

**As Passed by the House**

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**Sub. H. B. No. 423**

**Representative Deeter**

**Cosponsors: Representatives Schmidt, Somani, Brennan, Brownlee, Dovilla, Grim, Hall, D., Lorenz, Manning, Mathews, T., Miller, J., Robb Blasdel, Russo, Sigrist, Sims, Thomas, C., Thomas, D., Tims, White, A., White, E., Williams, Willis, Young**

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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 assistants" means the organization known by that name or its successor organization. 18  
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(B) Except as provided in division (C) of this section, an ambulatory surgical facility shall not employ, or continue to employ, an individual as a surgical assistant or surgical technologist unless the individual is eligible for employment under division (B) (1) or (2) of this section. 21  
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(1) To be eligible for initial or continued employment as a surgical assistant, an individual shall demonstrate to the facility that the individual meets the conditions described in either of the following: 26  
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(a) 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; 30  
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(b) That the individual is certified, or continues to be certified, as a surgical assistant by any of the following: 34  
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(i) National board of surgical technology and surgical assisting; 36  
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(ii) National commission for the certification of surgical assistants; 38  
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(iii) Another certifying organization that the state medical board and director of health approve as an alternative to either organization described in division (B) (1) (b) (i) or (ii) of this section. 40  
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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

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| <u>Sec. 3727.26. (A) As used in this section:</u>   | 103                             |
| <u>(1) "Commission on accreditation of allied health education programs" means the organization known by that name or its successor organization.</u>   | 104<br>105<br>106               |
| <u>(2) "National board of surgical technology and surgical assisting" means the organization known by that name or its successor organization.</u>  | 107<br>108<br>109               |
| <u>(3) "National center for competency testing" means the organization known by that name or its successor organization.</u>  | 110<br>111                      |
| <u>(4) "National commission for certifying agencies" means the organization known by that name or its successor organization.</u>   | 112<br>113<br>114               |
| <u>(5) "National commission for the certification of surgical assistants" means the organization known by that name or its successor organization.</u>  | 115<br>116<br>117               |
| <u>(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 is eligible for employment under division (B) (1) or (2) of this section.</u> | 118<br>119<br>120<br>121<br>122 |
| <u>(1) To be eligible for initial or continued employment as a surgical assistant, an individual shall demonstrate to the hospital that the individual meets the conditions described in either of the following:</u>   | 123<br>124<br>125<br>126        |
| <u>(a) 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;</u>   | 127<br>128<br>129<br>130        |

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| <u>(b) That the individual is certified, or continues to be</u>         | 131 |
| <u>certified, as a surgical assistant by any of the following:</u>      | 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 |

hands-on surgical cases and is certified, or continues to be 160  
certified, as a surgical technologist by any of the following: 161

(i) National board of surgical technology and surgical 162  
assisting; 163

(ii) National center for competency testing; 164

(iii) Another certifying organization that the state 165  
medical board and director of health approve as an alternative 166  
to either organization described in division (B) (2) (b) (i) or 167  
(ii) of this section. 168

For purposes of division (B) (2) (b) (iii) of this section, 169  
the board and director shall approve a certifying organization 170  
only if the board and director determine that both of the 171  
following are the case: its educational standards for surgical 172  
technologists are equivalent to those of surgical technologist 173  
education programs accredited by the commission on accreditation 174  
of allied health education programs and its certification 175  
standards for surgical technologists are equivalent to those of 176  
surgical technologist certification programs accredited by the 177  
national commission for certifying agencies. 178

(C) Division (B) of this section does not apply to a 179  
hospital that, on behalf of its current and prospective 180  
employees, has been granted by the director of health a waiver 181  
from the requirement that surgical assistants and surgical 182  
technologists be employed by the hospital only if they meet the 183  
eligibility conditions described in division (B) (1) or (2) of 184  
this section. 185

To be eligible for a waiver, a hospital shall submit to 186  
the director evidence that it is located in an area of the state 187  
that experiences a shortage of surgical assistants and surgical 188

technologists and an inability to recruit them despite 189  
reasonable efforts. If the director, after receiving and 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