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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 423
(1_136_1617-6)
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 423's Bill Analysis](#)

Version: In House Health

Primary Sponsor: Rep. Deeter

Local Impact Statement Procedure Required: No

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Highlights

- The Ohio Department of Health (ODH) will experience costs to adopt rules, process waiver applications from ambulatory surgical facilities (ASFs) or hospitals, and to provide assistance to facilities to help them comply with the bill's provisions. The costs will depend on the number of ASFs or hospitals seeking waivers and the number and scope of violations.

Detailed Analysis

Surgical assistants and surgical technologists

The bill requires surgical assistants and technologists to hold certification from specified organizations in order to be eligible for employment at an ambulatory surgical facility (ASF) or hospital, unless: (1) the individual has been practicing as a surgical assistant or technologist at an ASF or hospital during any part of the six-month period immediately preceding the effective date of the bill, or (2) the ASF or hospital has been granted a waiver by the Director of Health from meeting this requirement. The bill allows an individual to be certified by a certifying organization approved by the State Medical Board and the Ohio Department of Health (ODH) Director. Additionally, the bill requires ODH to adopt rules to implement the waiver and also outlines the requirements for ASFs and hospitals to receive a waiver. In the event of a violation of the bill's prohibition on employing surgical assistants or surgical technologists without certification, ODH is required to assist the ASF or hospital in gaining compliance with the bill's provisions. ODH will realize administrative costs to promulgate rules and process waiver applications, as well as to provide assistance in gaining compliance. Total costs will depend on the number of facilities seeking waivers and the assistance provided. However, according to the U.S. Bureau of Labor Statistics, it appears that most employers currently require or prefer surgical assistants and

surgical technologists to have a certificate. If this is the case, this could reduce both the number of facilities seeking waivers and the number of violations.¹

These requirements are delayed for three years after the effective date of the bill.

Synopsis of Fiscal Effect Changes

The previous substitute bill (I_136_1617-4) prohibited an ambulatory surgical facility (ASF) or hospital from employing an individual as a surgical technologist unless the individual was certified by a specified organization or practiced as a surgical technician in Ohio in the six-month period immediately preceding the effective date of the bill. The substitute bill (I_136_1617-6) removes the American Board of Surgical Assistants from the list of specified organizations and allows the State Medical Board and the Ohio Department of Health (ODH) Director to approve alternative certifying organizations and specifies standards that apply regarding alternative certifying organizations. Additionally, the substitute bill (I_136_1617-6) requires a surgical technologist who is employed based on being certified to have also completed 120 surgical cases. ODH and the Medical Board may realize minimal costs to approve alternative certifying organizations and possibly adopt rules regarding this.

The substitute bill (I_136_1617-6) requires an ASF or hospital to demonstrate that the area experiences a shortage of surgical assistants and surgical technologists and an inability to recruit them despite reasonable efforts to obtain a waiver from the bill's conditions regarding employing a surgical assistant or surgical technologist. The previous substitute bill (I_136_1614-4) required an ASF or hospital to instead demonstrate that it was located in an area of Ohio experiencing special health problems and physician practice patterns that limit access to surgical care. The substitute bill (I_136_1617-6) requires the ODH Director, in the event of a violation of the bill's prohibition on employing surgical assistants or surgical technologists without certification, to assist the ASF or hospital in gaining compliance with the bill's provisions. The previous substitute bill (I_136_1617-4) instead authorized the ODH Director to take disciplinary action if the Director finds that the ASF or hospital violated the bill's prohibition. ODH will assist the facility or hospital instead of taking enforcement actions, which could lessen some costs depending on actions that would have been taken. However, if any civil penalties would have been imposed for violations, these would no longer be collected under substitute bill I_136_1617-6.

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¹ [Surgical Assistants and Technologists](https://www.bls.gov), which can be found on the U.S. Bureau of Labor Statistics' website: [bls.gov](https://www.bls.gov).