

HOUSE BILL No. 5544

January 11, 2006, Introduced by Rep. Stakoe and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 20174.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20174. (1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS
2 SECTION, A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT FACILITY, OR
3 ANY OTHER SIMILAR ENTITY THAT UTILIZES SURGICAL TECHNOLOGISTS SHALL
4 NOT EMPLOY, INDEPENDENTLY CONTRACT WITH, OR GRANT CLINICAL
5 PRIVILEGES TO AN INDIVIDUAL AS A SURGICAL TECHNOLOGIST UNLESS THAT
6 INDIVIDUAL SATISFIES EACH OF THE FOLLOWING:

7 (A) HOLDS A NATIONAL CERTIFICATION ESTABLISHED BY THE LIAISON
8 COUNCIL ON CERTIFICATION FOR THE SURGICAL TECHNOLOGIST.

9 (B) HAS COMPLETED A PROGRAM FOR SURGICAL TECHNOLOGY ACCREDITED
10 BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION

1 PROGRAMS.

2 (C) HAS COMPLETED AN ACCREDITED TRAINING PROGRAM FOR SURGICAL
3 TECHNOLOGISTS IN THE ARMED FORCES OR IN A HOSPITAL OR FREESTANDING
4 SURGICAL OUTPATIENT FACILITY.

5 (D) HAS SUCCESSFULLY COMPLETED THE SURGICAL TECHNOLOGIST
6 CERTIFYING EXAM APPROVED BY THE LIAISON COUNCIL ON CERTIFICATION
7 FOR THE SURGICAL TECHNOLOGIST.

8 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS
9 EMPLOYED BY OR UNDER CONTRACT WITH THE FEDERAL GOVERNMENT OR WHO IS
10 CURRENTLY EMPLOYED BY OR UNDER CONTRACT WITH A HOSPITAL,
11 FREESTANDING SURGICAL OUTPATIENT FACILITY, OR OTHER ENTITY AND HAS
12 BEEN EMPLOYED BY OR UNDER CONTRACT WITH THAT ENTITY FOR NOT LESS
13 THAN 18 MONTHS OVER THE COURSE OF THE 3 YEARS IMMEDIATELY PRECEDING
14 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

15 (3) A HOSPITAL, FREESTANDING SURGICAL OUTPATIENT FACILITY, OR
16 OTHER SIMILAR ENTITY THAT UTILIZES SURGICAL TECHNOLOGISTS MAY
17 PETITION THE DIRECTOR OF THE DEPARTMENT FOR A WAIVER FROM THE
18 REQUIREMENTS OF SUBSECTION (1) IF THAT ENTITY IS UNABLE TO EMPLOY A
19 SUFFICIENT NUMBER OF SURGICAL TECHNOLOGISTS WHO MEET THE
20 REQUIREMENTS OF SUBSECTION (1). THE DIRECTOR SHALL GRANT THE WAIVER
21 IF THE HOSPITAL, FREESTANDING SURGICAL OUTPATIENT FACILITY, OR
22 OTHER ENTITY CAN DEMONSTRATE THAT IT MADE A DILIGENT AND THOROUGH
23 EFFORT TO EMPLOY SURGICAL TECHNOLOGISTS THAT MEET THE REQUIREMENTS
24 OF SUBSECTION (1). A WAIVER GRANTED UNDER THIS SUBSECTION IS VALID
25 FOR NOT MORE THAN 6 MONTHS. THE DEPARTMENT MAY RENEW THE WAIVER,
26 BUT THE WAIVER SHALL NOT EXCEED 12 MONTHS.