



2009 ASSEMBLY BILL 744

February 12, 2010 – Introduced by Representative PASCH, cosponsored by Senator ROBSON. Referred to Committee on Health and Healthcare Reform.

1 **AN ACT** *to amend* subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title)
2 and 257.01 (8); and *to create* 50.20, 50.22, 50.36 (7), 146.997 (1) (d) 13m.,
3 252.14 (1) (ar) 16. and 257.01 (12) of the statutes; **relating to:** qualification
4 requirements for performing surgical technology for a hospital or ambulatory
5 surgery center.

Analysis by the Legislative Reference Bureau

This bill imposes qualification requirements for persons employed by a hospital or ambulatory surgery center to perform surgical technology. The bill defines surgical technology as surgical patient care that involves preparing an operating room, equipment, and supplies for surgery, and performing various tasks during surgery, including handling equipment and supplies and irrigating and sponging an operative site. Under the bill, a hospital or ambulatory surgery center may not employ a person to perform surgical technology unless the person is certified by the National Board of Surgical Technology and Surgical Assisting; has completed training in surgical technology while serving in the U.S. armed forces or the federal public health service; is employed to perform surgical technology on the effective date of this bill; or is a licensed nurse, physician, or physician assistant. The bill also requires those persons who qualify on the basis of certification by the National Board

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of Surgical Technology and Surgical Assisting to complete continuing education relating to surgical technology.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** Subchapter II (title) of chapter 50 [precedes 50.20] of the statutes
2 is amended to read:

3 **CHAPTER 50**

4 **SUBCHAPTER II**

5 **AMBULATORY SURGERY CENTERS AND HOSPITALS**

6 **SECTION 2.** 50.20 of the statutes is created to read:

7 **50.20 Definitions.** In this subchapter:

8 **(1)** “Ambulatory surgery center” means any distinct entity that operates
9 exclusively for the purpose of providing surgical services to patients who do not
10 require hospitalization.

11 **(2)** “Surgical technology” means surgical patient care that involves any of the
12 following:

13 (a) Preparing an operating room for a surgical procedure by ensuring that
14 surgical equipment is functioning properly and safely.

15 (b) Preparing an operating room and the sterile field for a surgical procedure
16 by preparing the appropriate sterile supplies, instruments, and equipment for that
17 surgical procedure using surgical asepsis.

18 (c) Performing any of the following tasks in the sterile field:

19 1. Passing and holding supplies, equipment, or instruments.

20 2. Sponging or suctioning an operative site.

21 3. Preparing and cutting material for sutures.

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- 1 4. Irrigating an operative site.
- 2 5. Transferring but not administering drugs.
- 3 6. Handling specimens.
- 4 7. Counting sponges, needles, supplies, and instruments.

5 **SECTION 3.** 50.22 of the statutes is created to read:

6 **50.22 Surgical technologists at ambulatory surgery centers.** (1) An
7 ambulatory surgery center may not employ a person to perform surgical technology
8 unless at least one of the following applies:

9 (a) The person has successfully completed an accredited educational program
10 for surgical technology and holds a valid surgical technologist certification issued by
11 the National Board of Surgical Technology and Surgical Assisting or a successor
12 organization.

13 (b) The person successfully completed a training program for surgical
14 technology while serving in the U.S. armed forces or in the federal public health
15 service.

16 (c) The person is employed to perform surgical technology on the effective date
17 of this paragraph [LRB inserts date].

18 (d) The person is licensed as a nurse under ch. 441 or is licensed as a physician
19 or a physician assistant under ch. 448.

20 **(2)** A person who is employed by an ambulatory surgery center to perform
21 surgical technology to whom sub. (1) (b), (c), or (d) does not apply shall complete 60
22 hours of continuing education related to surgical technology every four years and
23 submit proof of completion to the ambulatory surgery center.

24 **SECTION 4.** 50.33 (title) of the statutes is amended to read:

25 **50.33 (title) Definitions; hospitals.**

ASSEMBLY BILL 744**SECTION 5**

1 **SECTION 5.** 50.36 (7) of the statutes is created to read:

2 50.36 (7) (a) A hospital may not employ a person to perform surgical technology
3 unless at least one of the following applies:

4 1. The person has successfully completed an accredited educational program
5 for surgical technology and holds a valid surgical technologist certification issued by
6 the National Board of Surgical Technology and Surgical Assisting or a successor
7 organization.

8 2. The person successfully completed a training program for surgical
9 technology while serving in the U.S. armed forces or the federal public health service.

10 3. The person is employed to perform surgical technology on the effective date
11 of this subdivision [LRB inserts date].

12 4. The person is licensed as a nurse under ch. 441 or is licensed as a physician
13 or a physician assistant under ch. 448.

14 (b) A person who is employed by a hospital to perform surgical technology to
15 whom par. (a) 2., 3., or 4. does not apply shall complete 60 hours of continuing
16 education related to surgical technology every 4 years and submit proof of completion
17 to the hospital.

18 **SECTION 6.** 146.997 (1) (d) 13m. of the statutes is created to read:

19 146.997 (1) (d) 13m. A person employed to perform surgical technology, as
20 defined in s. 50.20 (2).

21 **SECTION 7.** 252.14 (1) (ar) 16. of the statutes is created to read:

22 252.14 (1) (ar) 16. A person employed to perform surgical technology, as defined
23 in s. 50.20 (2).

24 **SECTION 8.** 257.01 (8) of the statutes is amended to read:

