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136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 423

To enact sections 3702.3013 and 3727.26 of the
Revised Code regarding the employment of
surgical assistants and surgical technologists.

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

Section 1. That sections 3702.3013 and 3727.26 of the
Revised Code be enacted to read as follows:

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Sec. 3702.3013. (A) As used in this section:

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(1) "American board of surgical assistants" means the
organization known by that name or its successor organization.

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

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(3) "National center for competency testing" means the
organization known by that name or its successor organization.

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

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(B) Except as provided in division (C) of this section, an

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ambulatory surgical facility shall not employ, or continue to 18
employ, an individual as a surgical assistant or surgical 19
technologist unless the individual meets the requirements of 20
division (B) (1) or (2) of this section. 21

(1) For initial or continued employment as a surgical 22
assistant, the individual shall demonstrate to the facility that 23
either of the following is the case: 24

(a) That the individual is certified, or has maintained 25
certification, as a surgical assistant by the American board of 26
surgical assistants, national board of surgical technology and 27
surgical assisting, or national commission for the certification 28
of surgical assistants; 29

(b) That the individual practiced as a surgical assistant 30
at an ambulatory surgical facility or hospital located in this 31
state during any part of the six-month period immediately 32
preceding the effective date of this section. 33

(2) For initial or continued employment as a surgical 34
technologist, the individual shall demonstrate to the facility 35
that either of the following is the case: 36

(a) That the individual is certified, or has maintained 37
certification, as a surgical technologist by the national board 38
of surgical technology and surgical assisting or national center 39
for competency testing; 40

(b) That the individual practiced as a surgical 41
technologist at an ambulatory surgical facility or hospital 42
located in this state during any part of the six-month period 43
immediately preceding the effective date of this section. 44

(C) Division (B) of this section does not apply to an 45
ambulatory surgical facility that, on behalf of its current and 46

prospective employees, has been granted by the director of 47
health a waiver from the requirement that surgical assistants 48
and surgical technologists employed by the facility satisfy 49
division (B) (1) or (2) of this section. 50

To be eligible for a waiver, a facility shall submit to 51
the director evidence that it is located in an area of the state 52
that experiences special health problems and physician practice 53
patterns that limit access to surgical care. After receiving and 54
reviewing the evidence submitted, if the director determines 55
that the facility is located in such an area, the director shall 56
grant a waiver to the facility. 57

(D) If the director finds that an ambulatory surgical 58
facility has violated this section, the director may take any 59
action against the facility as described in division (D) of 60
section 3702.32 of the Revised Code. 61

(E) The director may adopt any rules the director 62
considers necessary to implement this section. The rules shall 63
be adopted in accordance with Chapter 119. of the Revised Code. 64

Sec. 3727.26. (A) As used in this section: 65

(1) "American board of surgical assistants" means the 66
organization known by that name or its successor organization. 67

(2) "National board of surgical technology and surgical 68
assisting" means the organization known by that name or its 69
successor organization. 70

(3) "National center for competency testing" means the 71
organization known by that name or its successor organization. 72

(4) "National commission for the certification of surgical 73
assistants" means the organization known by that name or its 74

<u>successor organization.</u>	75
<u>(B) Except as provided in division (C) of this section, a hospital that offers surgical services shall not employ, or continue to employ, an individual as a surgical assistant or surgical technologist unless the individual meets the requirements of division (B)(1) or (2) of this section.</u>	76 77 78 79 80
<u>(1) For initial or continued employment as a surgical assistant, the individual shall demonstrate to the facility that either of the following is the case:</u>	81 82 83
<u>(a) That the individual is certified, or has maintained certification, as a surgical assistant by the American board of surgical assistants, national board of surgical technology and surgical assisting, or national commission for the certification of surgical assistants;</u>	84 85 86 87 88
<u>(b) That the individual practiced as a surgical assistant at an ambulatory surgical facility or hospital located in this state during any part of the six-month period immediately preceding the effective date of this section.</u>	89 90 91 92
<u>(2) For initial or continued employment as a surgical technologist, the individual shall demonstrate to the facility that either of the following is the case:</u>	93 94 95
<u>(a) That the individual is certified, or has maintained certification, as a surgical technologist by the national board of surgical technology and surgical assisting or national center for competency testing;</u>	96 97 98 99
<u>(b) That the individual practiced as a surgical technologist at an ambulatory surgical facility or hospital located in this state during any part of the six-month period immediately preceding the effective date of this section.</u>	100 101 102 103

(C) Division (B) of this section does not apply to a 104
hospital that, on behalf of its current and prospective 105
employees, has been granted by the director of health a waiver 106
from the requirement that surgical assistants and surgical 107
technologists employed by the hospital satisfy division (B) (1) 108
or (2) of this section. 109

To be eligible for a waiver, a hospital shall submit to 110
the director evidence that it is located in an area of the state 111
that experiences special health problems and physician practice 112
patterns that limit access to surgical care. If the director, 113
after receiving and reviewing the evidence submitted, determines 114
that the hospital is located in such an area, the director shall 115
grant a waiver to the hospital. 116

(D) If the director finds that a hospital has violated 117
this section, the director may take any action against the 118
hospital as described in division (B) of section 3722.07 of the 119
Revised Code. 120

(E) The director may adopt any rules the director 121
considers necessary to implement this section. The rules shall 122
be adopted in accordance with Chapter 119. of the Revised Code. 123

Section 2. Sections 3702.3013 and 3727.26 of the Revised 124
Code, as enacted by this act, take effect three years after the 125
effective date of this section. 126