

2023 -- H 5014

LC000077

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CERTIFIED SURGICAL FIRST ASSISTANTS

Introduced By: Representatives Bennett, McGaw, McEntee, Cardillo, Costantino, Serpa, Hull, Fogarty, Cortvriend, and Edwards

Date Introduced: January 06, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 54.1

4 CERTIFIED SURGICAL FIRST ASSISTANTS

5 **5-54.1-1. Short title.**

6 This chapter shall be known and may be cited as "Certified Surgical First Assistants".

7 **5-54.1-2. Definitions.**

8 For purposes of this chapter, the following terms shall have the following meanings:

9 (1) "Board" means the board of licensure of certified surgical first assistants established
10 pursuant to § 5-54.1-5.

11 (2) "Certified surgical first assistant" means an individual who has met the requirements of
12 the board of licensure as a certified surgical first assistant and who works under the direct
13 supervision of a licensed doctor of medicine, osteopathy, or podiatry.

14 (3) "Department" means the department of health.

15 (4) "Director" means the director of the department of health.

16 (5) "Surgical assisting" means surgical patient care, including, but not limited to, any of
17 the following:

18 (i) Manipulation of organs;

- 1 (ii) Suturing of tissue;
- 2 (iii) Placement of hemostatic agents;
- 3 (iv) Injection of local anesthetic;
- 4 (v) Harvesting of veins;
- 5 (vi) Implementation of devices; and
- 6 (vii) Other duties as directed by a licensed doctor of medicine, osteopathy, or podiatry.

7 (6) "Surgical facility" means an entity that provides surgical health care services, whether
8 inpatient or outpatient and whether overnight or ambulatory, including, but not limited to, a
9 hospital, clinic or private office of a health care practitioner, whether conducted for charity or for
10 profit.

11 **5-54.1-3. Certified surgical first assistants.**

12 (a) A surgical facility shall not employ or otherwise retain the services of a surgical
13 assistant unless an individual is licensed by the board as a certified surgical first assistant.

14 (b) Notwithstanding subsection (a) of this section, a registered nurse, licensed or registered
15 health care provider or other health care practitioner may perform surgical assistant tasks or
16 functions if that individual is acting within the scope of licensure.

17 (c) Notwithstanding subsection (a) of this section, a surgical facility may employ as a
18 surgical assistant an individual who does not meet the requirements of this section if that individual
19 receives a waiver from the department certifying that the individual has met special circumstances
20 as determined by the department.

21 **5-54.1-4. Board of licensure -- Creation.**

22 Within the division of professional regulation established in the department of health
23 pursuant to chapter 26 of this title there is a board of licensure for certified surgical first assistant
24 as provided by §§ 5-54.1-5 to 5-54.1-6.

25 **5-54.1-5. Establishment of the board of licensure.**

26 (a) The governor, after consultation with the director of the department of health and with
27 the advice and consent of the senate, shall appoint a board to consist of seven (7) members, residents
28 of the state, to constitute a board of licensure for certified surgical first assistants with the duties,
29 powers, and authority as set forth in § 5-54.1-6, and that board shall be composed of the following:

30 (1) Two (2) members shall be licensed physicians under the provisions of chapter 37 of
31 this title who have actively engaged in the practice of surgery;

32 (2) Two (2) members who are representatives of the general public not employed in any
33 health-related field; and

34 (3) Three (3) members shall be certified surgical first assistants or health care practitioners

1 with at least three (3) years of practice in the state involving delivery of medical surgical services.

2 (b) Members shall be appointed for terms of three (3) years each with no member serving
3 more than two (2) consecutive terms.

4 (c) In the director's initial appointment, the director shall designate the members of the
5 board of licensure for certified surgical first assistants as follows: two (2) members to serve for a
6 term of three (3) years; two (2) members to serve for a term of two (2) years; and three (3) members
7 to serve for a term of one year. Any additional appointments shall serve for one year.

8 (d) The director may remove any member of the board for cause.

9 (e) Vacancies shall be filled for the unexpired portion of any term in the same manner as
10 the original appointment.

11 (f) Members shall serve without compensation, but shall be reimbursed for actual and
12 reasonable expenses incurred in the performance of their duties.

13 (g) The board shall elect its own chairperson annually and shall meet at the call of the
14 administrator, the chairperson, or upon the request for two (2) or more members of the board.

15 (h) A quorum shall consist of at least four (4) members present.

16 **5-54.1-6. Board of licensure -- powers and duties.**

17 (a) The board shall administer, coordinate, and enforce the provisions of this chapter;
18 evaluate the qualifications of applicants; supervise any examination of applicants deemed
19 necessary; recommend to the director the commencement of disciplinary hearings in accordance
20 with chapter 35 of title 42 and the provisions of this chapter; and investigate persons engaging in
21 practices that violate the provisions of this chapter. This authority shall specifically encompass
22 practicing certified surgical first assistants, surgical facilities and those health care agencies
23 employing certified surgical first assistants. The board shall investigate all persons and agencies
24 engaging in practices that violate the provisions in this chapter.

25 (b) The board shall conduct hearings of a nondisciplinary nature and shall keep the records
26 and minutes that are necessary to an orderly dispatch of business.

27 (c) The board, with the approval of the director, shall adopt rules and regulations necessary
28 to carry into effect the provisions of this chapter and may amend or repeal them.

29 (d) Regular meetings of the board shall be held at any time and place that the board
30 prescribes and special meetings shall be held upon the call of the chairperson; provided that, at least
31 one regular meeting is held each year.

32 (e) The conferral or enumeration of specific powers in this chapter shall not be construed
33 as a limitation of the general powers conferred by this section.

34 (f) The board shall recommend to the director for registration those persons meeting the

1 criteria stated by this chapter.

2 (g) The board shall recommend to the director the revocation or suspension of the license
3 of any certified surgical first assistant who does not conform to the requirements of this chapter or
4 regulations adopted under this chapter.

5 (h) In accordance with its authority under subsection (a) of this section, the board shall
6 make recommendations to the director for discipline of supervising surgeons, surgical facilities and
7 employing healthcare agencies found wanting in their use of certified surgical first assistants.

8 (i) The board shall approve programs for continuing medical education.

9 **5-54.1-7. Criteria for licensure as a certified surgical first assistant.**

10 The board shall recommend to the director for licensure as a certified surgical first assistant
11 an applicant who:

12 (1) Is of good character and reputation;

13 (2) Has completed at least one of the following:

14 (i) A current credential as a surgical assistant or surgical first assistant issued by the
15 National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant
16 Association, or the National Commission for Certification of Surgical Assistants or their
17 successors;

18 (ii) Successful completion of a surgical assistant training program during the individual's
19 service as a member of any branch of the armed forces of the United States; or

20 (iii) At least one year of experience as a surgical assistant in the state.

21 (3) An application for original license, a license renewal or for the licensing examination
22 shall be made on forms approved by the department and accompanied by the appropriate fee as set
23 by the department. An application for original license shall be sworn and shall furnish satisfactory
24 proof that an applicant is at least eighteen (18) years of age, of good moral character and has met
25 the educational and professional experience requirements as set forth in subsection (b) of this
26 section.

27 (4) For renewal of license as a certified surgical first assistant, a licensee shall attest to
28 having successfully completed thirty-eight (38) hours of continuing education in courses directly
29 related to the practice of surgical assisting as approved and documented by a provider recognized
30 by one of the following:

31 (i) The National Board of Surgical Technology and Surgical Assisting;

32 (ii) The National Commission for the Certification of Surgical Assistants; or

33 (iii) The National Surgical Assistant Association.

34 (5) A licensee shall retain a completed form with all supporting documentation in the

1 licensees' records for a period of four (4) years following the renewal of an active license.

2 (6) The board shall periodically conduct a random audit of its active licensees to determine
3 compliance and the licensees selected for the audit shall provide all supporting documentation
4 within thirty (30) days of receiving notification of the audit.

5 (7) Failure of a licensee to comply with the requirements of this section may subject the
6 licensee to disciplinary action by the board.

7 (8) The board, at its discretion, may grant an extension of the deadline for continuing
8 education requirements, for up to one year, for good cause shown upon a written request from the
9 licensee, prior to the renewal date.

10 (9) The board, at its discretion, may grant an exemption for all or part of the requirements
11 for circumstances beyond the control of the licensee, such as temporary disability, mandatory
12 military service, or officially declared disasters.

13 **5-54.1-8. Grounds for refusal to renew, suspension or revocation of certificates.**

14 The director may, after notice and a hearing, refuse to grant, renew, suspend, or revoke any
15 certificate of licensure or discipline any registrant upon proof that the person is guilty of
16 unprofessional conduct as defined in § 5-54-2.

17 **5-54.1-9. Requirements relating to professional conduct.**

18 The board shall receive and maintain a confidential file which shall be available to the
19 board to precipitate or aid in their investigations. The information shall also be available to licensed
20 surgical facilities in connection with the granting of staff privileges and to the individual certified
21 surgical first assistants themselves. The file shall contain the following information:

22 (1) Cases of malpractice suits against certified surgical first assistants as reported to the
23 board by insurers and self-insurers;

24 (2) Cases of malpractice suits that result in allegations being dropped, a dismissal, a
25 settlement, or court judgment or arbitration award adverse to the certified surgical first assistant;

26 (3) Reports by any hospital or state or local professional medical association/society of
27 disciplinary action taken against any certified surgical first assistant. These reports should also
28 include any resignation of a certified surgical first assistant if related to unprofessional conduct as
29 defined in law or any withdrawal of an application for hospital privileges relating to unprofessional
30 conduct;

31 (4) Reports by state and federal courts of certified surgical first assistants found guilty of a
32 felony;

33 (5) Reports by professional review organizations and third-party health insurers of
34 sanctions imposed on a certified surgical first assistant; and

1 (6) Contain any other data that the board by reasonable rule or regulation deems
2 appropriate.

3 **5-54.1-10. Severability.**

4 The provisions of this chapter are severable and if any of the provisions of this chapter are
5 held unconstitutional by any court of competent jurisdiction, the decision of that court does not
6 affect or impair any of the remaining provisions.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- CERTIFIED SURGICAL FIRST
ASSISTANTS

- 1 This act would allow for the licensing of certified surgical first assistants through the
- 2 department of health to assist in surgeries.
- 3 This act would take effect upon passage.

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