

I\_136\_1617-4

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

successor organization.

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(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.

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(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:

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(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;

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(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.

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(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:

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(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;

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(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.

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(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