

**SENATE BILL No. 338**

By Committee on Public Health and Welfare

1-29

1 AN ACT concerning health and healthcare; relating to the practice of  
2 surgical technology; regulation of surgical technologists; amending  
3 K.S.A. 2017 Supp. 65-2872 and repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) As used in this section:

7 (1) "Physician" means a person licensed by the state board of healing  
8 arts to practice medicine and surgery.

9 (2) "Medical care facility" means a hospital, as defined in K.S.A. 65-  
10 425, and amendments thereto, or an ambulatory surgical center, as defined  
11 in K.S.A. 65-425, and amendments thereto.

12 (3) "Surgical technologist" means a person who is qualified to  
13 perform surgical technology tasks and functions in accordance with this  
14 section.

15 (4) "Surgical technology" means surgical patient care including, but  
16 not limited to, the following perioperative tasks and functions:

17 (A) Preparing the operating room and the sterile operating field for  
18 surgical procedures by ensuring that surgical equipment is functioning  
19 properly and safely and using sterile technique to prepare supplies,  
20 instruments and equipment;

21 (B) assisting a physician with placing sterile drapes on a patient to  
22 establish the sterile operating field;

23 (C) participating in a time-out process of verifying the correct patient,  
24 procedure and surgical site;

25 (D) preparing and passing instruments and supplies to a physician by  
26 anticipating the needs of the physician based on knowledge of human  
27 anatomy and pathophysiology;

28 (E) sponging and suctioning a surgical site to provide a view of a  
29 surgical wound;

30 (F) preparing and cutting suture material, as directed by a physician;

31 (G) preparing and utilizing irrigation solutions during surgery, as  
32 directed by a physician;

33 (H) preparing and passing medications and hemostatic agents utilized  
34 during a surgical procedure, not including the administration of drugs;

35 (I) preparing and passing off specimens, as appropriate;

36 (J) holding retractors or instruments, as directed by a physician;

- 1 (K) applying electrocautery to clamps or forceps on bleeding vessels,  
2 as directed by a physician;
- 3 (L) operating the camera during an endoscopic procedure, as directed  
4 by a physician;
- 5 (M) placing instruments into robotic arms during a surgical  
6 procedure, as directed by a physician;
- 7 (N) connecting drains to suction apparatus;
- 8 (O) performing urinary catheterization;
- 9 (P) preparing and applying sterile dressings to closed wounds;
- 10 (Q) performing counts of instruments and sponges with a registered  
11 nurse circulator licensed by the board of nursing;
- 12 (R) assisting with transferring a patient to and positioning the patient  
13 on an operating table; and
- 14 (S) identifying and correcting breaks in the sterile operating field and  
15 maintaining the highest standard of sterile technique.
- 16 (b) (1) A medical care facility shall not employ or contract for the  
17 services of a person to perform surgical technology tasks and functions  
18 unless the person meets at least one of the following:
- 19 (A) The surgical technologist has successfully completed a surgical  
20 technology program accredited by the commission on accreditation of  
21 allied health education programs, or any other equivalent entity as  
22 determined by the state board of healing arts, and holds and maintains the  
23 certified surgical technologist credential administered by the national  
24 board of surgical technology and surgical assisting, or any other equivalent  
25 entity as determined by the state board of healing arts;
- 26 (B) the surgical technologist has successfully completed an  
27 appropriate surgical technology training program in the United States  
28 army, navy, air force, marine corps or coast guard or the United States  
29 public health service;
- 30 (C) the surgical technologist provides evidence that the person was  
31 either employed to perform surgical technology tasks and functions in a  
32 medical care facility on the effective date of this section or at any time  
33 during the two years immediately preceding the effective date of this  
34 section; or
- 35 (D) the surgical technologist is in the service of the United States  
36 government performing surgical technology tasks and functions related to  
37 such service.
- 38 (2) A medical care facility may employ or contract with a person to  
39 perform surgical technology tasks and functions during the 12-month  
40 period of time immediately following the person's successful completion  
41 of an accredited surgical technology program, but shall not continue to  
42 employ or contract with such person after such 12-month period, unless  
43 the person provides evidence that the person holds and maintains the

1 certified surgical technologist credential administered by the national  
2 board of surgical technology and surgical assisting, or any other equivalent  
3 entity as determined by the state board of healing arts.

4 (c) (1) The state board of healing arts shall adopt rules and  
5 regulations to establish continuing education requirements for surgical  
6 technologists in accordance with this section.

7 (2) A person who is qualified to perform surgical technology tasks  
8 and functions under subsection (b)(1)(B) or (b)(1)(C) shall annually  
9 complete 15 hours of continuing education to remain qualified.

10 (3) A medical care facility that employs or contracts with a surgical  
11 technologist shall verify that the surgical technologist meets the continuing  
12 education requirements or, if applicable, that the person holds and  
13 maintains the certified surgical technologist credential administered by the  
14 national board of surgical technology and surgical assisting, or any other  
15 equivalent entity as determined by the state board of healing arts.

16 (d) A medical care facility may employ or contract with a person to  
17 perform surgical technology tasks and functions who does not meet the  
18 requirements of subsection (b) if, after a diligent and thorough effort, the  
19 medical care facility is unable to employ or contract with a sufficient  
20 number of surgical technologists who meet the requirements of subsection  
21 (b) and the medical care facility documents such efforts and retains such  
22 records at the medical care facility.

23 (e) This section shall not be construed to prevent or prohibit a  
24 licensee of the state board of healing arts or the board of nursing from  
25 performing surgical technology tasks and functions if such licensee is  
26 acting within the licensee's authorized scope of practice, as provided by  
27 law.

28 (f) The state board of healing arts shall adopt rules and regulations as  
29 may be necessary to implement and administer this section.

30 Sec. 2. K.S.A. 2017 Supp. 65-2872 is hereby amended to read as  
31 follows: 65-2872. The practice of the healing arts shall not be construed to  
32 include the following persons:

33 (a) Persons rendering gratuitous services in the case of an emergency.

34 (b) Persons gratuitously administering ordinary household remedies.

35 (c) The members of any church practicing their religious tenets  
36 provided they shall not be exempt from complying with all public health  
37 regulations of the state.

38 (d) Students while in actual classroom attendance in an accredited  
39 healing arts school who after completing one year's study treat diseases  
40 under the supervision of a licensed instructor.

41 (e) Students upon the completion of at least three years study in an  
42 accredited healing arts school and who, as a part of their academic  
43 requirements for a degree, serve a preceptorship not to exceed 180 days

1 under the supervision of a licensed practitioner.

2 (f) Persons who massage for the purpose of relaxation, muscle  
3 conditioning, or figure improvement, provided no drugs are used and such  
4 persons do not hold themselves out to be physicians or healers.

5 (g) Persons whose professional services are performed under the  
6 supervision or by order of or referral from a practitioner who is licensed  
7 under this act.

8 (h) Persons in the general fields of psychology, education and social  
9 work, dealing with the social, psychological and moral well-being of  
10 individuals or groups, or both, provided they do not use drugs and do not  
11 hold themselves out to be the physicians, surgeons, osteopathic physicians  
12 or chiropractors.

13 (i) Practitioners of the healing arts in the United States army, navy, air  
14 force, public health service, and coast guard or other military service when  
15 acting in the line of duty in this state.

16 (j) Practitioners of the healing arts licensed in another state when and  
17 while incidentally called into this state in consultation with practitioners  
18 licensed in this state.

19 (k) Dentists practicing their professions, when licensed and practicing  
20 in accordance with the provisions of article 14 of chapter 65 of the Kansas  
21 Statutes Annotated, and amendments thereto, and any interpretation  
22 thereof by the supreme court of this state.

23 (l) Optometrists practicing their professions, when licensed and  
24 practicing under and in accordance with the provisions of article 15 of  
25 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and  
26 any interpretation thereof by the supreme court of this state.

27 (m) Nurses practicing their profession when licensed and practicing  
28 under and in accordance with the provisions of article 11 of chapter 65 of  
29 the Kansas Statutes Annotated, and amendments thereto, and any  
30 interpretation thereof by the supreme court of this state.

31 (n) Podiatrists practicing their profession, when licensed and  
32 practicing under and in accordance with the provisions of article 20 of  
33 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and  
34 any interpretation thereof by the supreme court of this state.

35 (o) Every act or practice falling in the field of the healing arts, not  
36 specifically excepted herein, shall constitute the practice thereof.

37 (p) Pharmacists practicing their profession, when licensed and  
38 practicing under and in accordance with the provisions of article 16 of  
39 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and  
40 any interpretation thereof by the supreme court of this state.

41 (q) A dentist licensed in accordance with the provisions of article 14  
42 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,  
43 who administers general and local anesthetics to facilitate medical

1 procedures conducted by a person licensed to practice medicine and  
2 surgery if such dentist is certified by the board of healing arts under K.S.A.  
3 65-2899, and amendments thereto, to administer such general and local  
4 anesthetics.

5 (r) Practitioners of the healing arts duly licensed under the laws of  
6 another state who do not open an office or maintain or appoint a place to  
7 regularly meet patients or to receive calls within this state, but who order  
8 services which are performed in this state in accordance with rules and  
9 regulations of the board. The board shall adopt rules and regulations  
10 identifying circumstances in which professional services may be  
11 performed in this state based upon an order by a practitioner of the healing  
12 arts licensed under the laws of another state.

13 (s) Acupuncturists, when licensed and practicing in accordance with  
14 K.S.A. 2017 Supp. 65-7601 through 65-7624, and amendments thereto,  
15 rules and regulations adopted *pursuant* thereto, and interpretations thereof  
16 by the supreme court of this state.

17 (t) Persons licensed by the state board of cosmetology practicing their  
18 professions, when licensed and practicing under and in accordance with  
19 the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated,  
20 and amendments thereto, and any interpretation thereof by the supreme  
21 court of this state.

22 (u) *Surgical technologists, when practicing in accordance with*  
23 *section 1, and amendments thereto.*

24 Sec. 3. K.S.A. 2017 Supp. 65-2872 is hereby repealed.

25 Sec. 4. This act shall take effect and be in force from and after its  
26 publication in the statute book.