

SENATE BILL 789

By Dickerson

AN ACT to amend Tennessee Code Annotated, Title 63
and Title 68, relative to surgical assistants.

WHEREAS, surgical assisting is an established health profession in Tennessee; and

WHEREAS, surgical assistants aid in ensuring a safe surgical environment by maximizing patient safety by using appropriate techniques for processes, including, but not limited to, maintaining hemostasis, proper patient positioning, clear visualization of the operative site, proper closure of the operative site, and correct dressing of a wound; and

WHEREAS, it is necessary to encourage the most effective utilization of the skills of surgical assistants by enabling them to perform tasks delegated by a licensed physician; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding the following as a new part:

63-6-1301. This part shall be known and may be cited as the "Surgical Assistant Practice Act."

63-6-1302. As used in this part:

(1) "Approved certifying body" means a national certification organization that is approved by the board, certifies qualified surgical assistants, has eligibility requirements related to education and practice, and offers an examination in an area of practice that meets guidelines and tests approved by the board;

(2) "Approved surgical assistant education program" means a program accredited by the Commission on Accreditation of Allied Health Education Programs or other accreditation entity approved by the board;

- (3) "Board" means the board of medical examiners;
- (4) "Licensed surgical assistant" means a person licensed to practice surgical assisting under this part;
- (5) "Personal supervision by a physician" means the physical attendance of a physician in the room during the performance of a surgical procedure;
- (6) "Surgical assistant" means a person who engages in the practice of surgical assisting; and
- (7) "Surgical assisting":
 - (A) Means the practice of promoting patient safety through provision of primary assistance to the primary surgeon during a surgical procedure; and
 - (B) Includes, but is not limited to, the following:
 - (i) Assisting in the intraoperative care of a surgical patient;
 - (ii) Positioning the patient;
 - (iii) Preparing and draping the patient for the surgical procedure;
 - (iv) Providing visualization of the operative site;
 - (v) Assisting with hemostasis;
 - (vi) Assisting with closure of body planes, including the following:
 - (a) Inserting running or interrupted subcutaneous sutures with absorbable or nonabsorbable material;
 - (b) Utilizing subcuticular closure technique with or without adhesive skin closure strips; and
 - (c) Closing skin with the method indicated by surgeon, including, but not limited to, suture and staples;
 - (vii) Applying appropriate wound dressings;
 - (viii) Providing assistance in securing drainage systems to tissue;
 - (ix) Preparing specimens, such as grafts; and

(x) Performing other tasks during a surgical procedure delegated by and under the personal supervision of a physician appropriate to the level of competence of the surgical assistant.

63-6-1303.

(a)

(1) A licensed surgical assistant is authorized to engage in the practice of surgical assisting.

(2) Except as provided in subsection (b), no person shall engage in the practice of surgical assisting unless the person is a licensed surgical assistant.

(b) This part does not:

(1) Prohibit any nurse licensed under chapter 7 of this title, physician assistant licensed under chapter 19 of this title, or physician licensed under this chapter or chapter 9 of this title, from engaging in the practice for which the person is licensed;

(2) Prohibit any person who is exempt from the licensure requirements listed in subdivision (b)(1) from engaging in activity allowed within the scope of the exemption;

(3) Prohibit any person from operating as a central service technician, as defined in § 68-11-239, or as a surgical technologist within the scope of practice established by § 68-57-105; or

(4) Prohibit any student enrolled in an approved surgical assistant education program from performing those duties that are necessary for the student's course of study if the duties are performed under the personal supervision of a physician.

63-6-1304.

(a) To be eligible for licensure as a licensed surgical assistant, an applicant for licensure under this part must:

(1) Be certified as a surgical assistant by an approved certifying body;

(2) Have successfully completed an approved surgical assistant education program;

(3) Have passed a nationally recognized surgical assistant examination adopted by the board; and

(4) Have a high school diploma or the equivalent as determined by the board.

(b) The board may waive the education and examination requirements under this part for an applicant who:

(1) By January 1, 2018, submits demonstrated evidence satisfactory to the board that the applicant has engaged in the practice of surgical assistance as the applicant's primary function in a licensed health care facility within the five (5) years prior to September 1, 2017;

(2) By January 1, 2018, submits evidence of holding a current certification as a surgical assistant issued by an approved certifying body; or

(3) Submits evidence of holding a credential as a surgical assistant issued by another state or territory of the United States or the District of Columbia that has standards substantially equivalent to this part.

63-6-1305. No person shall use the title "licensed surgical assistant" or the abbreviation "L.S.A." unless the person has an active license under this part.

63-6-1306. A licensed surgical assistant shall practice surgical assisting only under the personal supervision of a physician.

63-7-1307.

(a) The board shall:

(1) Issue licenses to practice surgical assisting in accordance with this part;

(2) Adopt standards based on national standards for surgical assisting and implement changes as needed to carry out this part;

(3) Provide for distribution of information regarding practice of licensed surgical assistants;

(4) Receive and investigate complaints, conduct hearings, and impose disciplinary actions in relation to complaints against licensed surgical assistants;

(5) Establish and collect fees for initial licensure and renewal of licensure; and

(6) Perform other duties necessary to effectuate the purposes of this part.

(b) The board is authorized to promulgate rules to effectuate the purposes of this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect January 1, 2018, the public welfare requiring it.