

SENATE BILL 874

J3, J2

4lr3199
CF HB 1006

By: **Senator West**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals and Ambulatory Surgical Facilities – Surgical Technologists**

3 FOR the purpose of prohibiting a hospital or an ambulatory surgical facility from employing
4 or contracting with an individual to provide surgical technology services unless the
5 individual completes certain educational requirements and holds a certain credential
6 or provides documentation of certain training or employment; requiring a hospital
7 or an ambulatory surgical facility to submit to the Maryland Department of Health,
8 on request, certain documentation related to surgical technologists; and generally
9 relating to surgical technologists.

10 BY adding to

11 Article – Health – General

12 Section 19–2601 through 19–2606 to be under the new subtitle “Subtitle 26. Surgical
13 Technology Services”

14 Annotated Code of Maryland

15 (2023 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **SUBTITLE 26. SURGICAL TECHNOLOGY SERVICES.**

20 **19–2601.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(B) “SURGICAL TECHNOLOGIST” MEANS AN INDIVIDUAL WHO PROVIDES**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SURGICAL TECHNOLOGY SERVICES.

2 (c) (1) "SURGICAL TECHNOLOGY SERVICE" MEANS A SERVICE PROVIDED
3 AS PART OF A PATIENT'S SURGERY.

4 (2) "SURGICAL TECHNOLOGY SERVICE" INCLUDES:

5 (i) 1. PREPARING AN OPERATING ROOM AND STERILE
6 OPERATING FIELD FOR SURGICAL PROCEDURES BY ENSURING SURGICAL
7 EQUIPMENT AND SUPPLIES NEEDED FOR EACH SCHEDULED PROCEDURE ARE
8 AVAILABLE AND FUNCTIONING PROPERLY; AND

9 2. PROPERLY AND SAFELY USING STERILE TECHNIQUES
10 TO PREPARE SURGICAL SUPPLIES, INSTRUMENTS, AND EQUIPMENT;

11 (ii) ANTICIPATING AND RESPONDING TO THE NEEDS OF A
12 SURGEON AND OTHER SURGICAL TEAM MEMBERS BY MONITORING THE STERILE
13 OPERATING FIELD IN AN OPERATING ROOM AND PROVIDING THE REQUIRED
14 INSTRUMENTS OR SUPPLIES; AND

15 (iii) PERFORMING TASKS AT A STERILE OPERATING FIELD AS
16 DIRECTED, INCLUDING:

17 1. PASSING SURGICAL SUPPLIES, INSTRUMENTS, OR
18 EQUIPMENT DIRECTLY TO A SURGEON OR SURGICAL TEAM MEMBER;

19 2. SPONGING OR SUCTIONING AN OPERATIVE SITE;

20 3. PREPARING AND CUTTING SUTURE MATERIAL;

21 4. TRANSFERRING AND IRRIGATING WITH FLUIDS;

22 5. TRANSFERRING, BUT NOT ADMINISTERING, DRUGS
23 WITHIN A STERILE OPERATING FIELD; AND

24 6. HANDLING SURGICAL SPECIMENS.

25 (3) "SURGICAL TECHNOLOGY SERVICE" DOES NOT INCLUDE A
26 SERVICE THE PERFORMANCE OF WHICH REQUIRES A LICENSE OR OTHER
27 AUTHORIZATION UNDER THE HEALTH OCCUPATIONS ARTICLE.

28 19-2602.

1 **THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT:**

2 **(1) A LICENSED HEALTH CARE PRACTITIONER FROM PERFORMING**
3 **SURGICAL TECHNOLOGY SERVICES IF THE PRACTITIONER IS ACTING WITHIN THE**
4 **SCOPE OF THE PRACTITIONER’S LICENSE; OR**

5 **(2) AN INDIVIDUAL FROM PERFORMING SURGICAL TECHNOLOGY**
6 **SERVICES IF THE INDIVIDUAL IS A STUDENT OR AN INTERN WHO IS UNDER THE**
7 **DIRECT SUPERVISION OF A HEALTH CARE PRACTITIONER ACTING WITHIN THE**
8 **SCOPE OF THE PRACTITIONER’S LICENSE.**

9 **19-2603.**

10 **THIS SUBTITLE DOES NOT APPLY WITH RESPECT TO SURGICAL TECHNOLOGY**
11 **SERVICES OFFERED BY AN INDIVIDUAL:**

12 **(1) DURING INTERVENTIONAL CARDIAC RADIOLOGY;**

13 **(2) PROVIDING DENTAL AUXILIARY SERVICES AS DELEGATED AND**
14 **SUPERVISED BY A LICENSED DENTIST; OR**

15 **(3) ASSISTING WITH OPTOMETRY OR OPHTHALMIC SERVICES UNDER**
16 **THE SUPERVISION OF A LICENSED OPTOMETRIST.**

17 **19-2604.**

18 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B)(1) OF THIS**
19 **SECTION, A HOSPITAL OR AN AMBULATORY SURGICAL CENTER MAY NOT EMPLOY OR**
20 **CONTRACT WITH AN INDIVIDUAL TO PROVIDE SURGICAL TECHNOLOGY SERVICES**
21 **UNLESS THE INDIVIDUAL:**

22 **(1) (I) HAS SUCCESSFULLY COMPLETED AN EDUCATIONAL**
23 **PROGRAM NATIONALLY ACCREDITED BY THE COMMISSION ON ACCREDITATION OF**
24 **ALLIED HEALTH EDUCATION PROGRAMS OR THE ACCREDITING BUREAU OF**
25 **HEALTH EDUCATION SCHOOLS FOR SURGICAL TECHNOLOGISTS; AND**

26 **(II) HOLDS AND MAINTAINS A CERTIFIED SURGICAL**
27 **TECHNOLOGIST CREDENTIAL ADMINISTERED BY A NATIONALLY RECOGNIZED**
28 **SURGICAL TECHNOLOGIST CERTIFYING BODY ACCREDITED BY THE NATIONAL**
29 **COMMISSION FOR CERTIFYING AGENCIES AND RECOGNIZED BY THE AMERICAN**
30 **COLLEGE OF SURGEONS AND THE ASSOCIATION OF SURGICAL TECHNOLOGISTS;**

31 **(2) PROVIDES DOCUMENTATION OF SUCCESSFUL COMPLETION OF A**

1 SURGICAL TECHNOLOGIST TRAINING PROGRAM IN THE UNITED STATES ARMED
2 FORCES; OR

3 (3) PROVIDES DOCUMENTATION OF EMPLOYMENT PROVIDING
4 SURGICAL TECHNOLOGY SERVICES ON OR BEFORE DECEMBER 31, 2025, IN:

5 (I) A HOSPITAL LICENSED UNDER § 19-319 OF THIS TITLE; OR

6 (II) AN AMBULATORY SURGICAL FACILITY LICENSED UNDER §
7 19-3B-02 OF THIS TITLE.

8 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOSPITAL
9 OR AN AMBULATORY SURGICAL FACILITY MAY EMPLOY OR CONTRACT WITH AN
10 INDIVIDUAL TO PROVIDE SURGICAL TECHNOLOGY SERVICES FOR THE 18-MONTH
11 PERIOD IMMEDIATELY FOLLOWING THE INDIVIDUAL'S SUCCESSFUL COMPLETION
12 OF:

13 (I) A SURGICAL TECHNOLOGY PROGRAM AS REQUIRED UNDER
14 SUBSECTION (A)(1)(I) OF THIS SECTION; OR

15 (II) FROM A PROGRAM ACCREDITED AS A LETTER OF REVIEW
16 PROGRAM BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH
17 EDUCATION PROGRAMS.

18 (2) A HOSPITAL OR AN AMBULATORY SURGICAL FACILITY MAY NOT
19 CONTINUE TO EMPLOY OR CONTRACT WITH AN INDIVIDUAL UNDER PARAGRAPH (1)
20 OF THIS SUBSECTION BEYOND THE 18-MONTH PERIOD UNLESS THE INDIVIDUAL
21 PROVIDES DOCUMENTATION TO THE HOSPITAL OR AMBULATORY SURGICAL
22 FACILITY THAT THE INDIVIDUAL HAS OBTAINED THE CREDENTIALS REQUIRED
23 UNDER SUBSECTION (A)(1)(II) OF THIS SECTION.

24 19-2605.

25 (A) THIS SUBTITLE DOES NOT PROHIBIT A HOSPITAL OR AN AMBULATORY
26 SURGICAL FACILITY WITH AN EMPLOYMENT OR OTHER CONTRACTUAL
27 RELATIONSHIP WITH A SURGICAL TECHNOLOGIST FROM ESTABLISHING
28 ADDITIONAL REQUIREMENTS FOR THE INDIVIDUAL AS A CONDITION OF
29 EMPLOYMENT OR OF THE CONTRACT.

30 (B) IF AN EMPLOYEE DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS
31 SUBTITLE, A HOSPITAL OR AN AMBULATORY SURGICAL FACILITY MAY RESTRICT AN
32 EMPLOYEE'S ELIGIBILITY TO PROVIDE SURGICAL TECHNOLOGY SERVICES, AS
33 DETERMINED APPROPRIATE BY THE HOSPITAL OR AMBULATORY SURGICAL

1 FACILITY.

2 **19-2606.**

3 **ON REQUEST OF THE DEPARTMENT, A HOSPITAL OR AN AMBULATORY**
4 **SURGICAL FACILITY THAT EMPLOYS OR CONTRACTS WITH A SURGICAL**
5 **TECHNOLOGIST SHALL SUBMIT TO THE DEPARTMENT DOCUMENTATION**
6 **DEMONSTRATING THAT THE SURGICAL TECHNOLOGIST IS IN COMPLIANCE WITH**
7 **THE REQUIREMENTS OF THIS SUBTITLE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2024.