

## 2009 DRAFTING REQUEST

### Bill

Received: 01/22/2009

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Sandy Pasch (608) 266-7671

By/Representing: Fred Ludwig

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters: rryan

Subject: Occupational Reg. - prof lic

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pasch@legis.wisconsin.gov

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

regulation of persons who practice surgical technology

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	tkuczens 02/25/2009	bkraft 03/03/2009	rschluet 03/03/2009	_____	lparisi 03/03/2009		
/P2	rryan 04/23/2009	bkraft 04/24/2009	rschluet 04/24/2009	_____	cduerst 04/24/2009		
/P3	rryan 07/01/2009	bkraft 07/01/2009	rschluet 07/02/2009	_____	lparisi 07/02/2009		

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/2	rryan 01/22/2010	bkraft 01/25/2010	rschluet 01/25/2010	_____	sbasford 01/25/2010		
/3	rryan 01/27/2010	bkraft 01/27/2010	rschluet 01/27/2010	_____	cduerst 01/27/2010	sbasford 02/05/2010	

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**Bill**

Received: **01/22/2009**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Donna Seidel (608) 266-0654**

By/Representing: **Natalie Verette**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Seidel@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

regulation of persons who practice surgical technology

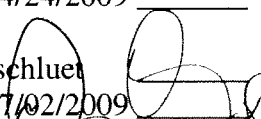
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1/2 bjk 1/22

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8/10 ph  
10 ph/nb

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*Handwritten notes:*  
/P3 bjk 7/1  
[Signatures]

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FE Sent For:

/P2 bjk 4/24

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<END> 4/24

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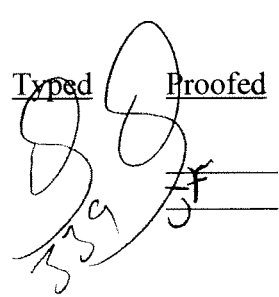
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1?	tkuczens	1/1 bjk 3/3					

FE Sent For:

<END>

## Kuczenski, Tracy

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**From:** Verette, Natalie  
**Sent:** Tuesday, January 20, 2009 4:41 PM  
**To:** Kuczenski, Tracy  
**Subject:** Certification for Surgical Technologists

**Attachments:** Surgical Techs - drafting instructions.pdf

Hello Tracy,

Attached are the drafting notes for the legislation we discussed. Please contact me with any questions.

Thank you.



Surgical Techs -  
drafting inst...

---

Natalie Verette  
Legislative Assistant  
**Office of State Representative Donna Seidel**  
*Assistant Majority Leader*  
85th Assembly District

State Capitol, 218 North  
P.O. Box 8953  
Madison, WI 53708

608.266.0654  
888.534.0085 (toll-free)  
natalie.verette@legis.wisconsin.gov

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# Surgical Technologists

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(O\*NET 29-2055.00)

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## Significant Points

- Employment is expected to grow much faster than average.
- Job opportunities will be best for technologists who are certified.
- Training programs last 9 to 24 months and lead to a certificate, diploma, or associate degree.
- Hospitals will continue to be the primary employer, although much faster employment growth is expected in other health care industries.

## Nature of the Work

Surgical technologists, also called scrubs and surgical or operating room technicians, assist in surgical operations under the supervision of surgeons, registered nurses, or other surgical personnel. Surgical technologists are members of operating room teams, which most commonly include surgeons, anesthesiologists, and circulating nurses.

Before an operation, surgical technologists help prepare the operating room by setting up surgical instruments and equipment, sterile drapes, and sterile solutions. They assemble both sterile and nonsterile equipment, as well as check and adjust it to ensure it is working properly. Technologists also get patients ready for surgery by washing, shaving, and disinfecting incision sites. They transport patients to the operating room, help position them on the operating table, and cover them with sterile surgical drapes. Technologists also observe patients' vital signs, check charts, and help the surgical team put on sterile gowns and gloves.

During surgery, technologists pass instruments and other sterile supplies to surgeons and surgeon assistants. They may hold retractors, cut sutures, and help count sponges, needles, supplies, and instruments. Surgical technologists help prepare, care for, and dispose of specimens taken for laboratory analysis and help apply dressings. Some operate sterilizers, lights, or suction machines, and help operate diagnostic equipment.

After an operation, surgical technologists may help transfer patients to the recovery room and clean and restock the operating room.

Certified surgical technologists with additional specialized education or training also may act in the role of the surgical first assistant or circulator. The surgical first assistant, as defined by the American College of Surgeons (ACS,) provides aid in exposure, hemostasis (controlling blood flow and stopping or preventing hemorrhage), and other technical functions under the surgeon's direction that help the surgeon carry out a safe operation. A circulating technologist is the "unsterile" member of the surgical team who interviews the patient before surgery; prepares the patient; helps with anesthesia; obtains and opens packages for the "sterile" people to remove the sterile contents during the procedure; keeps a written account of

the surgical procedure; and answers the surgeon's questions about the patient during the surgery.

**Work environment.** Surgical technologists work in clean, well-lighted, cool environments. They must stand for long periods and remain alert during operations. At times, they may be exposed to communicable diseases and unpleasant sights, odors, and materials.

Most surgical technologists work a regular 40-hour week, although they may be on call or work nights, weekends, and holidays on a rotating basis.

## Training, Other Qualifications, and Advancement

Training programs last 9 to 24 months and lead to a certificate, diploma, or associate degree. Professional certification can help in getting jobs and promotions.

**Education and training.** Surgical technologists receive their training in formal programs offered by community and junior colleges, vocational schools, universities, hospitals, and the military. In 2006, the Commission on Accreditation of Allied Health Education Programs (CAAHEP) recognized more than 400 accredited training programs. Programs last from 9 to 24 months and lead to a certificate, diploma, or associate degree. High school graduation normally is required for admission. Recommended high school courses include health, biology, chemistry, and mathematics.

Programs provide classroom education and supervised clinical experience. Students take courses in anatomy, physiology, microbiology, pharmacology, professional ethics, and medical terminology. Other topics covered include the care and safety of patients during surgery, sterile techniques, and surgical procedures. Students also learn to sterilize instruments; prevent and control infection; and handle special drugs, solutions, supplies, and equipment.

**Certification and other qualifications.** Most employers prefer to hire certified technologists. Technologists may obtain voluntary professional certification from the Liaison Council on Certification for the Surgical Technologist by graduating from a CAAHEP-accredited program and passing a national certification examination. They may then use the Certified Surgical Technologist (CST) designation. Continuing education or reexamination is required to maintain certification, which must be renewed every 4 years.

Certification also may be obtained from the National Center for Competency Testing (NCCT). To qualify to take the exam,



*Surgical technologists assemble, check, and adjust both sterile and nonsterile equipment.*



**Projections data from the National Employment Matrix**

Occupational Title	SOC Code	Employment, 2006	Projected employment, 2016	Change, 2006-2016	
				Number	Percent
Surgical technologists .....	29-2055	86,000	107,000	21,000	24

NOTE: Data in this table are rounded. See the discussion of the employment projections table in the *Handbook* introductory chapter on *Occupational Information Included in the Handbook*.

candidates follow one of three paths: complete an accredited training program; undergo a 2-year hospital on-the-job training program; or acquire 7 years of experience working in the field. After passing the exam, individuals may use the designation Tech in Surgery-Certified, TS-C (NCCT). This certification must be renewed every 5 years through either continuing education or reexamination.

Surgical technologists need manual dexterity to handle instruments quickly. They also must be conscientious, orderly, and emotionally stable to handle the demands of the operating room environment. Technologists must respond quickly and must be familiar with operating procedures in order to have instruments ready for surgeons without having to be told. They are expected to keep abreast of new developments in the field.

**Advancement.** Technologists advance by specializing in a particular area of surgery, such as neurosurgery or open heart surgery. They also may work as circulating technologists. With additional training, some technologists advance to first assistant. Some surgical technologists manage central supply departments in hospitals, or take positions with insurance companies, sterile supply services, and operating equipment firms.

**Employment**

Surgical technologists held about 86,000 jobs in 2006. About 70 percent of jobs for surgical technologists were in hospitals, mainly in operating and delivery rooms. Other jobs were in offices of physicians or dentists who perform outpatient surgery and in outpatient care centers, including ambulatory surgical centers. A few technologists, known as private scrubs, are employed directly by surgeons who have special surgical teams, like those for liver transplants.

**Job Outlook**

Employment of surgical technologists is expected to grow much faster than the average for all occupations. Job opportunities will be best for technologists who are certified.

**Employment change.** Employment of surgical technologists is expected to grow 24 percent between 2006 and 2016, much faster than the average for all occupations, as the volume of surgeries increases. The number of surgical procedures is expected to rise as the population grows and ages. Older people, including the baby boom generation, who generally require more surgical procedures, will account for a larger portion of the general population. In addition, technological advances, such as fiber optics and laser technology, will permit an increasing number of new surgical procedures to be

performed and also will allow surgical technologists to assist with a greater number of procedures.

Hospitals will continue to be the primary employer of surgical technologists, although much faster employment growth is expected in offices of physicians and in outpatient care centers, including ambulatory surgical centers.

**Job prospects.** Job opportunities will be best for technologists who are certified.

**Earnings**

Median annual earnings of wage-and-salary surgical technologists were \$36,080 in May 2006. The middle 50 percent earned between \$30,300 and \$43,560. The lowest 10 percent earned less than \$25,490, and the highest 10 percent earned more than \$51,140. Median annual earnings in the industries employing the largest numbers of surgical technologists were:

Offices of physicians .....	\$37,300
Outpatient care centers .....	37,280
General medical and surgical hospitals.....	35,840
Offices of dentists.....	34,160

Benefits provided by most employers include paid vacation and sick leave, health, medical, vision, dental insurance and life insurance, and retirement program. A few employers also provide tuition reimbursement and child care benefits.

**Related Occupations**

Other health occupations requiring approximately 1 year of training after high school include dental assistants, licensed practical and licensed vocational nurses, clinical laboratory technologists and technicians, and medical assistants.

**Sources of Additional Information**

For additional information on a career as a surgical technologist and a list of CAAHEP-accredited programs, contact:

► Association of Surgical Technologists, 6 West Dry Creek Circle, Suite 200, Littleton, CO 80120.

Internet: <http://www.ast.org>

For information on becoming a Certified Surgical Technologist, contact:

► Liaison Council on Certification for the Surgical Technologist, 6 West Dry Creek Circle, Suite 100, Littleton, CO 80120. Internet: <http://www.lcc-st.org>

For information on becoming a Tech in Surgery-Certified, contact:

► National Center for Competency Testing, 7007 College Blvd., Suite 705, Overland Park, KS 66211.

An Act relating to the employment of persons to practice surgical technology and certain other operating room staff by certain healthcare facilities.

**Section 1.** "Surgical Technology" means surgical patient care that involves:

(a) Preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;

(b) Preparing the operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;

(c) Anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient's surgical procedure; and

(d) As directed in an operating room setting, performing tasks at the sterile field including:

(1) Passing supplies, equipment, or instruments;

(2) Sponging or suctioning an operative site;

(3) Preparing and cutting suture material;

(4) Transferring and irrigating with fluids;

(5) Transferring but not administering drugs within the sterile field;

(6) Handling specimens;

(7) Holding retractors; and

(8) Assisting in counting sponges, needles, supplies, and instruments with the RN circulator.

**Section 2 (1).** A person may not practice surgical technology in a healthcare facility unless the person meets one of the following:

(a) Has successfully completed an accredited educational program for surgical technologists and holds and maintains the Surgical Technologist Certification administered by the National Board of Surgical Technology and Surgical Assisting or its successor; or

(b) Has completed an appropriate training program for surgical technology in the ~~Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States~~ or in the United States Public Health Service; or

(c) Provides evidence that the person was employed to practice surgical technology in a healthcare facility prior to the effective date of this act; or

(d) Is in the service of the federal government, to the extent the person is performing duties related to that service.

**(2).** A person may be employed to practice surgical technology during the twelve month period immediately following graduation from an accredited school of surgical technology, but may not continue to be employed beyond that period without documentation that the employee holds and maintains the certified surgical technologist certification required in Section 2 (1)(a).

**Section 3.** A person may practice surgical technology that does not meet the requirements of Section 2 (1), (a), (b), or (c) if:

(a) After a diligent and thorough effort has been made, the healthcare facility is unable to employ a sufficient number of persons who meet the requirements of this section.

(b) The healthcare facility makes a written record of its efforts under subsection above and retains the record at the healthcare facility.

**Section 4.** A person who qualifies to be employed to practice surgical technology in a healthcare facility under Section 2 (a), (b), (c), or (d) must annually complete 15 hours of continuing education to remain qualified for employment.

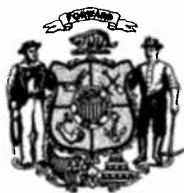
(a) A healthcare facility that employs a person to practice surgical technology shall verify that the person meets the continuing education requirements of this section and, where applicable, that the person has maintained the Surgical Technologist Certification.

**Section 5.** A healthcare facility shall supervise each person employed by the healthcare facility to practice surgical technology according to the healthcare facility's policies and procedures to ensure that the person competently performs delegated tasks intraoperatively and according to this Act or other law.

**Section 6.** Nothing in this Act shall prohibit any licensed practitioner from performing surgical technology tasks or functions if the person is acting within the scope of that practitioner's license.

**Section 7.** The Department of Regulation and Licensing shall enforce the provisions of this Act.

**Section 8.** This Act shall take effect on (Month, Date, and Year).



State of Wisconsin  
2009 - 2010 LEGISLATURE

PI  
LRB-17122  
TKK.....bjk  
RMRJm  
insert  
d-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS- Please sort.

SA  
x-ref

in 2/25/09

1 AN ACT <sup>gen.</sup>...; relating to: regulating surgical technologists by the Department of  
2 Regulation and Licensing and requiring the exercise of rule-making authority.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.  
For further information see the *state* fiscal estimate, which will be printed as  
an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 146.997 (1) (d) 1. of the statutes is renumbered 146.997 (1) (d) 1r.

4 SECTION 2. 146.997 (1) (d) 1d. of the statutes is created to read:

5 146.997 (1) (d) 1d. A surgical technologist certified under ch. 440.

6 SECTION 3. 146.997 (1) (d) 15. of the statutes is amended to read:

7 146.997 (1) (d) 15. A partnership of any providers specified under subds. ~~1.~~ 1d.  
8 to 14.

History: 1999 a. 176, 186; 2001 a. 38, 70, 74, 105; 2003 a. 33; 2005 a. 22; 2007 a. 20 s. 9121 (6) (a); 2007 a. 130.

9 SECTION 4. 146.997 (1) (d) 16. of the statutes is amended to read:

INSERT 1-3

1           146.997 (1) (d) 16. A corporation or limited liability company of any providers  
2 specified under subds. ~~1-~~ 1d. to 14. that provides health care services.

3 History: 1999 a. 176, 186; 2001 a. 38, 70, 74, ~~83~~ 105; 2003 a. 33; 2005 a. 22; 2007 a. 20 s. 9121 (6) (a); 2007 a. 130.

3           **SECTION 5.** 155.01 (7) of the statutes is amended to read:

4           155.01 (7) "Health care provider" means a surgical technologist certified under  
5 ch. 440, a nurse licensed or permitted under ch. 441, a chiropractor licensed under  
6 ch. 446, a dentist licensed under ch. 447, a physician, physician assistant,  
7 perfusionist, podiatrist, physical therapist, physical therapist assistant,  
8 occupational therapist, or occupational therapy assistant licensed under ch. 448, a  
9 person practicing Christian Science treatment, an optometrist licensed under ch.  
10 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation or  
11 limited liability company thereof that provides health care services, an operational  
12 cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly  
13 provides services through salaried employees in its own facility, or a home health  
14 agency, as defined in s. 50.49 (1) (a).

15 History: 1989 a. 200; 1991 a. 281; 1993 a. 27, ~~105~~ 112, 490; 1995 a. 27 ss. 4395, 9126 (19); 1997 a. 35, 67; 1999 a. 9, 180; 2001 a. 70, 89, 105; 2005 a. 22; 2007 a. 20 s. 9121 (6) (a).

15           **SECTION 6.** 250.042 (4) (a) 3. of the statutes is amended to read:

16           250.042 (4) (a) 3. "Health care provider" means an individual who, at any time  
17 within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or  
18 166.23, has met requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em),  
19 or (g), has been certified as a surgical technologist or met the requirements for  
20 practicing surgical technology under ch. 440, has been licensed as a physician, a  
21 physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse,  
22 licensed practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under

1 ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian under ch.  
2 453, or has been certified as a respiratory care practitioner under ch. 448.

3 History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

**SECTION 7.** 252.14 (1) (ar) 1. of the statutes is renumbered 252.14 (1) (ar) 1r.

**SECTION 8.** 252.14 (1) (ar) 1d. of the statutes is created to read:

5 252.14 (1) (ar) 1d. A surgical technologist certified under ch. 440.

**SECTION 9.** 252.14 (1) (ar) 9. of the statutes is amended to read:

7 252.14 (1) (ar) 9. An employee or agent of any provider specified under subsds.

8 ~~1.~~ 1d. to 8.

9 History: 1989 a. 201; 1991 a. 32, 39, 160, 189, 269, 315; 1993 a. 27 ss. 326 to 331; Stats. 1993 s. 252.14; 1993 a. 105, 190, 252, 443; 1993 a. 490 s. 143; 1993 a. 491, 495; 1995 a. 27 ss. 6322, 9145 (1); 1997 a. 27, 35, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80, 89; 2005 a. 22; 2007 a. 130.

**SECTION 10.** 252.14 (1) (ar) 10. of the statutes is amended to read:

10 252.14 (1) (ar) 10. A partnership of any provider specified under subsds. ~~1.~~ 1d.

11 to 8.

12 History: 1989 a. 201; 1991 a. 32, 39, 160, 189, 269, 315; 1993 a. 27 ss. 326 to 331; Stats. 1993 s. 252.14; 1993 a. 105, 190, 252, 443; 1993 a. 490 s. 143; 1993 a. 491, 495; 1995 a. 27 ss. 6322, 9145 (1); 1997 a. 27, 35, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80, 89; 2005 a. 22; 2007 a. 130.

**SECTION 11.** 252.14 (1) (ar) 11. of the statutes is amended to read:

13 252.14 (1) (ar) 11. A corporation of any provider specified under subsds. ~~1.~~ 1d.

14 to 8. that provides health care services.

15 History: 1989 a. 201; 1991 a. 32, 39, 160, 189, 269, 315; 1993 a. 27 ss. 326 to 331; Stats. 1993 s. 252.14; 1993 a. 105, 190, 252, 443; 1993 a. 490 s. 143; 1993 a. 491, 495; 1995 a. 27 ss. 6322, 9145 (1); 1997 a. 27, 35, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80, 89; 2005 a. 22; 2007 a. 130.

**SECTION 12.** 440.08 (2) (a) 68x. of the statutes is created to read:

16 440.08 (2) (a) 68x. Surgical technologist: November 1 of each odd-numbered

17 year.

**SECTION 13.** Subchapter III of chapter 440 [precedes 440.41] of the statutes is

18 renumbered ~~ch. 440 subch. VI~~ subchapter VI of chapter 440 [precedes 440.41]

**SECTION 14.** Subchapter IV of chapter 440 [precedes 440.51] of the statutes is

19 renumbered ~~ch. 440 subch. VII~~ subchapter VII of chapter 440 [precedes 440.51]

**SECTION 15.** Subchapter V of chapter 440 [precedes 440.60] of the statutes is

20 renumbered ~~ch. 440 subch. IX~~ subchapter IX of chapter 440 [precedes 440.60]

21 renumbered ~~ch. 440 subch. IX~~ subchapter IX of chapter 440 [precedes 440.60]

1           X  
 SECTION 16. Subchapter VI of chapter 440 [precedes 440.70] of the statutes is  
 2           renumbered ~~ch. 440 subch. XI~~ e subchapter XI of chapter 440 [precedes 440.70]

3           X  
 SECTION 17. Subchapter VII of chapter 440 [precedes 440.88] of the statutes  
 4           is renumbered ~~ch. 440 subch. XII~~ e subchapter XII of chapter 440 [precedes 440.88]  
 5           e IV

6           X  
 SECTION 18. Subchapter XIII (title) of chapter 440 [precedes 440.89] of the  
 7           statutes is created to read:

### CHAPTER 440

### SUBCHAPTER XIII e IV

### SURGICAL TECHNOLOGISTS

10           X  
 SECTION 19. 440.89 of the statutes is created to read:

11           **440.89 Surgical technologists. (1) DEFINITIONS.** In this section:

12           (a) "Ambulatory surgery center" has the meaning given in 42 CFR 416.2.

13           (b) "Hospital" has the meaning given in s. 50.33 (2). ~~AA~~ ee

> \*\*\*\*NOTE: The drafting instructions indicate that surgical technologists will be practicing in "certain healthcare facilities." As drafted, surgical technologists will be practicing in hospitals, as defined under s. 50.33 (2) (a) and "ambulatory surgical centers" as defined in 42 CFR 416.2. Do these two categories capture what you envisioned as "certain healthcare facilities?" ea

\*\*\*\*NOTE: Do surgical technologists assist dentists? If so, hospitals and ambulatory surgery centers will not sufficiently define the scope of "certain healthcare facilities."

14           (c) "Sterile field" means the area that immediately surrounds or that will  
 15           immediately surround a patient that has been prepped for surgery.

16           (d) "Surgical asepsis" means the exclusion of microorganisms before they can  
 17           enter an open surgical wound or contaminate a sterile field before or during surgery.

\*\*\*\*NOTE: Are the definitions of "sterile field" and "surgical asepsis" okay?

18           (e) "Surgical technology" means surgical patient care in an ambulatory surgery  
 19           center or hospital that involves any of the following:



1 1. Preparing an operating room for a surgical procedure by ensuring that  
2 surgical equipment is functioning properly and safely.

\*\*\*\*NOTE: Are "operating rooms" the only places within which surgical  
technologists will perform? Is it necessary to define an "operating room" as a room where  
specific equipment is located and/or specific activities take place?

3 2. Preparing an operating room and the sterile field for a surgical procedure by  
4 preparing the appropriate sterile supplies, instruments, and equipment for that  
5 surgical procedure using surgical asepsis.

> \*\*\*\*NOTE: The drafting materials included "anticipating the needs of the surgical  
team..." as an element of the practice of surgical technology. This seemed to be similar to  
"preparing the operating room and the sterile field" for a specific surgical procedure; such  
preparation would involve anticipating the needs of the surgical team. Is the above  
language okay?

6 3. Performing any of the following tasks in the sterile field at the direction of

7 surgical team members:

- 8 a. Passing and holding supplies, equipment, or instruments.
- 9 b. Sponging or suctioning an operative site.
- 10 c. Preparing and cutting material for sutures.
- 11 d. Transferring and irrigating operative sites with fluids.
- 12 e. Transferring but not administering drugs within the sterile field.
- 13 f. Handling specimens.
- 14 g. Counting sponges, needles, supplies, and instruments.

\*\*\*\*NOTE: Is it important to identify these specific tasks?

\*\*\*\*NOTE: Is it important that the surgical technologist only take directions from  
or perform specific tasks on behalf of particular members of the surgical team? Please  
advise.

15 (2) CERTIFICATION REQUIRED. (a) Except as provided in par. (b), no person may  
16 practice surgical technology unless he or she is certified under this section.

\*\*\*\*NOTE: Did you also want to prohibit persons from identifying themselves as  
surgical technologists unless they are certified?

17 (b) This section does not require a certificate for any of the following:

1           1. A person lawfully practicing within the scope of a license, permit, certificate  
2 of certification, or registration issued in this state.

3           2. A person engaged in surgical technology as an employee of the federal  
4 government.

5           3. A person employed by an ambulatory surgery center or hospital if all of the  
6 following are satisfied:

7           a. The ambulatory surgery center or hospital makes a diligent and good faith  
8 effort to recruit, hire, and employ persons certified under this section.

9           b. Notwithstanding the effort under subdivision <sup>2- subdo</sup> 3.a., the ambulatory surgery  
10 center or hospital is unable to employ a sufficient number of persons certified under  
11 this section.

12           c. The ambulatory surgery center or hospital documents and maintains a  
13 written record of the effort under subdivision <sup>2- subdo</sup> 3.a.

\*\*\*\*NOTE: Do you wish to place a limit on how long an ambulatory surgery center  
or hospital may employ persons who are not certified to practice surgical technology?

14           **(3) CERTIFICATION; STANDARDS AND QUALIFICATIONS.** The department shall issue  
15 a certificate of certification to a person who satisfies all of the following:

16           (a) Submits an application for the license to the department on a form provided  
17 by the department.

18           (b) Pays the fee specified in s. 440.05 (1).

19           (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory  
20 to the department that the person does not have an arrest or conviction record.

21           (d) Submits evidence satisfactory to the department that the person satisfies  
22 one or more of the following:



1 SECTION 21. Subchapter IX of chapter 440 [precedes 440.96] of the statutes is  
2 renumbered ~~ch. 440 subch. XV~~ <sup>e</sup> subchapter XVI of chapter 440 [precedes 440.96]

3 SECTION 22. Subchapter X of chapter 440 [precedes 440.97] of the statutes is  
4 renumbered ~~ch. 440 subch. XVI~~ <sup>e</sup> subchapter XVII of chapter 440 [precedes 440.97]

5 SECTION 23. Subchapter XI of chapter 440 [precedes 440.98] of the statutes is  
6 renumbered ~~ch. 440 subch. XVII~~ <sup>e</sup> subchapter XVIII of chapter 440 [precedes 440.98]

7 SECTION 24. Subchapter XII of chapter 440 [precedes 440.9805] of the statutes  
8 is renumbered ~~ch. 440 subch. XVIII~~ <sup>e</sup> subchapter XIX of chapter 440 [precedes 440.9805]

9 SECTION 25. Subchapter XIII of chapter 440 [precedes 440.99] of the statutes  
10 is renumbered ~~ch. 440 subch. XIX~~ <sup>e</sup> subchapter XX of chapter 440 [precedes 440.99]

11 SECTION 26. 441.15 (2m) of the statutes is amended to read:

12 441.15 (2m) Subsection (2) does not apply to a person granted a license to  
13 practice midwifery under subch. XII ~~XVIII~~ <sup>e IX</sup> of ch. 440.

14 History: 1979 c. 317; 1983 a. 273; 1987 a. 264; 1991 a. 39; 1999 a. 22; 2001 a. 52, 105, 107; 2003 a. 321; 2005 a. 96, 292; 2007 a. 20, 97.  
SECTION 27. 448.03 (2) (a) of the statutes is amended to read:

15 448.03 (2) (a) Any person lawfully practicing within the scope of a license,  
16 permit, registration, certificate or certification granted to practice midwifery under  
17 subch. XII ~~XVIII~~ <sup>e IX</sup> of ch. 440, to practice professional or practical nursing or  
18 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice  
19 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to  
20 practice acupuncture under ch. 451 or under any other statutory provision, or as  
21 otherwise provided by statute.

22 History: 1975 c. 383, 421; 1977 c. 164; 1979 c. 37; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311;  
1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292; 2007 a. 97.  
SECTION 28. 157.055 (2) (intro.) of the statutes is amended to read:

23 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),  
24 (3m), and (4), 979.02, and 979.10, and subch. VI ~~XI~~ of ch. 440, during a period of a

1 state of emergency related to public health declared by the governor under s. 166.03

2 (1) (b) 1., a public health authority may do all of the following:

3 **History:** 2001 a. 109; 2005 a. 31.

**(END)**

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1712/rins

RLR:.....

PI  
Lbjk

1           **INSERT 1-3** ✓

2           **SECTION 1.** 50.36 (6) of the statutes is created to read:

3           **50.36 (6)** A hospital that employs a surgical technologist shall verify that the  
4           surgical technologist is certified under s. 440.89 (3).

\*\*\*\*NOTE: 1. This draft does not require a hospital to verify that a surgical technologist has satisfied continuing education requirements, because the surgical technologist must submit proof of continuing education hours to DRL to obtain recertification. 2. If you decide to keep this requirement for hospitals in the draft, the draft should probably include a similar provision for ambulatory surgery centers. I am looking into where such a provision should be placed, since the statutes do not include a licensing requirement for ambulatory surgery centers. (RLR)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1712/8dn

TKK:.....

l P1  
Lbjk

Date

Rep. Seidel:

Please review this draft carefully to ensure that I have captured your intent. I have embedded a number of questions within the body of the draft itself. I have two additional questions:

1. Do you want to require the Department of Regulation and Licensing to promulgate rules governing surgical technologists, and if so, are there any particular provisions you would like addressed?
2. Do you want to establish a delayed effective date?

I look forward to working with you on the next draft.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1712/P1dn  
TKK:bjk:rs

March 3, 2009

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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LRB

4/1

Call from Joe Strohl - LRB-1712

require hospital to make sure  
certified before employ as a  
Surgical Technologist

State's role - inspect the hospital

Also apply to Ambulatory Surgery  
Centers

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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Definition of Ambulatory Surgery Center  
taken from 42 CFR 416.2