

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 333

Short Title: Establish Surgical Technology Standards. (Public)

Sponsors: Senators Burgin, Corbin, and Krawiec (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 21, 2023

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN
3 HOSPITALS AND AMBULATORY SURGICAL FACILITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 2 of Article 5 of Chapter 131E of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 131E-78.4. Hospital standards for surgical technology care.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Surgical technologist. – An individual who is employed or contracted by a
10 hospital to perform surgical technology tasks.

11 (2) Surgical technology. – Surgical patient care that includes, but is not limited
12 to, the following perioperative tasks, as directed by the surgeon:

13 a. Preparing the operating room for surgical procedures by ensuring that
14 equipment is functioning safely and preparing supplies, instruments,
15 and equipment using sterile technique.

16 b. Assisting the surgeon with placing sterile drapes.

17 c. Preparing and passing instruments and supplies.

18 d. Sponging or suctioning an operative site.

19 e. Preparing and cutting suture.

20 f. Preparing and pouring solutions during procedures.

21 g. Preparing and passing medications and hemostatic agents, but not
22 administering drugs.

23 h. Preparing and passing off specimens.

24 i. Holding retractors and other instruments.

25 j. Applying electrocautery to clamps or forceps.

26 k. Connecting drains to suction apparatus.

27 l. Preparing and applying sterile dressings to closed wounds.

28 m. Performing counts with the registered nurse circulator.

29 n. Assisting with transferring patients and positioning patients.

30 o. Identifying and correcting breaks in the sterile operating field.

31 (b) Qualifications for Employment or Contract. – Except as provided by subsection (e)
32 of this section, a hospital shall not employ or otherwise contract a surgical technologist in that
33 hospital unless the individual meets one of the following qualifications:

34 (1) Provides evidence of successfully completing a nationally accredited
35 educational program for surgical technology and maintains an accredited
36 surgical technologist certification credential.



- 1 (2) Provides evidence of successfully completing an appropriate training program
2 for surgical technology in the United States Army, Navy, or Air Force.
- 3 (3) Provides documentation of employment to practice surgical technology in a
4 hospital licensed under this Part or an ambulatory surgical facility licensed
5 under Part 4 of Article 6 of this Chapter on or before December 31, 2023.
- 6 (c) Probationary Practice. – A hospital may employ or contract with an individual to
7 practice surgical technology during the 12-month period that immediately follows the successful
8 completion of a surgical technology program as described in subdivision (1) of subsection (b) of
9 this section. However, the hospital may not continue to employ or contract with that individual
10 beyond the 12-month period without documentation that the individual has obtained the
11 credential described in subdivision (1) of subsection (b) of this section.
- 12 (d) Exception. – A hospital may employ or otherwise contract with an individual who
13 does not meet any of the qualifications specified in subsection (b) of this section if all of the
14 following requirements are met:
- 15 (1) The hospital makes a diligent and thorough effort and, after such an effort is
16 completed, the hospital is unable to employ or contract with enough qualified
17 surgical technologists who satisfy the requirements of this section.
- 18 (2) The hospital documents and retains records of its efforts made pursuant to
19 subdivision (1) of this subsection.
- 20 (e) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
21 practitioner from performing surgical technology tasks or functions if the practitioner is acting
22 within the scope of his or her license.
- 23 (f) Adverse Action. – The Department of Health and Human Services may take adverse
24 action against a hospital under G.S. 131E-78 for a violation of this section. A hospital may restrict
25 an employee's eligibility to practice surgical technology, as deemed appropriate by the hospital,
26 in the event the employee does not comply with the requirements of this section."

27 **SECTION 2.** Part 4 of Article 6 of Chapter 131E of the General Statutes is amended
28 by adding a new section to read:

29 **"§ 131E-147.2. Ambulatory surgical facility standards for surgical technology care.**

- 30 (a) Definitions. – The following definitions apply in this section:
- 31 (1) Surgical technologist. – An individual who is employed or contracted by a
32 hospital to perform surgical technology tasks.
- 33 (2) Surgical technology. – Surgical patient care that includes, but is not limited
34 to, the following perioperative tasks, as directed by the surgeon:
- 35 a. Preparing the operating room for surgical procedures by ensuring that
36 equipment is functioning safely and preparing supplies, instruments,
37 and equipment using sterile technique.
- 38 b. Assisting the surgeon with placing sterile drapes.
- 39 c. Preparing and passing instruments and supplies.
- 40 d. Sponging or suctioning an operative site.
- 41 e. Preparing and cutting suture.
- 42 f. Preparing and pouring solutions during procedures.
- 43 g. Preparing and passing medications and hemostatic agents, but not
44 administering drugs.
- 45 h. Preparing and passing off specimens.
- 46 i. Holding retractors and other instruments.
- 47 j. Applying electrocautery to clamps or forceps.
- 48 k. Connecting drains to suction apparatus.
- 49 l. Preparing and applying sterile dressings to closed wounds.
- 50 m. Performing counts with the registered nurse circulator.
- 51 n. Assisting with transferring patients and positioning patients.

1 o. Identifying and correcting breaks in the sterile operating field.
2 (b) Qualifications for Employment or Contract. – Except as provided by subsection (e)
3 of this section, a hospital shall not employ or otherwise contract a surgical technologist in that
4 hospital unless the individual meets one of the following qualifications:

5 (1) Provides evidence of successfully completing a nationally accredited
6 educational program for surgical technology and maintains an accredited
7 surgical technologist certification credential.

8 (2) Provides evidence of successfully completing an appropriate training program
9 for surgical technology in the United States Army, Navy, or Air Force.

10 (3) Provides documentation of employment to practice surgical technology in a
11 hospital licensed under this Part or an ambulatory surgical facility licensed
12 under Part 4 of Article 6 of this Chapter on or before December 31, 2023.

13 (c) Probationary Practice. – A hospital may employ or contract with an individual to
14 practice surgical technology during the 12-month period that immediately follows the successful
15 completion of a surgical technology program as described in subdivision (1) of subsection (b) of
16 this section. However, the hospital may not continue to employ or contract with that individual
17 beyond the 12-month period without documentation that the individual has obtained the
18 credential described in subdivision (1) of subsection (b) of this section.

19 (d) Exception. – A hospital may employ or otherwise contract with an individual who
20 does not meet any of the qualifications specified in subsection (b) of this section if all of the
21 following requirements are met:

22 (1) The hospital makes a diligent and thorough effort and, after such an effort is
23 completed, the hospital is unable to employ or contract with enough qualified
24 surgical technologists who satisfy the requirements of this section.

25 (2) The hospital documents and retains records of its efforts made pursuant to
26 subdivision (1) of this subsection.

27 (e) Scope of Practice. – Nothing in this section shall be construed to prohibit a licensed
28 practitioner from performing surgical technology tasks or functions if the practitioner is acting
29 within the scope of his or her license.

30 (f) Adverse Action. – The Department of Health and Human Services may take adverse
31 action against a hospital under G.S. 131E-78 for a violation of this section. A hospital may restrict
32 an employee's eligibility to practice surgical technology, as deemed appropriate by the hospital,
33 in the event the employee does not comply with the requirements of this section."

34 **SECTION 3.** This act becomes effective January 1, 2024.