

SENATE BILL No. 605

May 21, 2009, Introduced by Senators KAHN, GEORGE and BIRKHOLZ 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 20135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20135. (1) A FREESTANDING SURGICAL OUTPATIENT FACILITY OR
2 HOSPITAL LICENSED UNDER THIS ARTICLE THAT PERFORMS SURGICAL
3 PROCEDURES UNDER GENERAL ANESTHESIA OR DEEP SEDATION IN AN
4 OPERATING ROOM OF THE FACILITY OR HOSPITAL SHALL DO ALL OF THE
5 FOLLOWING:

6 (A) DEVELOP AND MAINTAIN EFFECTIVE POLICIES AND PROCEDURES
7 REGARDING SURGICAL PRIVILEGES, MAINTENANCE OF THE OPERATING ROOMS,
8 AND EVALUATION OF THE SURGICAL PATIENT.

9 (B) MEET THE REQUIREMENTS OF THE CONDITIONS OF PARTICIPATION
10 ESTABLISHED UNDER 42 CFR 482.51 AS THEY APPLY TO REGISTERED

1 PROFESSIONAL NURSES PERFORMING CIRCULATING DUTIES IN THE OPERATING
2 ROOM AND AS PROVIDED IN THE INTERPRETIVE GUIDELINES PUBLISHED BY
3 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

4 (2) THE FREESTANDING SURGICAL OUTPATIENT FACILITY OR HOSPITAL
5 DESCRIBED IN SUBSECTION (1) MAY ASSIGN A QUALIFIED REGISTERED
6 PROFESSIONAL NURSE TO BE PRESENT IN THE OPERATING ROOM FOR THE
7 DURATION OF EACH SURGICAL PROCEDURE. THIS SUBSECTION DOES NOT
8 PREVENT A QUALIFIED REGISTERED PROFESSIONAL NURSE WHO IS PERFORMING
9 CIRCULATING DUTIES FROM LEAVING THE OPERATING ROOM AS PART OF THE
10 SURGICAL PROCEDURE, LEAVING THE OPERATING ROOM FOR SHORT PERIODS,
11 OR, UNDER EMPLOYEE RULES OR REGULATIONS, BEING RELIEVED DURING A
12 SURGICAL PROCEDURE BY ANOTHER QUALIFIED REGISTERED PROFESSIONAL
13 NURSE WHO IS ASSIGNED TO CONTINUE PERFORMING CIRCULATING DUTIES FOR
14 THAT SURGICAL PROCEDURE.

15 (3) A LICENSED PRACTICAL NURSE OR A SURGICAL TECHNOLOGIST MAY
16 PERFORM SCRUB NURSE DUTIES UNDER THE SUPERVISION OF THE QUALIFIED
17 REGISTERED PROFESSIONAL NURSE WHO IS PERFORMING CIRCULATING DUTIES
18 IN THE OPERATING ROOM. IF THE QUALIFIED REGISTERED PROFESSIONAL
19 NURSE WHO IS PERFORMING CIRCULATING DUTIES IS IMMEDIATELY AVAILABLE
20 TO RESPOND TO EMERGENCIES, A LICENSED PRACTICAL NURSE OR A SURGICAL
21 TECHNOLOGIST MAY ASSIST BY PERFORMING CIRCULATING DUTIES UNDER THE
22 SUPERVISION OF THAT QUALIFIED REGISTERED PROFESSIONAL NURSE.

23 (4) AS USED IN THIS SECTION:

24 (A) "DEEP SEDATION" MEANS A DRUG-INDUCED DEPRESSION OF
25 CONSCIOUSNESS DURING WHICH A PATIENT IS NOT EASILY AROUSED BUT MAY
26 RESPOND TO PURPOSEFULLY REPEATED OR PAINFUL STIMULATION, A
27 PATIENT'S CARDIOVASCULAR FUNCTION IS USUALLY MAINTAINED, AND WHERE

1 1 OR MORE OF THE FOLLOWING MAY OCCUR:

2 (i) THE ABILITY TO INDEPENDENTLY MAINTAIN VENTILATORY FUNCTION
3 MAY BE IMPAIRED.

4 (ii) ASSISTANCE MAY BE REQUIRED IN MAINTAINING A PATENT AIRWAY.

5 (iii) SPONTANEOUS VENTILATION MAY BE INADEQUATE.

6 (B) "GENERAL ANESTHESIA" MEANS A DRUG-INDUCED LOSS OF
7 CONSCIOUSNESS DURING WHICH A PATIENT IS NOT AROUSABLE, EVEN BY
8 PAINFUL STIMULATION, AND WHERE 1 OR MORE OF THE FOLLOWING MAY
9 OCCUR:

10 (i) THE ABILITY TO INDEPENDENTLY MAINTAIN VENTILATORY FUNCTION
11 MAY BE IMPAIRED.

12 (ii) ASSISTANCE MAY BE REQUIRED IN MAINTAINING A PATENT AIRWAY.

13 (iii) CARDIOVASCULAR FUNCTION MAY BE IMPAIRED.

14 (iv) POSITIVE PRESSURE VENTILATION MAY BE REQUIRED BECAUSE OF
15 DEPRESSED SPONTANEOUS VENTILATION OR DRUG-INDUCED DEPRESSION OF
16 NEUROMUSCULAR FUNCTION.

17 (C) "REGISTERED PROFESSIONAL NURSE" MEANS THAT TERM AS DEFINED
18 IN SECTION 17201.