

# SENATE, No. 3334

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 17, 2019

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**SYNOPSIS**

Exempts certain surgical technologists from general educational and training requirements.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

S3334 DIEGNAN, VITALE

2

1 AN ACT concerning surgical technologists and amending P.L.2011,  
2 c.148.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.2011, c.148 (C.26:2H-12.63) is amended to  
8 read as follows:

9 2. No person shall practice surgical technology in a health care  
10 facility unless that person:

11 a. has successfully completed a nationally or regionally  
12 accredited educational program for surgical technologists; or

13 b. holds and maintains a certified surgical technologist  
14 credential administered by the National Board of Surgical  
15 Technology and Surgical Assisting or its successor, or other  
16 nationally recognized credentialing organization; or

17 c. has completed an appropriate training program for surgical  
18 technology in the Army, Navy, Air Force, Marine Corps, or Coast  
19 Guard of the United States or in the United States Public Health  
20 Service Commissioned Corps; or

21 d. provides evidence that the person was employed to practice  
22 surgical technology in a health care facility on the effective date of  
23 **[this act]** P.L.2011, c.148 (C.26:2H-12.62 et seq.) or that the  
24 person was employed to practice surgical technology in a surgical  
25 practice, as defined in subsection g. of section 12 of P.L.1971,  
26 c.136 (C.26:2H-12), on the effective date of section 1 of P.L.2017,  
27 c.283; or

28 e. is in the service of the federal government, to the extent that  
29 individual is performing surgical technology duties related to that  
30 service.

31 (cf: P.L.2011, c.148, s.2)

32

33 2. This act shall take effect immediately and shall be  
34 retroactive to the effective date of section 1 of P.L.2017, c.283.

35

36

37

STATEMENT

38

39 This bill provides that the training and certification requirements  
40 for surgical technologists set forth under current law do not apply to  
41 surgical technologists who were employed at a surgical practice on  
42 the effective date of section 1 of P.L.2017, c.283, which amended  
43 section 12 of P.L.1971, c.136 (C.26:2H-12) to require that surgical  
44 practices be licensed by the Department of Health as ambulatory  
45 care facilities. Prior to that enactment, surgical practices, which are

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 surgical care facilities with a single operating room, were required  
2 to register with the department but were not required to obtain full  
3 licensure. As a consequence of the enactment, surgical practices  
4 now constitute licensed health care facilities within the meaning of  
5 P.L.2011, c.184 (C.26:2H-12.62 et seq.), and surgical technologists  
6 employed at the existing surgical practices are now required to  
7 demonstrate that they either: completed an accredited surgical  
8 technologist educational program; hold and maintain a certified  
9 surgical technologist credential; completed a military-based or  
10 United States Public Health Service Commissioned Corps surgical  
11 technologist training program; are in the service of the federal  
12 government; or were employed to practice surgical technology in a  
13 licensed health care facility on the effective date of P.L.2011, c.184.

14 It is the sponsor's belief that many surgical technologists  
15 currently employed at surgical practices will be unable to  
16 demonstrate compliance with these educational and training  
17 requirements. As a result, the enactment of P.L.2017, c.283 may  
18 require surgical practices to terminate the employment of any  
19 noncompliant surgical technologists, potentially resulting in  
20 significant job loss and affecting the ability of surgical practices to  
21 provide surgical services, which may in turn result in adverse health  
22 consequences for individuals who require medically necessary  
23 surgical treatment. It is the sponsor's belief that this legislation is  
24 necessary to prevent job loss, avoid disruption of planned,  
25 scheduled surgeries, and ensure patients in New Jersey have  
26 uninterrupted access to surgical care.

27 Surgical technologists provide a variety of essential support  
28 services before, during, and after surgery, including preparing the  
29 operating room, assisting with equipment and supply counts, and  
30 assisting during surgical procedures by passing supplies and  
31 equipment, sponging, suctioning, and irrigating the surgical area,  
32 handling specimens, holding retractors and other instruments,  
33 applying electrocautery, and applying dressings to closed wounds.