

Legislative Analysis



SURGICAL TECHNICIANS: ESTABLISH MINIMUM EDUCATION

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5544

Sponsor: Rep. John Stakoe

Committee: Health Policy

Complete to 1-30-06

A SUMMARY OF HOUSE BILL 5544 AS INTRODUCED 1-11-06

The bill would add a new section to the Public Health Code to prohibit certain health facilities from employing a person as a surgical technician unless that person met specified educational criteria. A hospital, freestanding surgical outpatient facility, or any other similar entity utilizing surgical technicians could not employ, independently contract with, or grant clinical privileges to an individual as a surgical technician unless that individual satisfied each of the following:

- Held a national certification established by the Liaison Council on Certification for the Surgical Technologist and successfully completed the surgical technologist certifying exam approved by the Council.
- Completed a program for surgical technology accredited by the Commission on Accreditation of Allied Health Education Programs.
- Completed an accredited training program for surgical technologists in the armed forces or in a hospital or freestanding surgical outpatient facility.

The bill would not apply to persons employed by or under contract with the federal government or currently employed by or under contract with one of the specified entities and who had been employed by or under contract with that entity for not less than 18 months over the course of the three years preceding the bill's effective date.

If an entity could not employ a sufficient number of surgical technologists meeting the bill's educational requirements, it could petition the Department of Community Health for a waiver. The DCH director would have to grant the waiver if the entity demonstrated that it had made a diligent and thorough effort to employ individuals meeting the bill's requirements. A waiver would be valid for six months and could be renewed, but the waiver could not exceed 12 months.

MCL 333.20174

FISCAL IMPACT:

Prohibiting hospitals, freestanding surgical outpatient facilities, or similar entities from employing, contracting with, or granting clinical privileges to surgical technologists unless they are certified would have no fiscal impact on state government as current law (Public Act 211 of 2005) already permits physicians to delegate tasks involving the use of surgical instrumentation to surgical technologists. However, instituting a waiver process through the Department of Community Health for the utilization of surgical technologists who do not meet the certification requirements would increase administrative costs for the Department.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Margaret Alston

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.