



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1712-<sup>P2</sup>  
TKK:RLB:bjk:rs  
stays

In 4/23/09

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMP

Inserts

SA  
K-ref

Regen Cat.

1 AN ACT *to renumber* 146.997 (1) (d) 1., 252.14 (1) (ar) 1., subchapter III of  
2 chapter 440 [precedes 440.41], subchapter IV of chapter 440 [precedes 440.51],  
3 subchapter V of chapter 440 [precedes 440.60], subchapter VI of chapter 440  
4 [precedes 440.70], subchapter VII of chapter 440 [precedes 440.88], subchapter  
5 VIII of chapter 440 [precedes 440.90], subchapter IX of chapter 440 [precedes  
6 440.96], subchapter X of chapter 440 [precedes 440.97], subchapter XI of  
7 chapter 440 [precedes 440.98], subchapter XII of chapter 440 [precedes  
8 440.9805] and subchapter XIII of chapter 440 [precedes 440.99]; *to amend*  
9 146.997 (1) (d) 15., 146.997 (1) (d) 16., 155.01 (7), 157.055 (2) (intro.), 250.042  
10 (4) (a) 3., 252.14 (1) (ar) 9., 252.14 (1) (ar) 10., 252.14 (1) (ar) 11., 441.15 (2m)  
11 and 448.03 (2) (a); and *to create* 50.36 (6), 146.997 (1) (d) 1d., 252.14 (1) (ar)  
12 1d., 440.08 (2) (a) 68x., subchapter IV (title) of chapter 440 [precedes 440.89]  
13 and 440.89 of the statutes; **relating to: regulating surgical technologists by the**

1 Department of Regulation and Licensing and requiring the exercise of  
2 rule-making authority.

*Handwritten:* surgical technology for a hospital or ambulatory surgery center  
*Handwritten:* requirements for persons performing surgery at a hospital or ambulatory surgery center

**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.

*JNS 2-2* → **The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

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

50.36 (6) A hospital that employs a surgical technologist shall verify that the 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)

**SECTION 2.** 146.997 (1) (d) 1. of the statutes is renumbered 146.997 (1) (d) 1r.

**SECTION 3.** 146.997 (1) (d) 1d of the statutes is created to read:

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

**SECTION 4.** 146.997 (1) (d) 15. of the statutes is amended to read:

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

**SECTION 5.** 146.997 (1) (d) 16. of the statutes is amended to read:

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

**SECTION 6.** 155.01 (7) of the statutes is amended to read:

*Handwritten:* person employed primarily to perform surgical technology as defined in 50.50(2)(a)

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

12 **SECTION 7.** 157.055 (2) (intro.) of the statutes is amended to read:

13 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),  
14 (3m), and (4), 979.02, and 979.10, and subch. ~~VI~~ XI of ch. 440, during a period of a  
15 state of emergency related to public health declared by the governor under s. 166.03  
16 (1) (b) 1., a public health authority may do all of the following:

17 **SECTION 8.** 250.042 (4) (a) 3. of the statutes is amended to read:

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

~~or has been certified as a surgical technologist  
by the National Board of Surgical Technology and  
Surgical Assisting~~

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 SECTION 9. 252.14 (1) (ar) 1. of the statutes is renumbered 252.14 (1) (ar) 1r.

4 SECTION 10. 252.14 (1) (ar) ~~1d.~~ <sup>160</sup> of the statutes is created to read:

5 <sup>165</sup> 252.14 (1) (ar) ~~1d.~~ A surgical technologist certified under ch. 440

6 SECTION 11. 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 subds.

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

9 SECTION 12. 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 subds. 1. ~~1d.~~

11 to 8.

12 SECTION 13. 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 subds. 1. ~~1d.~~

14 to 8. that provides health care services.

15 SECTION 14. 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.

18 SECTION 15. Subchapter XII of chapter 440 [precedes 440.41] of the statutes is

19 renumbered subchapter VI of chapter 440 [precedes 440.41].

20 SECTION 16. Subchapter IV of chapter 440 [precedes 440.51] of the statutes is

21 renumbered subchapter VII of chapter 440 [precedes 440.51].

22 SECTION 17. Subchapter V of chapter 440 [precedes 440.60] of the statutes is

23 renumbered subchapter IX of chapter 440 [precedes 440.60].

24 SECTION 18. Subchapter VI of chapter 440 [precedes 440.70] of the statutes is

25 renumbered subchapter XI of chapter 440 [precedes 440.70].

*(A) person employed or performing services as defined in 50.000(13)*

1 SECTION 19. Subchapter VII of chapter 440 [precedes 440.88] of the statutes  
2 is renumbered subchapter XII of chapter 440 [precedes 440.88].

3 SECTION 20. Subchapter XIV (title) of chapter 440 [precedes 440.89] of the  
4 statutes is created to read:

5 CHAPTER 440  
6 SUBCHAPTER XIV  
7 SURGICAL TECHNOLOGISTS

8 SECTION 21. 440.89 of the statutes is created to read:

9 440.89 Surgical technologists. (1) DEFINITIONS. In this section:

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

11 (b) "Hospital" has the meaning given in s. 50.33 (2).

\*\*\*\*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"?

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

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

14 (d) "Surgical asepsis" means the exclusion of microorganisms before they can  
15 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?

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

18 (a) 1. Preparing an operating room for a surgical procedure by ensuring that  
19 surgical equipment is functioning properly and safely.

more insert to

> **\*\*\*\*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?

- 1 (b) 2. Preparing an operating room and the sterile field for a surgical procedure by
- 2 preparing the appropriate sterile supplies, instruments, and equipment for that
- 3 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?

- 4 (c) 3. Performing any of the following tasks in the sterile field:
- 5 1. Passing and holding supplies, equipment, or instruments.
- 6 2. Sponging or suctioning an operative site.
- 7 3. Preparing and cutting material for sutures.
- 8 4. Transferring and irrigating operative sites with fluids.
- 9 5. Transferring but not administering drugs within the sterile field.
- 10 6. Handling specimens.
- 11 7. 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.

12 ~~(2) CERTIFICATION REQUIRED. (a) Except as provided in par. (b), no person may~~

13 ~~practice surgical technology unless he or she is certified under this section.~~

14 ~~**\*\*\*\*NOTE:** Did you also want to prohibit persons from identifying themselves as~~

15 ~~surgical technologists unless they are certified?~~

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

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

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

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

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

b. Notwithstanding the effort under subd. 3. a., the ambulatory surgery center or hospital is unable to employ a sufficient number of persons certified under this section.

c. The ambulatory surgery center or hospital documents and maintains a written record of the effort under subd. 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?

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

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

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

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

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

1. The person successfully completed an accredited educational program for surgical technology and holds and maintains certification as a Surgical Technologist

1 Issued by the National Board of Surgical Technology and Surgical Assisting or a  
2 successor organization.

3 *300* 2) The person successfully completed a training program for surgical  
4 technology while serving in the *USO armed forces* army, navy, air force, marine corps, or coast guard  
5 or in the federal public health service.

\*\*\*\*NOTE: As drafted, and per the drafting instructions, persons who completed their training in the armed forces or public health service do not need to demonstrate to the department that they hold the certification issued by the National Board of Surgical Technology as described in subd. 1. Is that your intent?

6 *300* 3) The person is engaged in the practice of surgical technology on the effective  
7 date of this *subsection* subdivision.... [LRB inserts date].

\*\*\*\*NOTE: Per the drafting instructions, the above grants a permanent waiver to persons practicing surgical technology at the time the bill is passed of the requirements established under subd. 1. Is that your intent, or do you wish to require these persons to eventually complete the educational training and obtain certification from the National Board of Surgical Technology as described in subd. 1.?

8 (4) RENEWAL; CONTINUING EDUCATION. (a) The renewal date for a certificate of  
9 certification issued under this section is specified in s. 440.08 (2) (a), and the renewal  
10 fee for such certificate of certification is determined by the department under s.  
11 440.03 (9) (a).

12 (b) An applicant for renewal of a certificate of certification issued under this  
13 section shall submit with his or her application for renewal evidence of annual  
14 completion of at least 15 hours of continuing education.

\*\*\*\*NOTE: Do you want to require DRL to approve the continuing education courses?

15 SECTION 22. Subchapter VIII of chapter 440 [precedes 440.90] of the statutes  
16 is renumbered subchapter XV of chapter 440 [precedes 440.90].

17 SECTION 23. Subchapter IX of chapter 440 [precedes 440.96] of the statutes is  
18 renumbered subchapter XVI of chapter 440 [precedes 440.96].

*move to insert*



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**SECTION 24.** Subchapter X of chapter 440 [precedes 440.97] of the statutes is renumbered subchapter XVII of chapter 440 [precedes 440.97].

**SECTION 25.** Subchapter XI of chapter 440 [precedes 440.98] of the statutes is renumbered subchapter XVIII of chapter 440 [precedes 440.98].

**SECTION 26.** Subchapter XII of chapter 440 [precedes 440.9805] of the statutes is renumbered subchapter XIX of chapter 440 [precedes 440.9805].

**SECTION 27.** Subchapter XIII of chapter 440 [precedes 440.99] of the statutes is renumbered subchapter XX of chapter 440 [precedes 440.99].

**SECTION 28.** 441.15 (2m) of the statutes is amended to read:

441.15 (2m) Subsection (2) does not apply to a person granted a license to practice midwifery under subch. ~~XII~~ XIX of ch. 440.

**SECTION 29.** 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice midwifery under subch. ~~XII~~ XIX of ch. 440, to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or under any other statutory provision, or as otherwise provided by statute.

(END)

JWS  
9-19  
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1           **Ins 2-2:**

2           **SECTION 1.** Subchapter II (title) of chapter 50 [precedes 50.20] of the statutes  
3 is amended to read:

4   **CHAPTER 50**

5   **SUBCHAPTER II**

6                                   **AMBULATORY SURGERY CENTERS AND HOSPITALS**

7           **SECTION 2.** 50.20 of the statutes is created to read:

8           **50.20 Definitions.** In this subchapter:

9           (1) "Ambulatory surgery center" means any distinct entity that operates  
10 exclusively for the purpose of providing surgical services to patients who do not  
11 require hospitalization.

12           (2) *INS material from p. 5 of RP1*

13           **SECTION 3.** 50.22 of the statutes is created to read:

14           **50.22 Surgical technologists at ambulatory surgery centers.** An  
15 ambulatory surgery center may not employ a person primarily <sup>e</sup> primary to perform surgical  
16 technology unless at least one of the following applies:

17           (1) The person has successfully completed an accredited educational program  
18 for surgical technology and holds a valid surgical technologist certification issued by  
19 the National Board of Surgical Technology and Surgical Assisting <sup>e</sup> or a successor  
20 organization.

Note insert

>  
\*\*\*\*NOTE: Do you want to permit certification by any competing certification  
organizations? For ex., the person hold a valid surgical technologist certification issued  
by the National Board of Surgical Technology and Surgical Assisting or a similar  
certification, as determined by the department of health services.

21           → *INS material from p. 8 of bill*

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**SECTION 4.** 50.33 (title) of the statutes is amended to read:

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**50.33 (title) Definitions; hospitals.**

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History: 1975 c. 413 ss. 4, 18; Stats. 1975 s. 50.33; 1977 c. 83 s. 26 (4); 1979 c. 175; 1983 a. 189; 1997 a. 237.

**SECTION 5.** 50.36 (6) of the statutes is created to read:

5

50.36 (6) A hospital may not employ a person <sup>primarily</sup> ~~primary~~ to perform surgical technology unless at least one of the following applies:

7

(a) The person has successfully completed an accredited educational program

8

for surgical technology and holds a valid surgical technologist certification issued by

9

the National Board of Surgical Technology and Surgical Assisting<sup>g</sup> or a successor organization.

11

(b) The person successfully completed a training program for surgical

12

technology while serving in the U.S. armed forces or the federal public health service.

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(c) The person is engaged in the practice of surgical technology on the effective

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date of this paragraph .... [LRB inserts date].

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**Ins 9-19:**

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**SECTION 6. Effective date.**

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(1) This act takes effect on first day of the 4th month beginning after

20

publication.

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1712/P2bkins  
TKK&RLR:bjk:

Note insert

~~N/A~~ Do you want to permit certification by any competing certification organizations? For example, could sub. (1) read: "The person holds a valid surgical technologist certification issued by the National Board of Surgical Technology and Surgical Assisting or a similar certification, as determined by the department of health services."?

## Ryan, Robin

---

**From:** Kuczenski, Tracy  
**Sent:** Monday, May 11, 2009 6:16 PM  
**To:** Verette, Natalie  
**Cc:** 'jstrohl@pffw.org'; Ryan, Robin  
**Subject:** RE: Draft review: LRB 09-1712/P2 Topic: regulation of persons who practice surgical technology

Hi Natalie -

Robin Ryan is the drafter on this bill (although I was involved initially), and she will do the revisions noted below. I am copying her on this reply.

Thanks,  
Tracy

-----Original Message-----

**From:** Verette, Natalie  
**Sent:** Mon 5/11/2009 4:25 PM  
**To:** Kuczenski, Tracy  
**Cc:** 'jstrohl@pffw.org'  
**Subject:** FW: Draft review: LRB 09-1712/P2 Topic: regulation of persons who practice surgical technology

Hi Tracy,

The surgical tech's have suggested a few changes to the most recent draft. If you have questions, please feel free to call Joe Strohl directly at 608.251.0900.

Thank you,  
Natalie

-----  
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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first, I would suggest that we reiterate the definition of "surgical technology" in both the ASC and Hospital sections, for consistency. I would also include (in both places) a definition of "surgical technologist" as one who performs surgical technology, or practices surgical technology (see below for my discussion of "practice" versus "perform,". On the educational requirement piece, that would be up to our clinical/professional experts, but it has been our practice in other states to require the same number of CE hours of the grandfathered and military trained STs as we do of the CSTs (15 hours per year). Therefore I would suggest the following, at around sections 50.22 and 50.36 to cover both ASCs and hospitals:

"A person employed to perform surgical technology under sections 50.22(2) or (3) shall annually complete 15 hours of continuing education and submit proof of completion to the person's employer."

And:

"A person employed to perform surgical technology under sections 50.36(6)(b) or (c) shall annually complete 15 hours of continuing education and submit proof of completion to the person's employer."

As we discussed, Certified Surgical Technologists submit their CE hours to the National Board, which issues the Certificate, which the Certified Surgical Technologist submits for the employer's records. This requirement for grandfathered and military would parallel the education requirement but provide for submission of the hours directly to the employer.

As for the licensed professionals who also practice surgical technology, I might suggest an addition to the definitions section of both the ASCs and hospitals subchapters to provide an exemption for nurses and other licensed personnel who might perform in the scrub role. First, I would define the term, "surgical technologist" as a person who performs surgical technology (since that term is defined immediately above), and at the end of the "surgical technologist" definition, insert an exception/exemption for "and any licensed practitioner authorized to perform surgical technology within the scope of practice of such practitioner's license." We don't want these folks to have to obtain a surgical technologist certification, or maintain continuing education through this bill. They should stand on their own. In fact, you might want to craft a specific exemption for them elsewhere in the bill, to keep it from being confused with everything else, including CE requirements, etc. As I think about it, a stand-alone section at the end of each subchapter (ASCs and Hospitals) might be best. Ask the drafter?

For the out-of-state practitioner issue, my recommendation is to leave that provision broad. There is a lot of employment flow between Wisconsin and Minnesota, and this shouldn't impede that. The market (or brilliantly executed national policy and advocacy!) will eventually eliminate this issue, as more state legislatures adopt the certification language. And, please change "engaged" to "employed" for consistency.

Finally, on a more global issue, and as we discussed, the preferred language is "practicing surgical technology" rather than "performing" - but this may bring blowback from nurses and others who think surgical technology is not a profession but rather a set of enumerated tasks and functions. If it would cause a scuffle, then leave it as is, as there are other hills to die on.



In 7/1/09  
Soon

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA  
Inserts

qualification requirements for

RMR

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regem.

1 AN ACT *to amend* subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title)  
 2 and 250.042 (4) (a) 3.; and *to create* 50.20, 50.22, 50.36 (6), 146.997 (1) (d) 13m.  
 3 and 252.14 (1) (ar) 16. of the statutes; **relating to: requirements for persons**  
 4 performing surgical technology for a hospital or ambulatory surgery center.

*Analysis by the Legislative Reference Bureau*

~~This is a preliminary draft. An analysis will be provided in a later version.~~

This Analysis

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

5 SECTION 1. Subchapter II (title) of chapter 50 [precedes 50.20] of the statutes  
6 is amended to read:

**CHAPTER 50**

**SUBCHAPTER II**

**AMBULATORY SURGERY CENTERS AND HOSPITALS**

10 SECTION 2. 50.20 of the statutes is created to read:

1           **50.20 Definitions.** In this subchapter:

2           (1) "Ambulatory surgery center" means any distinct entity that operates  
3 exclusively for the purpose of providing surgical services to patients who do not  
4 require hospitalization.

5           (2) "Surgical technology" means surgical patient care that involves any of the  
6 following:

7           (a) Preparing an operating room for a surgical procedure by ensuring that  
8 surgical equipment is functioning properly and safely.

9           (b) Preparing an operating room and the sterile field for a surgical procedure  
10 by preparing the appropriate sterile supplies, instruments, and equipment for that  
11 surgical procedure using surgical asepsis.

12           (c) Performing any of the following tasks in the sterile field:

13           1. Passing and holding supplies, equipment, or instruments.

14           2. Sponging or suctioning an operative site.

15           3. Preparing and cutting material for sutures.

16           4. Transferring and irrigating <sup>an</sup> operative sites with fluids.

17           5. Transferring but not administering drugs within the sterile field.

18           6. Handling specimens.

19           7. Counting sponges, needles, supplies, and instruments.

20           **SECTION 3.** 50.22 of the statutes is created to read:

21           **50.22 Surgical technologists at ambulatory surgery centers.** An

22 ambulatory surgery center may not employ a person primarily to perform surgical  
23 technology unless at least one of the following applies:

24           (a) (1) The person has successfully completed an accredited educational program  
25 for surgical technology and holds a valid surgical technologist certification issued by

(1) Bold



1 the National Board of Surgical Technology and Surgical Assisting or a successor  
2 organization.

\*\*\*\*NOTE: Do you want to permit certification by any competing certification organizations? For example, could sub. (1) read: "The person holds a valid surgical technologist certification issued by the National Board of Surgical Technology and Surgical Assisting or a similar certification, as determined by the department of health services."?

3 (b) (2) The person successfully completed a training program for surgical  
4 technology while serving in the U.S. armed forces or in the federal public health  
5 service.

6 (c) (3) The person is engaged in the practice of surgical technology on the effective  
date of this subsection .... [LRB inserts date].

JNS 3-7

SECTION 4. 50.33 (title) of the statutes is amended to read:

50.33 (title) **Definitions; hospitals.**

SECTION 5. 50.36 (6) of the statutes is created to read:

11 (a) 50.36 (6) A hospital may not employ a person primarily to perform surgical  
12 technology unless at least one of the following applies:

13 (b) (a) The person has successfully completed an accredited educational program  
14 for surgical technology and holds a valid surgical technologist certification issued by  
15 the National Board of Surgical Technology and Surgical Assisting or a successor  
16 organization.

17 (b) (b) The person successfully completed a training program for surgical  
18 technology while serving in the U.S. armed forces or the federal public health service.

19 (c) (c) The person is engaged in the practice of surgical technology on the effective  
date of this paragraph .... [LRB inserts date].

JNS 3-20

SECTION 6. 146.997 (1) (d) 13m. of the statutes is created to read:

employed to perform

1 146.997 (1) (d) 13m. A person employed primarily to perform surgical  
2 technology, as defined in s. 50.20 (2).

3 **SECTION 7.** 250.042 (4) (a) 3. of the statutes is amended to read:

4 250.042 (4) (a) 3. "Health care provider" means an individual who, at any time  
5 within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or  
6 166.23, has met requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em),  
7 or (g), has been licensed as a physician, a physician assistant, or a podiatrist under  
8 ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse-midwife  
9 under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under  
10 ch. 450, licensed as a veterinarian under ch. 453, or has been certified as a  
11 respiratory care practitioner under ch. 448, or has been certified as a surgical  
12 technologist by the National Board of Surgical Technology and Surgical Assisting.

13 **SECTION 8.** 252.14 (1) (ar) 16. of the statutes is created to read:

14 252.14 (1) (ar) 16. A person employed primarily to perform surgical technology,  
15 as defined in s. 50.20 (2).

16 **SECTION 9. Effective date.**

17 (1) This act takes effect on first day of the 4th month beginning after  
18 publication.

19 (END)

D-note

1           **Insert analysis:**

This bill imposes qualification requirements for persons employed by a hospital or ambulatory surgery center to perform surgical technology. The bill defines surgical technology as surgical patient care that involves preparing an operating room, equipment, and supplies for surgery, and performing various tasks during surgery, including handling equipment and supplies and irrigating and sponging an operative site. Under the bill, a hospital or ambulatory surgery center may not employ a person to perform surgical technology unless the person is certified by the National Board on Surgical Technology and Surgical Assisting; <sup>has</sup> completed training in surgical technology while serving in the U.S. armed forces or the federal public health service; is employed to perform surgical technology on the effective date of this bill; or is a licensed nurse, physician, or physician assistant. The bill also requires those persons who qualify on the basis of completing training in the U.S. armed services or the federal public health services, or on the basis that they are employed to perform surgical technology on the effective date of this bill, to complete annual continuing education relating to surgical technology.

2

3

4

5           **Ins 3-7:**

6           ~~Q~~ (d) The person is licensed as a nurse under ch. 441 or is licensed as a physician

7 or a physician assistant under ch. 448.

8           ~~Q~~ (2) A person described under sub. (1) (b) or (c) who is employed by a hospital

9 to perform surgical technology shall annually complete 15 hours of continuing

10 education related to surgical technology and submit proof of completion to the

11 hospital.

12

13

14           **Ins 3-20:**

1        Q 4. The person is licensed as a nurse under ch. 441 or is licensed as a physician  
2        or a physician assistant under ch. 448.

3        Q (b) A person described under par. (a) 1. or 2. who is employed by an ambulatory  
4        surgery center to perform surgical technology shall annually complete 15 hours of  
5        continuing education related to surgical technology and submit proof of completion  
6        to the ambulatory surgery center.

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

LRB-1712/P3dn

RLR:.....

Lbjk

Date

Representative Seidel:

- 10 The draft requires certain persons performing surgical technology to complete continuing education, but does not include any consequence for failure to complete the continuing education. Should the bill prohibit a hospital or ambulatory surgery center from continuing employment of a person who is required to complete the hours and does not? *Δ*
- 20 The draft provides that a hospital or ambulatory surgery center may employ a nurse, physician, or physician assistant to perform surgical technology. Do you want to include any other licensed professionals?
- 30 The grandfather provision covers only persons employed to perform surgical technology on the effective date of the bill. Is this provision broad enough, or do you want to cover any person who was employed to perform surgical technology at anytime within a certain number of years before the effective date of the bill?
- 40 The redraft instructions request that I reiterate the definition of "surgical technology." This is not necessary because the draft defines "surgical technology" for Subchapter II of Chapter 50, which applies to both ambulatory surgery centers and hospitals.
- 50 The redraft instructions also request that I define "surgical technologist." The term is only used in section titles and to identify the certification issued by the National Board of Surgical Technology and Surgical Assisting. A definition is not needed in either context. Section 990.001 (6) of the statutes provides that titles are not part of the law.
- 60 Please review the changes I made in the definition of "surgical technology" relating to the task of irrigating an operative site.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

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

LRB-1712/P3dn  
RLR:bjk:rs

July 1, 2009

Representative Seidel:

1. The draft requires certain persons performing surgical technology to complete continuing education, but does not include any consequence for failure to complete the continuing education. Should the bill prohibit a hospital or ambulatory surgery center from continuing employment of a person who is required to complete the hours and does not?
2. The draft provides that a hospital or ambulatory surgery center may employ a nurse, physician, or physician assistant to perform surgical technology. Do you want to include any other licensed professionals?
3. The grandfather provision covers only persons employed to perform surgical technology on the effective date of the bill. Is this provision broad enough, or do you want to cover any person who was employed to perform surgical technology at anytime within a certain number of years before the effective date of the bill?
4. The redraft instructions request that I reiterate the definition of "surgical technology." This is not necessary because the draft defines "surgical technology" for Subchapter II of Chapter 50, which applies to both ambulatory surgery centers and hospitals.
5. The redraft instructions also request that I define "surgical technologist." The term is only used in section titles and to identify the certification issued by the National Board of Surgical Technology and Surgical Assisting. A definition is not needed in either context. Section 990.001 (6) of the statutes provides that titles are not part of the law.
6. Please review the changes I made in the definition of "surgical technology" relating to the task of irrigating an operative site.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

## Ryan, Robin

---

**From:** jstrohl@pffw.org  
**Sent:** Wednesday, July 22, 2009 5:15 PM  
**To:** Ryan, Robin  
**Subject:** 1712/p3 Surg Tech

Hi Robin,

Sounds like you are out for a few days and hope you had a restful time.

On the bill draft requested by Rep. Seidel there needs to be a couple minor changes. First is a drafting correction. On page 3, line 23 it should read "ambulatory surgery center" and then on page 4, line 17 it should read "hospital". Looks like the 2 got switched around.

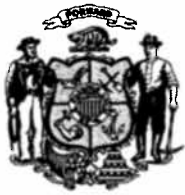
The 2nd change would be on page 3, lines 21 and 22 and then on page 4, lines 15 and 16. Rather than 15 hours annually it should be "60 hours of cont ed in a 4 year period".

As for the questions on cover letter we are fine with the draft as drafted. Please let me know if you have any questions.  
Thanks

Joe

Joseph A. Strohl  
Government Relations  
7 N. Pinckney Suite 200  
Madison, WI. 53703  
Phone: (608) 251-0900  
Fax: (608) 251-8707  
Cell: (414) 429-2589  
Email: [jstrohl@pffw.org](mailto:jstrohl@pffw.org)

07/30/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1712/08  
RLR&TKK:bjk:rs

1  
e  
stay

In 8/4/09

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMR

SA

regen.

1 AN ACT *to amend* subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title)  
2 and 250.042 (4) (a) 3.; and *to create* 50.20, 50.22, 50.36 (6), 146.997 (1) (d) 13m.  
3 and 252.14 (1) (ar) 16. of the statutes; **relating to:** qualification requirements  
4 for performing surgical technology for a hospital or ambulatory surgery center.

***Analysis by the Legislative Reference Bureau***

This bill imposes qualification requirements for persons employed by a hospital or ambulatory surgery center to perform surgical technology. The bill defines surgical technology as surgical patient care that involves preparing an operating room, equipment, and supplies for surgery, and performing various tasks during surgery, including handling equipment and supplies and irrigating and sponging an operative site. Under the bill, a hospital or ambulatory surgery center may not employ a person to perform surgical technology unless the person is certified by the National Board on Surgical Technology and Surgical Assisting; has completed training in surgical technology while serving in the U.S. armed forces or the federal public health service; is employed to perform surgical technology on the effective date of this bill; or is a licensed nurse, physician, or physician assistant. The bill also requires those persons who qualify on the basis of completing training in the U.S. armed services or the federal public health services, or on the basis that they are





- 1 4. Irrigating an operative site.
- 2 5. Transferring but not administering drugs.
- 3 6. Handling specimens.
- 4 7. Counting sponges, needles, supplies, and instruments.

5 SECTION 3. 50.22 of the statutes is created to read:

6 **50.22 Surgical technologists at ambulatory surgery centers.** (1) An  
7 ambulatory surgery center may not employ a person to perform surgical technology  
8 unless at least one of the following applies:

9 (a) The person has successfully completed an accredited educational program  
10 for surgical technology and holds a valid surgical technologist certification issued by  
11 the National Board of Surgical Technology and Surgical Assisting or a successor  
12 organization.

13 (b) The person successfully completed a training program for surgical  
14 technology while serving in the U.S. armed forces or in the federal public health  
15 service.

16 (c) The person is employed to perform surgical technology on the effective date  
17 of this subsection .... [LRB inserts date].

18 (d) The person is licensed as a nurse under ch. 441 or is licensed as a physician  
19 or a physician assistant under ch. 448.

20 (2) A person described under sub. (1) (b) or (c) who is employed by a hospital  
21 to perform surgical technology shall annually complete 15 hours of continuing  
22 education related to surgical technology and submit proof of completion to the

23 hospital ambulatory surgery center every 4 years

24 SECTION 4. 50.33 (title) of the statutes is amended to read:

25 **50.33 (title) Definitions; hospitals.**

an ambulatory surgery center

60

(7) bold (7)

1 SECTION 5. 50.36 (6) of the statutes is created to read:

2 50.36 (6) (a) A hospital may not employ a person to perform surgical technology  
3 unless at least one of the following applies:

4 1. The person has successfully completed an accredited educational program  
5 for surgical technology and holds a valid surgical technologist certification issued by  
6 the National Board of Surgical Technology and Surgical Assisting or a successor  
7 organization.

8 2. The person successfully completed a training program for surgical  
9 technology while serving in the U.S. armed forces or the federal public health service.

10 3. The person is employed to perform surgical technology on the effective date  
11 of this paragraph .... [LRB inserts date].

12 4. The person is licensed as a nurse under ch. 441 or is licensed as a physician  
13 or a physician assistant under ch. 448.

14 (b) A person described under par. (a) 1. or 2. who is employed by an ambulatory  
15 surgery center to perform surgical technology shall annually complete 15 hours of  
16 continuing education related to surgical technology and submit proof of completion  
17 to the ambulatory surgery center every 4 years

18 SECTION 6. 146.997 (1) (d) 13m. of the statutes is created to read:

19 146.997 (1) (d) 13m. A person employed to perform surgical technology, as  
20 defined in s. 50.20 (2).

21 SECTION 7. 250.042 (4) (a) 3. of the statutes is amended to read:

22 250.042 (4) (a) 3. "Health care provider" means an individual who, at any time  
23 within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or  
24 166.23, has met requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em),  
25 or (g), has been licensed as a physician, a physician assistant, or a podiatrist under

a hospital

hospital

1 ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse-midwife  
2 under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under  
3 ch. 450, licensed as a veterinarian under ch. 453, ~~or~~ has been certified as a  
4 respiratory care practitioner under ch. 448, or has been certified as a surgical  
5 technologist by the National Board of Surgical Technology and Surgical Assisting.

6 **SECTION 8.** 252.14 (1) (ar) 16. of the statutes is created to read:

7 252.14 (1) (ar) 16. A person employed to perform surgical technology, as defined  
8 in s. 50.20 (2).

9 **SECTION 9. Effective date.**

10 (1) This act takes effect on first day of the 4th month beginning after  
11 publication.

12

(END)

## Ryan, Robin

---

**From:** Verette, Natalie  
**Sent:** Monday, August 10, 2009 4:19 PM  
**To:** Ryan, Robin; Parisi, Lori; Kuczenski, Tracy  
**Cc:** Ludwig, Frederic  
**Subject:** LRB 1712/1

We received this draft today and Rep. Pasch will be introducing the bill. Per my conversation with Lori, please send an e-mail with the final draft to Rep. Pasch so that her office can have it jacketed. Please let me know if you have any questions.

Thank you,  
Natalie  
Rep. Seidel  
6-0654 / 218 North

**Ryan, Robin**

---

**From:** Ludwig, Frederic  
**Sent:** Wednesday, January 20, 2010 5:20 PM  
**To:** Ryan, Robin; Kuczenski, Tracy  
**Subject:** re: LRB 1712/1

Hi Robin and Tracy,

Can't remember which one of you we've been working through on LRB 1712/1 (re: surgical technicians), but Sandy would like to request the following changes to be made:

- ✓ • page 3, line 23 after period insert: This section does not apply to those persons in 50.22 (1) (c)
- ✓ • page 4, line 16 after period insert: This section does not apply to those persons in 50.36 (7) (a) (3)
- ✓ • page 5, line 9 delete words after "on" and insert: August 1, 2011

Let me know if you have any questions/concerns regarding the changes.

Thanks,  
Fred

Fred Ludwig  
**Office of Representative Sandy Pasch**  
608.266.7671 (Office)  
888.534.0022 (Toll-free)  
608.282.3622 (Fax)

In 1712/1  
Proposed 50.36(2)(b)  
should have referred  
to par. (a) 2. or 3.  
instead of (a) 1. or 2.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1712  
RLR&TKK:bjk:ph

2  
Re  
Lstays

Wanted Soon  
In 1/22/10

2009 BILL

RMR

SA  
x-ref

Insert

JN

regen.

1 AN ACT *to amend* subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title)  
2 and 250.042 (4) (a) 3.; and *to create* 50.20, 50.22, 50.36 (7), 146.997 (1) (d) 13m.  
3 and 252.14 (1) (ar) 16. of the statutes; **relating to:** qualification requirements  
4 for performing surgical technology for a hospital or ambulatory surgery center.

***Analysis by the Legislative Reference Bureau***

This bill imposes qualification requirements for persons employed by a hospital or ambulatory surgery center to perform surgical technology. The bill defines surgical technology as surgical patient care that involves preparing an operating room, equipment, and supplies for surgery, and performing various tasks during surgery, including handling equipment and supplies and irrigating and sponging an operative site. Under the bill, a hospital or ambulatory surgery center may not employ a person to perform surgical technology unless the person is certified by the National Board on Surgical Technology and Surgical Assisting; has completed training in surgical technology while serving in the U.S. armed forces or the federal public health service; is employed to perform surgical technology on the effective date of this bill; or is a licensed nurse, physician, or physician assistant. The bill also requires those persons who qualify on the basis of completing training in the U.S. armed services or the federal public health services, or on the basis that they are

X

**BILL**

employed to perform surgical technology on the effective date of this bill, to complete continuing education relating to surgical technology.

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

1           **SECTION 1.** Subchapter II (title) of chapter 50 [precedes 50.20] of the statutes  
2 is amended to read:

**CHAPTER 50**

**SUBCHAPTER II**

**AMBULATORY SURGERY CENTERS AND HOSPITALS**

3  
4  
5  
6           **SECTION 2.** 50.20 of the statutes is created to read:

7           **50.20 Definitions.** In this subchapter:

8           (1) "Ambulatory surgery center" means any distinct entity that operates  
9 exclusively for the purpose of providing surgical services to patients who do not  
10 require hospitalization.

11           (2) "Surgical technology" means surgical patient care that involves any of the  
12 following:

13           (a) Preparing an operating room for a surgical procedure by ensuring that  
14 surgical equipment is functioning properly and safely.

15           (b) Preparing an operating room and the sterile field for a surgical procedure  
16 by preparing the appropriate sterile supplies, instruments, and equipment for that  
17 surgical procedure using surgical asepsis.

18           (c) Performing any of the following tasks in the sterile field:

19           1. Passing and holding supplies, equipment, or instruments.

20           2. Sponging or suctioning an operative site.

21           3. Preparing and cutting material for sutures.



**BILL**

1 4. Irrigating an operative site.

2 5. Transferring but not administering drugs.

3 6. Handling specimens.

4 7. Counting sponges, needles, supplies, and instruments.

5 **SECTION 3.** 50.22 of the statutes is created to read:

6 **50.22 Surgical technologists at ambulatory surgery centers.** (1) An  
7 ambulatory surgery center may not employ a person to perform surgical technology  
8 unless at least one of the following applies:

9 (a) The person has successfully completed an accredited educational program  
10 for surgical technology and holds a valid surgical technologist certification issued by  
11 the National Board of Surgical Technology and Surgical Assisting or a successor  
12 organization.

13 (b) The person successfully completed a training program for surgical  
14 technology while serving in the U.S. armed forces or in the federal public health  
15 service.

16 (c) The person is employed to perform surgical technology on the effective date  
17 of this subsection .... [LRB inserts date].

18 (d) The person is licensed as a nurse under ch. 441 or is licensed as a physician  
19 or a physician assistant under ch. 448.

20 (2) A person described under sub. (1) (b) or (c) who is employed by an  
21 ambulatory surgery center to perform surgical technology shall complete 60 hours  
22 of continuing education related to surgical technology every four years and submit  
23 proof of completion to the ambulatory surgery center.

24 **SECTION 4.** 50.33 (title) of the statutes is amended to read:

25 **50.33 (title) Definitions; hospitals.**

**BILL**

**SECTION 5.** 50.36 (7) of the statutes is created to read:

50.36 (7) (a) A hospital may not employ a person to perform surgical technology unless at least one of the following applies:

1. The person has successfully completed an accredited educational program for surgical technology and holds a valid surgical technologist certification issued by the National Board of Surgical Technology and Surgical Assisting or a successor organization.

2. The person successfully completed a training program for surgical technology while serving in the U.S. armed forces or the federal public health service.

3. The person is employed to perform surgical technology on the effective date of this paragraph .... [LRB inserts date].

4. The person is licensed as a nurse under ch. 441 or is licensed as a physician or a physician assistant under ch. 448.

(b) A person described under par. (a) 1. or 2. who is employed by a hospital to perform surgical technology shall complete 60 hours of continuing education related to surgical technology every 4 years and submit proof of completion to the hospital.

**SECTION 6.** 146.997 (1) (d) 13m. of the statutes is created to read:

146.997 (1) (d) 13m. A person employed to perform surgical technology, as defined in s. 50.20 (2).

~~**SECTION 7.** 250.042 (4) (a) 3. of the statutes is amended to read:~~

~~250.042 (4) (a) 3. "Health care provider" means an individual who, at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has met requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em), or (g), has been licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse-midwife~~

**BILL**

1 under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under  
 2 ch. 450, licensed as a veterinarian under ch. 453, or has been certified as a  
 3 respiratory care practitioner under ch. 448, or has been certified as a surgical  
 4 technologist by the National Board of Surgical Technology and Surgical Assisting.

5 **SECTION 8.** 252.14 (1) (ar) 16. of the statutes is created to read:

6 252.14 (1) (ar) 16. A person employed to perform surgical technology, as defined  
 7 in s. 50.20 (2).

8 **SECTION 9. Effective date.**

9 (1) This act takes effect on first day of the 4th month beginning after  
 10 publication.

August 1, 2011

11 (END)

JNS  
5-7

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1712/2ins  
RLR:.....

1           **Ins 5-7:**

2           **SECTION 1.** 257.01 (8) of the statutes is amended to read:

3           257.01 (8) "Practitioner" means a behavioral health provider, clinical  
4 laboratory technician, emergency medical services provider, funeral director, health  
5 care provider, nurse aide, pupil services provider, ~~or~~ substance abuse prevention  
6 provider, or surgical technologist.

7 History: 2009 a. 42 ss. 245 to 250, 258 to 267; Stats. 2009 s. 257.01; 2009 a. 42.

7           **SECTION 2.** 257.01 (12) of the statutes is created to read:

8           257.01 (12) "Surgical technologist" means any of the following:

9           (a) An individual who satisfies the criteria under s. 50.36 (7) (a) and, if  
10 applicable, (b), to perform surgical technology at a hospital.

11           (b) An individual who was at any time within the previous 10 years, but is not  
12 currently, certified as a surgical technologist by the National Board of Surgical  
13 Technology and Surgical Assisting or a successor organization, if the individual's  
14 certification was never revoked limited, suspended, or denied renewal.

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

LRB-1712/2dn

RLR:.....

Lbjk

Date

Representative Pasch:

2009 Wisconsin Act 42 was enacted since the prior version of this draft was submitted. Act 42 expanded protection for emergency volunteer health care practitioners. It renumbered the volunteer health care practitioner provisions from s. 250.042 to a new chapter 257. Please review the treatment of ch. 257 in this draft.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

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

LRB-1712/2dn  
RLR:bjk:rs

January 25, 2010

Representative Pasch:

2009 Wisconsin Act 42 was enacted since the prior version of this draft was submitted. Act 42 expanded protection for emergency volunteer health care practitioners. It renumbered the volunteer health care practitioner provisions from s. 250.042 to a new chapter 257. Please review the treatment of ch. 257 in this draft.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: [robin.ryan@legis.wisconsin.gov](mailto:robin.ryan@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1712/3  
RLR&TKK:bjk:rs

3  
stays

Soon  
In 1/27/10

2009 BILL

RMR

SA-

regen.

1 AN ACT *to amend* subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title)  
2 and 257.01 (8); and *to create* 50.20, 50.22, 50.36 (7), 146.997 (1) (d) 13m.,  
3 252.14 (1) (ar) 16. and 257.01 (12) of the statutes; **relating to:** qualification  
4 requirements for performing surgical technology for a hospital or ambulatory  
5 surgery center.

**Analysis by the Legislative Reference Bureau**

This bill imposes qualification requirements for persons employed by a hospital or ambulatory surgery center to perform surgical technology. The bill defines surgical technology as surgical patient care that involves preparing an operating room, equipment, and supplies for surgery, and performing various tasks during surgery, including handling equipment and supplies and irrigating and sponging an operative site. Under the bill, a hospital or ambulatory surgery center may not employ a person to perform surgical technology unless the person is certified by the National Board on Surgical Technology and Surgical Assisting; has completed training in surgical technology while serving in the U.S. armed forces or the federal public health service; is employed to perform surgical technology on the effective date of this bill; or is a licensed nurse, physician, or physician assistant. The bill also requires those persons who qualify on the basis of completing training in the U.S.

of

X

**BILL**

*certification by the National Board of Surgical Technology and Surgical  
 ( - 2 - )  
 of  
 Armed services or the federal public health services to complete continuing education  
 relating to surgical technology.*

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

**SECTION 1.** Subchapter II (title) of chapter 50 [precedes 50.20] of the statutes is amended to read:

**CHAPTER 50**

**SUBCHAPTER II**

**AMBULATORY SURGERY CENTERS AND HOSPITALS**

**SECTION 2.** 50.20 of the statutes is created to read:

**50.20 Definitions.** In this subchapter:

(1) "Ambulatory surgery center" means any distinct entity that operates exclusively for the purpose of providing surgical services to patients who do not require hospitalization.

(2) "Surgical technology" means surgical patient care that involves any of the following:

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

(b) Preparing an operating room and the sterile field for a surgical procedure by preparing the appropriate sterile supplies, instruments, and equipment for that surgical procedure using surgical asepsis.

(c) Performing any of the following tasks in the sterile field:

1. Passing and holding supplies, equipment, or instruments.

2. Sponging or suctioning an operative site.

3. Preparing and cutting material for sutures.



**BILL**

- 1           4. Irrigating an operative site.
- 2           5. Transferring but not administering drugs.
- 3           6. Handling specimens.
- 4           7. Counting sponges, needles, supplies, and instruments.

5           **SECTION 3.** 50.22 of the statutes is created to read:

6           **50.22 Surgical technologists at ambulatory surgery centers.** (1) An  
7           ambulatory surgery center may not employ a person to perform surgical technology  
8           unless at least one of the following applies:

9           (a) The person has successfully completed an accredited educational program  
10          for surgical technology and holds a valid surgical technologist certification issued by  
11          the National Board of Surgical Technology and Surgical Assisting or a successor  
12          organization.

13          (b) The person successfully completed a training program for surgical  
14          technology while serving in the U.S. armed forces or in the federal public health  
15          service.

16          (c) The person is employed to perform surgical technology on the effective date  
17          of this <sup>paragraph</sup> ~~subsection~~ .... [LRB inserts date].

18          (d) The person is licensed as a nurse under ch. 441 or is licensed as a physician  
19          or a physician assistant under ch. 448.

20          (2) A person described under sub. (1) (b) who is employed by an ambulatory  
21          surgery center to perform surgical technology shall complete 60 hours of continuing  
22          education related to surgical technology every four years and submit proof of  
23          completion to the ambulatory surgery center.

24          **SECTION 4.** 50.33 (title) of the statutes is amended to read:

25          **50.33 (title) Definitions; hospitals.**

*to whom sub (1) (b) ↑  
(c) ↑ or (d) does  
not apply*

**BILL**

1           **SECTION 5.** 50.36 (7) of the statutes is created to read:

2           50.36 (7) (a) A hospital may not employ a person to perform surgical technology  
3 unless at least one of the following applies:

4           1. The person has successfully completed an accredited educational program  
5 for surgical technology and holds a valid surgical technologist certification issued by  
6 the National Board of Surgical Technology and Surgical Assisting or a successor  
7 organization.

8           2. The person successfully completed a training program for surgical  
9 technology while serving in the U.S. armed forces or the federal public health service.

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subdivision

10           3. The person is employed to perform surgical technology on the effective date  
11 of this paragraph .... [LRB inserts date].

12           4. The person is licensed as a nurse under ch. 441 or is licensed as a physician  
13 or a physician assistant under ch. 448.

14           (b) A person described under par. (a) 2, who is employed by a hospital to perform  
15 surgical technology shall complete 60 hours of continuing education related to  
16 surgical technology every 4 years and submit proof of completion to the hospital.

17           **SECTION 6.** 146.997 (1) (d) 13m. of the statutes is created to read:

18           146.997 (1) (d) 13m. A person employed to perform surgical technology, as  
19 defined in s. 50.20 (2).

20           **SECTION 7.** 252.14 (1) (ar) 16. of the statutes is created to read:

21           252.14 (1) (ar) 16. A person employed to perform surgical technology, as defined  
22 in s. 50.20 (2).

23           **SECTION 8.** 257.01 (8) of the statutes is amended to read:

24           257.01 (8) "Practitioner" means a behavioral health provider, clinical  
25 laboratory technician, emergency medical services provider, funeral director, health

to whom para (a) 2, 3 or 4 does  
not apply

**BILL**

1 care provider, nurse aide, pupil services provider, or substance abuse prevention  
2 provider, or surgical technologist.

3 **SECTION 9.** 257.01 (12) of the statutes is created to read:

4 257.01 (12) "Surgical technologist" means any of the following:

5 (a) An individual who satisfies the criteria under s. 50.36 (7) (a) and, if  
6 applicable, (b) ~~to perform surgical technology at a hospital~~

7 (b) An individual who was at any time within the previous 10 years, but is not  
8 currently, certified as a surgical technologist by the National Board of Surgical  
9 Technology and Surgical Assisting or a successor organization, if the individual's  
10 certification was never revoked limited, suspended, or denied renewal.

11 **SECTION 10. Effective date.**

12 (1) This act takes effect on August 1, 2011.

13 (END)

or <sup>satisfies</sup> ~~satisfies~~ the criteria under s. 50.36(1)  
and, if applicable, (2) to perform  
surgical technology at an  
ambulatory surgery center

**Ryan, Robin**

---

**From:** Ludwig, Frederic  
**Sent:** Tuesday, January 26, 2010 5:18 PM  
**To:** Ryan, Robin  
**Subject:** RE: re: LRB 1712/1

Just those certified by the National Board on Surgical Technology and Surgical Assisting should need to show that they've completed continuing ed requirements in order to obtain certification. Let me know if you need anything else clarified.

---

**From:** Ludwig, Frederic  
**Sent:** Tuesday, January 26, 2010 2:42 PM  
**To:** Ryan, Robin  
**Subject:** RE: re: LRB 1712/1

Thanks for your work on this, Robin. Passed it along and have the following suggestions:

- page 3, line 20 delete "(b)" and replace it with "(a)"
- page 4, line 14 delete "2" and replace it with "1"

Apparently this has to do with the required 60 hours of continuing education. We would like it to be only the new surg techs with all the all others being grandfathered...

Make sense (or no)?

*Call to Fred 1/26/10:*

*Previous communication indicated that to retain certification by National Board, person had to complete continuing*

---

**From:** Ludwig, Frederic  
**Sent:** Thursday, January 21, 2010 8:52 AM  
**To:** Ryan, Robin  
**Subject:** RE: re: LRB 1712/1

*education - so if this is true need to require education in bill?*

Got it. Thanks Robin!

---

**From:** Ryan, Robin  
**Sent:** Thursday, January 21, 2010 8:18 AM  
**To:** Ludwig, Frederic  
**Subject:** RE: re: LRB 1712/1

Fred, I'll look at this soon and get back to you with any questions.  
Robin

---

**From:** Ludwig, Frederic  
**Sent:** Wednesday, January 20, 2010 5:20 PM  
**To:** Ryan, Robin; Kuczenski, Tracy  
**Subject:** re: LRB 1712/1

Hi Robin and Tracy,

01/27/2010

**Basford, Sarah**

---

**From:** Ludwig, Frederic

**Sent:** Thursday, February 04, 2010 5:00 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-1712/3 Topic: regulation of persons who practice surgical technology

Please Jacket LRB 09-1712/3 for the ASSEMBLY.

02/05/2010



## 2009 ASSEMBLY BILL 744

02-16-2010  
Before  
changes

February 12, 2010 - Introduced by Representatives PASCH, HILGENBERG, TOWNSEND, BERCEAU, SINICKI, NEWCOMER, JORGENSEN and ZEPNICK, cosponsored by Senators LEHMAN, KEDZIE, TAYLOR and RISSER. Referred to Committee on Health and Healthcare Reform.

1 AN ACT *to amend* subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title)  
2 and 257.01 (8); and *to create* 50.20, 50.22, 50.36 (7), 146.997 (1) (d) 13m.,  
3 252.14 (1) (ar) 16. and 257.01 (12) of the statutes; **relating to:** qualification  
4 requirements for performing surgical technology for a hospital or ambulatory  
5 surgery center.

---

### *Analysis by the Legislative Reference Bureau*

This bill imposes qualification requirements for persons employed by a hospital or ambulatory surgery center to perform surgical technology. The bill defines surgical technology as surgical patient care that involves preparing an operating room, equipment, and supplies for surgery, and performing various tasks during surgery, including handling equipment and supplies and irrigating and sponging an operative site. Under the bill, a hospital or ambulatory surgery center may not employ a person to perform surgical technology unless the person is certified by the National Board of Surgical Technology and Surgical Assisting; has completed training in surgical technology while serving in the U.S. armed forces or the federal public health service; is employed to perform surgical technology on the effective date of this bill; or is a licensed nurse, physician, or physician assistant. The bill also requires those persons who qualify on the basis of certification by the National Board

# JACKET COPY

## ASSEMBLY BILL 744

An Act to amend subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title) and 257.01 (8); and to create 50.20, 50.22, 50.36 (7), 146.997 (1) (d) 13m., 252.14 (1) (ar) 16. and 257.01 (12) of the statutes; relating to: qualification requirements for performing surgical technology for a hospital or ambulatory surgery center.

Introduced on 12-FEB-2010.

Introduced by Representative **Pasch**; cosponsored by Senator **Robson**.

Sponsors  
changed  
Per Jerem  
Acc office  
02-16-2010

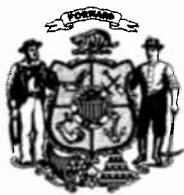
## BILL HISTORY FOR ASSEMBLY BILL 744

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2010

- 02-12. A. Introduced by Representative **Pasch**; cosponsored by Senator **Robson**.
- 02-12. A. Read first time and referred to committee on Health and Healthcare Reform ..... 647

Corrected  
copy  
requested



## 2009 ASSEMBLY BILL 744

After  
changes  
02-16-2010

February 12, 2010 - Introduced by Representative PASCH, cosponsored by Senator ROBSON. Referred to Committee on Health and Healthcare Reform.

1 **AN ACT** *to amend* subchapter II (title) of chapter 50 [precedes 50.20], 50.33 (title)  
2 and 257.01 (8); and *to create* 50.20, 50.22, 50.36 (7), 146.997 (1) (d) 13m.,  
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