



2025 ASSEMBLY BILL 261

May 19, 2025 - Introduced by Representatives CALLAHAN, GUNDRUM, JOHNSON, KREIBICH, MURPHY and O'CONNOR, cosponsored by Senators JAMES, PFAFF and SPREITZER. Referred to Committee on Health, Aging and Long-Term Care.

- 1 **AN ACT *to create*** 50.33 (1a), 50.33 (4) and 50.385 of the statutes; **relating to:**
- 2 certification of surgical technologists.

Analysis by the Legislative Reference Bureau

This bill prohibits hospitals and ambulatory surgical centers from employing or otherwise retaining any individual to perform surgical technology services unless the individual is qualified as provided in the bill. “Surgical technology” is defined under the bill to mean surgical patient care and includes: 1) collaboration with a team of health care providers prior to a surgical procedure to carry out the plan of care by performing certain preparatory tasks; 2) intraoperative anticipation and response to the needs of a surgeon and other team members in the operating room by monitoring the sterile field and providing the required instruments or supplies in the sterile field; and 3) performance of tasks in the sterile field as directed in an operating room setting, including passing supplies, equipment, or instruments; sponging or suctioning an operative site; preparing and cutting suture material; handling specimens; and holding retractors.

To qualify to perform surgical technology services under the bill, an individual must satisfy one of several possible criteria, including 1) successfully completing a training program for surgical technology in connection with the individual’s military service, or 2) successfully completing an accredited educational program for surgical technologists and holding and maintaining a certification as a surgical technologist from a national and accredited certifying body. The bill provides that

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a hospital or ambulatory surgical center may employ or otherwise retain the services of an individual to perform surgical technology services during the 24-month period that immediately follows the individual's successful completion of an educational program for surgical technologists. The bill provides that these requirements do not apply to a licensed health care provider who may provide surgical technology services within their scope of practice. Further, the bill provides that a hospital or ambulatory surgical center may establish additional requirements for any individual who performs surgical technology services as a condition of employment or contract.

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

SECTION 1. 50.33 (1a) of the statutes is created to read:

50.33 (1a) "Ambulatory surgical center" has the meaning given in 42 CFR 416.2.

SECTION 2. 50.33 (4) of the statutes is created to read:

50.33 (4) "Surgical technology" means surgical patient care, including all of the following:

(a) Collaboration with a team of health care providers prior to a surgical procedure to carry out the plan of care by doing the following:

1. Preparing the operating room.
2. Gathering and preparing sterile supplies, instruments, and equipment.
3. Preparing and maintaining the sterile field using sterile and aseptic techniques and ensuring that surgical equipment is functioning properly and safely.
4. Assisting with transferring patients and positioning patients.

(b) Intraoperative anticipation and response to the needs of a surgeon and other team members in the operating room by monitoring the sterile field and providing the required instruments or supplies in the sterile field.

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1 (c) Performance of tasks in the sterile field as directed in an operating room
2 setting, including all of the following:

- 3 1. Passing supplies, equipment, or instruments.
- 4 2. Sponging or suctioning an operative site.
- 5 3. Preparing and cutting suture material.
- 6 4. Transferring and irrigating with fluids.
- 7 5. Transferring, but not administering, drugs within the sterile field.
- 8 6. Handling specimens.
- 9 7. Holding retractors.
- 10 8. Assisting in counting sponges, needles, supplies, and instruments with a
11 registered nurse.

12 **SECTION 3.** 50.385 of the statutes is created to read:

13 **50.385 Surgical technology.** (1) No hospital or ambulatory surgical center
14 may employ or otherwise retain the services of an individual to perform surgical
15 technology tasks or functions unless the individual satisfies any of the following
16 criteria:

17 (a) The individual meets all of the following requirements:

- 18 1. Has successfully completed an accredited educational program for surgical
19 technologists.
- 20 2. Holds and maintains certification as a surgical technologist from a national
21 and accredited certifying body that certifies surgical technologists.

22 (b) The individual was employed as a surgical technologist in a hospital or
23 ambulatory surgical center on December 31, 2027.

24 (c) The individual has successfully completed a training program for surgical

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1 technology in connection with the individual's military service, as defined in s.
2 111.32 (12g).

3 (d) The individual is performing surgical technology tasks or functions in the
4 service of the federal government but only to the extent that the individual is
5 performing duties related to that service.

6 (2) Notwithstanding sub. (1), a hospital or ambulatory surgical center may
7 employ or otherwise retain the services of an individual to perform surgical
8 technology services during the 24-month period that immediately follows the
9 individual's successful completion of an educational program for surgical
10 technologists described under sub. (1) (a) 1. If a hospital or ambulatory surgical
11 center employs or otherwise retains the services of an individual to perform
12 surgical technology services under this subsection, the hospital or ambulatory
13 surgical center may not continue to employ or otherwise retain the services of that
14 individual beyond the 24-month period that immediately follows the individual's
15 successful completion of the educational program for surgical technologists
16 described under sub. (1) (a) 1. unless the individual has obtained the certification
17 described under sub. (1) (a) 2.

18 (3) Nothing in this section may be construed to prohibit a health care provider
19 from performing surgical technology services if the health care provider is acting
20 within the scope of his or her license, permit, registration, or certification.

21 (4) This section does not apply to any of the following:

22 (a) The practice of cardiac or interventional radiology.

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(b) An individual who practices as an expanded function dental auxiliary as delegated and supervised by a dentist licensed under ch. 447.

3 (c) An individual who practices optometry under the supervision of an
4 optometrist licensed under ch. 449.

(5) Nothing in this section prohibits a hospital or ambulatory surgical center with an employment or other contractual relationship with an individual to perform surgical technology services from establishing additional requirements for the individual as a condition of employment or contract.

9 SECTION 4. Effective date.

10 (1) This act takes effect on January 1, 2028.

11 (END)