

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 874
Finance

(Senator West)

Hospitals and Ambulatory Surgical Facilities - Surgical Technologists

This bill prohibits a hospital or ambulatory surgical center from employing or contracting with an individual to provide “surgical technology services” unless the individual (1) has successfully completed a specified educational program and holds and maintains a certified surgical technologist credential, as specified; (2) provides documentation of successful completion of a surgical technologist training program; or (3) provides documentation of employment providing surgical technology services before December 31, 2025, as specified. The bill may not be construed to prohibit (1) a licensed health care practitioner from performing surgical technology services if the practitioner is acting within the scope of their license or (2) an individual from performing surgical technology services if the individual is a student or an intern under the direct supervision of a health care practitioner acting within the scope of their license.

Fiscal Summary

State Effect: None. The bill is technical in nature and does not directly affect government finances or operations.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Surgical technologist” means an individual who provides surgical technology services. “Surgical technology service” means a service provided as part of a patient’s surgery, including:

- preparing an operating room and sterile operating field for surgical procedures by ensuring surgical equipment and supplies needed for each scheduled procedure are available and functioning properly, and properly and safely using sterile techniques to prepare surgical supplies, instruments, and equipment;
- anticipating and responding to the needs of a surgeon and other surgical team members by monitoring the sterile operating field in an operating room and providing the required instruments or supplies; and
- performing tasks at a sterile operating field as directed, including (1) passing surgical supplies, instruments, or equipment directly to a surgeon or surgical team member; (2) sponging or suctioning an operative site; (3) preparing and cutting suture material; (4) transferring and irrigating with fluids; (5) transferring, but not administering, drugs within a sterile operating field; and (6) handling surgical specimens.

“Surgical technology service” does not include a service the performance of which requires a license or other authorization under the Health Occupations Article.

Employment of Surgical Technologists

A hospital or ambulatory surgical facility may not employ or contract with an individual to provide surgical technology services unless the individual:

- has successfully completed an education program nationally accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or the Accrediting Bureau of Health Education Schools for Surgical Technologists, and holds and maintains a certified surgical technologist credential administered by a nationally recognized surgical technology certifying body accredited by the National Commission for Certifying Agencies and recognized by the American College of Surgeons and the Association of Surgical Technologists;
- provides documentation of successful completion of a surgical technologist training program in the U.S. Armed Forces; or
- provides documentation of employment providing surgical technology services on or before December 31, 2025, in a licensed hospital or ambulatory surgical facility.

A hospital or ambulatory surgical facility may employ or contract with an individual to provide surgical technology services for the 18-month period immediately following the individual’s successful completion of a surgical technology program or from a program accredited as a letter of review program by CAAHEP. A hospital or ambulatory surgical facility may not continue to employ or contract with an individual beyond the 18-month period unless the individual provides documentation to the hospital or ambulatory surgical facility that the individual has obtained the required credentials.

A hospital or ambulatory surgical facility is not prohibited from establishing additional requirements for an individual as a condition of employment or a contract. If an employee does not comply with the requirements of the bill, a hospital or ambulatory surgical facility may restrict an employee's eligibility to provide surgical technology services, as determined appropriate by the hospital or the ambulatory surgical facility.

On request of the Maryland Department of Health (MDH), a hospital or an ambulatory surgical facility that employs or contracts with a surgical technologist must submit to the department documentation demonstrating that the surgical technologist is in compliance with the requirements of the bill.

The bill does not apply with respect to surgical technology services offered by an individual (1) during interventional cardiac radiology; (2) providing dental auxiliary services as delegated and supervised by a licensed dentist; or (3) assisting with optometry or ophthalmic services under the direct supervision of a licensed optometrist.

Current Law: In general, surgical technologists are not required to register with or receive a certification/license from any health occupations board in the State. Individual hospitals and ambulatory surgical facilities may require specific qualifications for employment as a surgical technologist, at least some of which are similar to the bill's requirements.

Hospitals and ambulatory surgical facilities are licensed and regulated by the Office of Health Care Quality in MDH.

“Hospital” means an institution that (1) has a group of at least five physicians who are organized as medical staff for the institution; (2) maintains facilities to provide, under the supervision of medical staff, diagnostic and treatment services for two or more unrelated individuals; and (3) admits or retains the individuals for overnight care.

“Ambulatory surgical facility” means any center, service, office facility, or other entity that (1) operates exclusively for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following admission and (2) seeks reimbursement from payors as an ambulatory surgery center. “Ambulatory surgical facility” does not include:

- the office of one or more health care practitioners seeking only professional reimbursement for the provision of medical services, unless the office operates under contract or agreement with a payer as an ambulatory surgical facility (regardless of whether it is paid a technical or facility fee) or the office is designated to receive ambulatory surgical referrals in accordance with utilization review or other policies;

- any facility or service owned or operated by a hospital;
- the office of a health care practitioner or group of health care practitioners with up to one operating room if the office does not receive a technical or facility fee and the operating room is used exclusively by the health care practitioner or members of the group of health care practitioners for their own patients; or
- an office owned or operated by one or more licensed dentists.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1006 (Delegate Guzzone, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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km/jc

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