

I_136_1617-6

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.

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:

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

(1) "Commission on accreditation of allied health
education programs" means the organization known by that name or
its successor organization.

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

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

(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 18
ambulatory surgical facility shall not employ, or continue to 19
employ, an individual as a surgical assistant or surgical 20
technologist unless the individual is eligible for employment 21
under division (B) (1) or (2) of this section. 22

(1) To be eligible for initial or continued employment as 23
a surgical assistant, an individual shall demonstrate to the 24
facility that the individual meets the conditions described in 25
either of the following: 26

(a) That the individual practiced as a surgical assistant 27
at an ambulatory surgical facility or hospital located in this 28
state during any part of the six-month period immediately 29
preceding the effective date of this section; 30

(b) That the individual is certified, or continues to be 31
certified, as a surgical assistant by any of the following: 32

(i) National board of surgical technology and surgical 33
assisting; 34

(ii) National commission for the certification of surgical 35
assistants; 36

(iii) Another certifying organization that the state 37
medical board and director of health approve as an alternative 38
to either organization described in division (B) (1) (b) (i) or 39
(ii) of this section. 40

For purposes of division (B) (1) (b) (iii) of this section, 41
the board and director shall approve a certifying organization 42
only if the board and director determine that its educational 43
standards for surgical assistants are equivalent to those of 44
surgical assistant education programs accredited by the 45
commission on accreditation of allied health education programs. 46

(2) To be eligible for initial or continued employment as 47
a surgical technologist, an individual shall demonstrate to the 48
facility that the individual meets the conditions described in 49
either of the following: 50

(a) That the individual practiced as a surgical 51
technologist at an ambulatory surgical facility or hospital 52
located in this state during any part of the six-month period 53
immediately preceding the effective date of this section; 54

(b) That the individual has completed one hundred twenty 55
surgical cases and is certified, or continues to be certified, 56
as a surgical technologist by any of the following: 57

(i) National board of surgical technology and surgical 58
assisting; 59

(ii) National center for competency testing; 60

(iii) Another certifying organization that the state 61
medical board and director of health approve as an alternative 62
to either organization described in division (B) (2) (b) (i) or 63
(ii) of this section. 64

(C) Division (B) of this section does not apply to an 65
ambulatory surgical facility that, on behalf of its current and 66
prospective employees, has been granted by the director of 67
health a waiver from the requirement that surgical assistants 68
and surgical technologists be employed by the facility only if 69
they meet the eligibility conditions described in division (B) 70
(1) or (2) of this section. 71

To be eligible for a waiver, a facility shall submit to 72
the director evidence that it is located in an area of the state 73
that experiences a shortage of surgical assistants and surgical 74
technologists and an inability to recruit them despite 75

reasonable efforts. After receiving and reviewing the evidence 76
submitted, if the director determines that the facility is 77
located in such an area, the director shall grant a waiver to 78
the facility. 79

(D) If the director finds that an ambulatory surgical 80
facility has violated this section, the director shall assist 81
the facility in gaining compliance with this section. 82

(E) The director may adopt any rules the director 83
considers necessary to implement this section. The rules shall 84
be adopted in accordance with Chapter 119. of the Revised Code. 85

Sec. 3727.26. (A) As used in this section: 86

(1) "Commission on accreditation of allied health 87
education programs" means the organization known by that name or 88
its successor organization. 89

(2) "National board of surgical technology and surgical 90
assisting" means the organization known by that name or its 91
successor organization. 92

(3) "National center for competency testing" means the 93
organization known by that name or its successor organization. 94

(4) "National commission for the certification of surgical 95
assistants" means the organization known by that name or its 96
successor organization. 97

(B) Except as provided in division (C) of this section, a 98
hospital that offers surgical services shall not employ, or 99
continue to employ, an individual as a surgical assistant or 100
surgical technologist unless the individual is eligible for 101
employment under division (B) (1) or (2) of this section. 102

(1) To be eligible for initial or continued employment as 103

a surgical assistant, an individual shall demonstrate to the 104
hospital that the individual meets the conditions described in 105
either of the following: 106

(a) That the individual practiced as a surgical assistant 107
at an ambulatory surgical facility or hospital located in this 108
state during any part of the six-month period immediately 109
preceding the effective date of this section; 110

(b) That the individual is certified, or continues to be 111
certified, as a surgical assistant by any of the following: 112

(i) National board of surgical technology and surgical 113
assisting; 114

(ii) National commission for the certification of surgical 115
assistants; 116

(iii) Another certifying organization that the state 117
medical board and director of health approve as an alternative 118
to either organization described in division (B) (1) (b) (i) or 119
(ii) of this section. 120

For purposes of division (B) (1) (b) (iii) of this section, 121
the board and director shall approve a certifying organization 122
only if the board and director determine that its educational 123
standards for surgical assistants are equivalent to those of 124
surgical assistant education programs accredited by the 125
commission on accreditation of allied health education programs. 126

(2) To be eligible for initial or continued employment as 127
a surgical technologist, an individual shall demonstrate to the 128
hospital that the individual meets the conditions described in 129
either of the following: 130

(a) That the individual practiced as a surgical 131

technologist at an ambulatory surgical facility or hospital 132
located in this state during any part of the six-month period 133
immediately preceding the effective date of this section; 134

(b) That the individual has completed one hundred twenty 135
surgical cases and is certified, or continues to be certified, 136
as a surgical technologist by any of the following: 137

(i) National board of surgical technology and surgical 138
assisting; 139

(ii) National center for competency testing; 140

(iii) Another certifying organization that the state 141
medical board and director of health approve as an alternative 142
to either organization described in division (B) (2) (b) (i) or 143
(ii) of this section. 144

(C) Division (B) of this section does not apply to a 145
hospital that, on behalf of its current and prospective 146
employees, has been granted by the director of health a waiver 147
from the requirement that surgical assistants and surgical 148
technologists be employed by the hospital only if they meet the 149
eligibility conditions described in division (B) (1) or (2) of 150
this section. 151

To be eligible for a waiver, a hospital shall submit to 152
the director evidence that it is located in an area of the state 153
that experiences a shortage of surgical assistants and surgical 154
technologists and an inability to recruit them despite 155
reasonable efforts. If the director, after receiving and 156
reviewing the evidence submitted, determines that the hospital 157
is located in such an area, the director shall grant a waiver to 158
the hospital. 159

(D) If the director finds that a hospital has violated 160

this section, the director shall assist the hospital in gaining 161
compliance with this section. 162

(E) The director may adopt any rules the director 163
considers necessary to implement this section. The rules shall 164
be adopted in accordance with Chapter 119. of the Revised Code. 165

Section 2. Sections 3702.3013 and 3727.26 of the Revised 166
Code, as enacted by this act, take effect three years after the 167
effective date of this section. 168