

As Reported by the House Health Committee

136th General Assembly

Regular Session

2025-2026

Sub. H. B. No. 423

Representative Deeter

Cosponsors: Representatives Schmidt, Somani

—

To enact sections 3702.3013 and 3727.26 of the 1
Revised Code regarding the employment of 2
surgical assistants and surgical technologists. 3

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

Section 1. That sections 3702.3013 and 3727.26 of the 4
Revised Code be enacted to read as follows: 5

Sec. 3702.3013. (A) As used in this section: 6

(1) "Commission on accreditation of allied health 7
education programs" means the organization known by that name or 8
its successor organization. 9

(2) "National board of surgical technology and surgical 10
assisting" means the organization known by that name or its 11
successor organization. 12

(3) "National center for competency testing" means the 13
organization known by that name or its successor organization. 14

(4) "National commission for certifying agencies" means 15
the organization known by that name or its successor 16
organization. 17

(5) "National commission for the certification of surgical 18

assistants" means the organization known by that name or its 19
successor organization. 20

(B) Except as provided in division (C) of this section, an 21
ambulatory surgical facility shall not employ, or continue to 22
employ, an individual as a surgical assistant or surgical 23
technologist unless the individual is eligible for employment 24
under division (B) (1) or (2) of this section. 25

(1) To be eligible for initial or continued employment as 26
a surgical assistant, an individual shall demonstrate to the 27
facility that the individual meets the conditions described in 28
either of the following: 29

(a) 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

(b) That the individual is certified, or continues to be 34
certified, as a surgical assistant by any of the following: 35

(i) National board of surgical technology and surgical 36
assisting; 37

(ii) National commission for the certification of surgical 38
assistants; 39

(iii) Another certifying organization that the state 40
medical board and director of health approve as an alternative 41
to either organization described in division (B) (1) (b) (i) or 42
(ii) of this section. 43

For purposes of division (B) (1) (b) (iii) of this section, 44
the board and director shall approve a certifying organization 45
only if the board and director determine that both of the 46

following are the case: its educational standards for surgical 47
assistants are equivalent to those of surgical assistant 48
education programs accredited by the commission on accreditation 49
of allied health education programs and its certification 50
standards for surgical assistants are equivalent to those of 51
surgical assistant certification programs accredited by the 52
national commission for certifying agencies. 53

(2) To be eligible for initial or continued employment as 54
a surgical technologist, an individual shall demonstrate to the 55
facility that the individual meets the conditions described in 56
either of the following: 57

(a) That the individual practiced as a surgical 58
technologist at an ambulatory surgical facility or hospital 59
located in this state during any part of the six-month period 60
immediately preceding the effective date of this section; 61

(b) That the individual has completed one hundred twenty 62
hands-on surgical cases and is certified, or continues to be 63
certified, as a surgical technologist by any of the following: 64

(i) National board of surgical technology and surgical 65
assisting; 66

(ii) National center for competency testing; 67

(iii) Another certifying organization that the state 68
medical board and director of health approve as an alternative 69
to either organization described in division (B) (2) (b) (i) or 70
(ii) of this section. 71

For purposes of division (B) (2) (b) (iii) of this section, 72
the board and director shall approve a certifying organization 73
only if the board and director determine that both of the 74
following are the case: its educational standards for surgical 75

technologists are equivalent to those of surgical technologist 76
education programs accredited by the commission on accreditation 77
of allied health education programs and its certification 78
standards for surgical technologists are equivalent to those of 79
surgical technologist certification programs accredited by the 80
national commission for certifying agencies. 81

(C) Division (B) of this section does not apply to an 82
ambulatory surgical facility that, on behalf of its current and 83
prospective employees, has been granted by the director of 84
health a waiver from the requirement that surgical assistants 85
and surgical technologists be employed by the facility only if 86
they meet the eligibility conditions described in division (B) 87
(1) or (2) of this section. 88

To be eligible for a waiver, a facility shall submit to 89
the director evidence that it is located in an area of the state 90
that experiences a shortage of surgical assistants and surgical 91
technologists and an inability to recruit them despite 92
reasonable efforts. After receiving and reviewing the evidence 93
submitted, if the director determines that the facility is 94
located in such an area, the director shall grant a waiver to 95
the facility. 96

(D) If the director finds that an ambulatory surgical 97
facility has violated this section, the director shall assist 98
the facility in gaining compliance with this section. 99

(E) The director may adopt any rules the director 100
considers necessary to implement this section. The rules shall 101
be adopted in accordance with Chapter 119. of the Revised Code. 102

Sec. 3727.26. (A) As used in this section: 103

(1) "Commission on accreditation of allied health 104

education programs" means the organization known by that name or 105
its successor organization. 106

(2) "National board of surgical technology and surgical 107
assisting" means the organization known by that name or its 108
successor organization. 109

(3) "National center for competency testing" means the 110
organization known by that name or its successor organization. 111

(4) "National commission for certifying agencies" means 112
the organization known by that name or its successor 113
organization. 114

(5) "National commission for the certification of surgical 115
assistants" means the organization known by that name or its 116
successor organization. 117

(B) Except as provided in division (C) of this section, a 118
hospital that offers surgical services shall not employ, or 119
continue to employ, an individual as a surgical assistant or 120
surgical technologist unless the individual is eligible for 121
employment under division (B) (1) or (2) of this section. 122

(1) To be eligible for initial or continued employment as 123
a surgical assistant, an individual shall demonstrate to the 124
hospital that the individual meets the conditions described in 125
either of the following: 126

(a) That the individual practiced as a surgical assistant 127
at an ambulatory surgical facility or hospital located in this 128
state during any part of the six-month period immediately 129
preceding the effective date of this section; 130

(b) That the individual is certified, or continues to be 131
certified, as a surgical assistant by any of the following: 132

<u>(i) National board of surgical technology and surgical</u>	133
<u>assisting;</u>	134
<u>(ii) National commission for the certification of surgical</u>	135
<u>assistants;</u>	136
<u>(iii) Another certifying organization that the state</u>	137
<u>medical board and director of health approve as an alternative</u>	138
<u>to either organization described in division (B) (1) (b) (i) or</u>	139
<u>(ii) of this section.</u>	140
<u>For purposes of division (B) (1) (b) (iii) of this section,</u>	141
<u>the board and director shall approve a certifying organization</u>	142
<u>only if the board and director determine that both of the</u>	143
<u>following are the case: its educational standards for surgical</u>	144
<u>assistants are equivalent to those of surgical assistant</u>	145
<u>education programs accredited by the commission on accreditation</u>	146
<u>of allied health education programs and its certification</u>	147
<u>standards for surgical assistants are equivalent to those of</u>	148
<u>surgical assistant certification programs accredited by the</u>	149
<u>national commission for certifying agencies.</u>	150
<u>(2) To be eligible for initial or continued employment as</u>	151
<u>a surgical technologist, an individual shall demonstrate to the</u>	152
<u>hospital that the individual meets the conditions described in</u>	153
<u>either of the following:</u>	154
<u>(a) That the individual practiced as a surgical</u>	155
<u>technologist at an ambulatory surgical facility or hospital</u>	156
<u>located in this state during any part of the six-month period</u>	157
<u>immediately preceding the effective date of this section;</u>	158
<u>(b) That the individual has completed one hundred twenty</u>	159
<u>hands-on surgical cases and is certified, or continues to be</u>	160
<u>certified, as a surgical technologist by any of the following:</u>	161

<u>(i) National board of surgical technology and surgical</u>	162
<u>assisting;</u>	163
<u>(ii) National center for competency testing;</u>	164
<u>(iii) Another certifying organization that the state</u>	165
<u>medical board and director of health approve as an alternative</u>	166
<u>to either organization described in division (B) (2) (b) (i) or</u>	167
<u>(ii) of this section.</u>	168
<u>For purposes of division (B) (2) (b) (iii) of this section,</u>	169
<u>the board and director shall approve a certifying organization</u>	170
<u>only if the board and director determine that both of the</u>	171
<u>following are the case: its educational standards for surgical</u>	172
<u>technologists are equivalent to those of surgical technologist</u>	173
<u>education programs accredited by the commission on accreditation</u>	174
<u>of allied health education programs and its certification</u>	175
<u>standards for surgical technologists are equivalent to those of</u>	176
<u>surgical technologist certification programs accredited by the</u>	177
<u>national commission for certifying agencies.</u>	178
<u>(C) Division (B) of this section does not apply to a</u>	179
<u>hospital that, on behalf of its current and prospective</u>	180
<u>employees, has been granted by the director of health a waiver</u>	181
<u>from the requirement that surgical assistants and surgical</u>	182
<u>technologists be employed by the hospital only if they meet the</u>	183
<u>eligibility conditions described in division (B) (1) or (2) of</u>	184
<u>this section.</u>	185
<u>To be eligible for a waiver, a hospital shall submit to</u>	186
<u>the director evidence that it is located in an area of the state</u>	187
<u>that experiences a shortage of surgical assistants and surgical</u>	188
<u>technologists and an inability to recruit them despite</u>	189
<u>reasonable efforts. If the director, after receiving and</u>	190

reviewing the evidence submitted, determines that the hospital 191
is located in such an area, the director shall grant a waiver to 192
the hospital. 193

(D) If the director finds that a hospital has violated 194
this section, the director shall assist the hospital in gaining 195
compliance with this section. 196

(E) The director may adopt any rules the director 197
considers necessary to implement this section. The rules shall 198
be adopted in accordance with Chapter 119. of the Revised Code. 199

Section 2. Sections 3702.3013 and 3727.26 of the Revised 200
Code, as enacted by this act, take effect three years after the 201
effective date of this section. 202