; and registrations issued under Chapter 4785. of the 18

Revised Code. The register shall show the name of the applicant 19
and whether the applicant was granted or refused the license, 20
certificate, or limited permit being sought. 21

With respect to applicants to practice medicine and 22
surgery or osteopathic medicine and surgery, the register shall 23
show the name of the institution that granted the applicant the 24
degree of doctor of medicine or osteopathic medicine. With 25
respect to applicants to practice respiratory care, the register 26
shall show the addresses of the person's last known place of 27
business and residence, the effective date and identification 28
number of the license or limited permit, and, if applicable, the 29
name and location of the institution that granted the person's 30
degree or certificate of completion of respiratory care 31
educational requirements and the date the degree or certificate 32
of completion was issued. 33

(C) The books and records of the board shall be prima- 34
facie evidence of matters therein contained. 35

Sec. 4731.071. The state medical board shall develop and 36
publish on its internet web site a directory containing the 37
names of, and contact information for, all persons who hold 38
current, valid certificates ~~or, licenses, or registrations~~ 39
issued by the board under this chapter or Chapter 4730., 4759., 40
4760., 4761., 4762., 4774., ~~or 4778.,~~ or 4785. of the Revised 41
Code. Except as provided in section 4731.10 of the Revised Code, 42
the directory shall be the sole source for verifying that a 43
person holds a current, valid certificate ~~or, license, or~~ 44
registration issued by the board. 45

Sec. 4731.10. Upon the request of a person who holds a 46
license ~~or, certificate, or registration~~ to practice issued 47
under this chapter and is seeking licensure in another state, 48

the state medical board shall provide verification of the 49
person's license ~~or~~, certificate, or registration to practice 50
the person's profession in this state. The fee for such 51
verification is fifty dollars. 52

Sec. 4785.01. As used in this chapter: 53

(A) "Ambulatory surgical facility" has the same meaning as 54
in section 3702.30 of the Revised Code. 55

(B) "Hospital" means a hospital registered under section 56
3701.07 of the Revised Code. 57

(C) "National board of surgical technology and surgical 58
assisting" means the organization known by that name or its 59
successor organization. 60

(D) "National commission for certification of surgical 61
assistants" means the organization known by that name or its 62
successor organization. 63

(E) "Surgical assistant" means an individual, other than a 64
licensed health professional, who assists in a surgical 65
procedure by engaging in one or more of the activities described 66
in section 4785.05 of the Revised Code. 67

Sec. 4785.02. (A) Except as provided in division (B) of 68
this section, no individual shall knowingly practice as a 69
surgical assistant unless the individual holds a current, valid 70
registration to practice as a surgical assistant issued under 71
this chapter. 72

(B) Division (A) of this section does not apply to any of 73
the following: 74

(1) A physician authorized under Chapter 4731. of the 75
Revised Code to practice medicine and surgery, osteopathic 76

<u>medicine and surgery, or podiatric medicine and surgery;</u>	77
<u>(2) A physician assistant authorized under Chapter 4730.</u>	78
<u>of the Revised Code to practice as a physician assistant;</u>	79
<u>(3) A registered nurse, advanced practice registered</u>	80
<u>nurse, or licensed practical nurse authorized under Chapter</u>	81
<u>4723. of the Revised Code to practice nursing as a registered</u>	82
<u>nurse, advanced practice registered nurse, or licensed practical</u>	83
<u>nurse;</u>	84
<u>(4) An individual who is practicing as a surgical</u>	85
<u>assistant at a hospital or ambulatory surgical facility that</u>	86
<u>meets the requirements of section 4785.06 of the Revised Code.</u>	87
<u>Sec. 4785.03. (A) An individual seeking a registration to</u>	88
<u>practice as a surgical assistant shall file with the state</u>	89
<u>medical board an application in a manner prescribed by the</u>	90
<u>board. The application shall include all the information the</u>	91
<u>board considers necessary to process the application, including</u>	92
<u>evidence satisfactory to the board that the applicant meets the</u>	93
<u>requirements specified in division (B) of this section.</u>	94
<u>(B) (1) To be eligible to receive a registration to</u>	95
<u>practice as a surgical assistant, an applicant shall demonstrate</u>	96
<u>to the board that the applicant meets all of the following</u>	97
<u>requirements:</u>	98
<u>(a) Is at least eighteen years of age;</u>	99
<u>(b) Has attained a high school degree or equivalent;</u>	100
<u>(c) Except as provided in division (B) (2) of this section,</u>	101
<u>is credentialed as a surgical assistant by the national board of</u>	102
<u>surgical technology and surgical assisting or national</u>	103
<u>commission for certification of surgical assistants.</u>	104

(2) In the case of an applicant who meets all eligibility requirements other than the requirement specified in division (B) (1) (c) of this section, the applicant is eligible for a registration to practice as a surgical assistant if either of the following apply: 105
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(a) The applicant practiced as a surgical assistant at a hospital or ambulatory surgical facility located in this state during any part of the six months that preceded the effective date of this section. 110
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(b) The applicant successfully completed a training program for surgical assistants operated by a branch of the United States armed forces. 114
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(c) The board shall review all applications received under this section. After receiving an application it considers complete, the board shall determine whether the applicant meets the requirements for a registration to practice as a surgical assistant. 117
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Sec. 4785.04. If the state medical board determines under section 4785.03 of the Revised Code that an applicant meets the requirements for a registration to practice as a surgical assistant, the secretary board shall issue the registration to the applicant. The registration shall be valid for a two-year period unless revoked or suspended, shall expire on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with rules adopted under section 4785.07 of the Revised Code. 122
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Sec. 4785.05. An individual who holds a current, valid registration to practice as a surgical assistant may assist a physician in the performance of surgical procedures by engaging 131
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<u>in one or more of the following activities:</u>	134
<u>(A) Providing exposure;</u>	135
<u>(B) Maintaining hemostasis;</u>	136
<u>(C) Performing one or more of the following tasks:</u>	137
<u>(1) Making incisions;</u>	138
<u>(2) Closing or suturing surgical sites;</u>	139
<u>(3) Manipulating or removing tissue;</u>	140
<u>(4) Implanting surgical devices or drains;</u>	141
<u>(5) Suctioning surgical sites;</u>	142
<u>(6) Placing catheters;</u>	143
<u>(7) Clamping or cauterizing vessels or tissues;</u>	144
<u>(8) Applying dressings to surgical sites;</u>	145
<u>(9) Injecting or administering anesthetics;</u>	146
<u>(10) Any other tasks as directed by the physician.</u>	147
<u>Sec. 4785.06. (A) Subject to division (B) of this section,</u>	148
<u>an individual may practice as a surgical assistant without</u>	149
<u>holding a current, valid registration issued under section</u>	150
<u>4785.04 of the Revised Code if all of the following apply:</u>	151
<u>(1) The hospital or ambulatory surgical facility at which</u>	152
<u>the individual practices or intends to practice has submitted to</u>	153
<u>the state medical board, on behalf of its current and</u>	154
<u>prospective employees, an application for a waiver from the</u>	155
<u>requirement that surgical assistants be registered with the</u>	156
<u>board under this chapter.</u>	157
<u>(2) As part of the application, the hospital or facility</u>	158

submits evidence that it is located in an area of the state that 159
experiences special health problems and physician practice 160
patterns that limit access to surgical care. 161

(3) After receiving and reviewing the application, the 162
board grants to the hospital's or facility's employees a waiver 163
from the registration requirements of this chapter. 164

(B) An individual may practice as a surgical assistant 165
without holding a current, valid registration issued under 166
section 4785.04 of the Revised Code if the individual practices 167
only at a hospital or ambulatory surgical facility that has been 168
granted a waiver under this section. When practicing as a 169
surgical assistant, the individual is subject to section 4785.05 170
of the Revised Code. 171

Sec. 4785.07. (A) The state medical board shall adopt 172
rules establishing standards and procedures for the regulation 173
of surgical assistants. The rules shall be adopted in accordance 174
with Chapter 119. of the Revised Code and shall do all of the 175
following: 176

(1) Establish application procedures and fees for the 177
registration of surgical assistants; 178

(2) Establish registration renewal procedures and fees; 179

(3) Specify the reasons for which the board may refuse to 180
issue or renew, suspend, or revoke a registration; 181

(4) Establish procedures for waiver applications submitted 182
pursuant to section 4785.06 of the Revised Code. 183

(B) In addition to the rules described in division (A) of 184
this section, the board may adopt any other rules it considers 185
necessary to implement and administer this chapter. The rules 186

<u>may require applicants for registration or renewal to complete</u>	187
<u>criminal records checks and continuing education hours.</u>	188
Section 2. That existing sections 4731.07, 4731.071, and	189
4731.10 of the Revised Code are hereby repealed.	190