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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 423
(1_136_1617-4)
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 investigate any violations of 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 requires the Ohio Department of Health (ODH) to adopt rules to implement this waiver and also outlines the requirements for ASFs and hospitals to receive a waiver. ODH will realize administrative costs to promulgate rules and process waiver applications, as well as to investigate violations of the certification requirements. Total costs will depend on the number of facilities seeking waivers and the number and scope of violations. 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

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

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

Synopsis of Fiscal Effect Changes

The As Introduced version of the bill required the State Medical Board to regulate the practice of surgical assistants and outlined the scope of practice for surgical assistants and the eligibility requirements, as well as licensure application and renewal procedures. It also prohibited an individual from knowingly practicing as a surgical assistant without a Board-issued license five years after the effective date of the bill. The bill established penalties for violations of this prohibition and specified grounds for professional discipline as well as procedures for discipline and investigations of surgical assistants. These provisions would have resulted in additional administrative and IT costs to the State Medical Board, which may have been partially offset by an increase in licensure fee and fine revenue. Additionally, there could have been court costs if there were any violations of the prohibition against knowingly practicing as a surgical assistant without a license. There could also have been a subsequent gain in fine revenue if fines would have been imposed for such violations. All these provisions are removed in the substitute bill (I_136_1617-4), so there will no longer be any fiscal effects for the Board.

The As Introduced version of the bill 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. The substitute bill maintains this condition for employment but also adds an alternative eligibility condition – that a surgical technician or surgical assistant is still eligible for employment at an ASF or hospital if the individual has practiced as a surgical technician in Ohio in the six-month period immediately preceding the effective date of the bill. This would allow individuals to continue to practice at ASFs and hospitals if they met this requirement. Government-owned hospitals could have experienced administrative costs to ensure that all current surgical technician employees were certified and to replace those that were not. However, it appears that most facilities currently prefer or require certification.

The As Introduced bill authorized an individual to practice as a surgical assistant without a Medical Board-issued license if the individual practices only at an ASF or hospital that has been granted a waiver from the Board. The substitute bill (I_136_1617-4) instead allows an ASF or hospital to employ a surgical assistant or surgical technologist (without private certification or practicing six months prior to the bill's effective date) if the ASF or hospital has been granted a waiver by the Ohio Department of Health (ODH) Director. This will result in administrative costs for the Department of Health to promulgate rules and process waiver applications, as well as investigate violations of the certification requirements instead of the State Medical Board.