

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 734

By: Maddox

AS INTRODUCED

An Act relating to professions and occupations; creating the Certified First Surgical Assistant Act; providing short title; defining terms; providing for certain construction; requiring license after specified date; creating Certified First Surgical Assistant Committee; providing for membership, appointments, qualifications, and terms of office; providing for meetings, officers, and quorum; stating powers and duties of State Board of Medical Licensure and Supervision with respect to certified first surgical assistants; providing additional Board authority for investigation and hearings; requiring notification; requiring Committee to advise Board on specified matters; requiring Committee to make recommendations on licensure; specifying person Committee must include; requiring Committee to assist Board in hearings; establishing eligibility requirements; providing for license renewal; directing Board to establish specified fees; providing penalties for unlicensed practice; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

The provisions of this act shall be known and may be cited as the "Certified First Surgical Assistant Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Certified First Surgical Assistant Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Certified first surgical assistant" means a person who:
 - a. is not a licensed physician,
 - b. is certified by the Liaison Council on Certification for the Surgical Technologist,
 - c. is licensed under this act to provide aid to operating physicians in exposure, homeostasis, and other technical functions to assist an operating physician to perform a safe operation with optimal results for the patient,
 - d. demonstrates the principles of safe positioning of the surgical patient, proper techniques to assist the surgeon in providing homeostasis, proper techniques to assist with the closure of body planes, advanced knowledge of normal and pathological anatomy and physiology, and knowledge of emergency situations,
 - e. provides visualization of the operative site during the operative procedure, and
 - f. expedites the operative procedure by anticipating the needs of the surgeon;

3. "Direct supervision" means the supervision of a certified first surgical assistant by an operating physician who authorizes procedures, remains in the facility while procedures are being performed, and approves work performed but is not present with the patient while the procedure is performed; and

4. "Operating physician" means a person licensed to practice under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall not be construed to prohibit the following:

1. A person licensed in this state under any other act from engaging in the practice for which that person is licensed, including but not limited to a physician assistant or nurse performing surgery-related tasks within the scope of the physician assistant's or nurse's license;

2. A person from engaging in practice as a certified first surgical assistant in the discharge of official duties as an employee of the United States government;

3. One or more certified first surgical assistants from forming a professional corporation and applying for licensure as a corporation providing certified first surgical assistant services;

4. A student engaging in the practice as a first surgical assistant under the direct supervision of a licensed physician as part of the student's program of study or in preparation for a certification examination; and

5. A person from assisting in surgery at an operating physician's discretion.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

On and after January 1, 2004, no person shall engage in practice as a certified first surgical assistant or hold himself or herself out as a certified first surgical assistant without first being licensed pursuant to this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Certified First Surgical Assistant Committee, which shall be composed of seven (7) members. Two members of the Committee shall be certified first surgical assistants appointed by the State Board of Medical Licensure and Supervision. One member shall be a physician appointed by the Board

from its membership. One member shall be a physician appointed by the Board from a list of qualified individuals submitted by the Oklahoma State Medical Association and who is not a member of the Board. One member shall be a physician appointed by the State Board of Osteopathic Examiners from its membership. One member shall be a physician appointed by the State Board of Osteopathic Examiners from a list of qualified individuals submitted by the Oklahoma Osteopathic Association and who is not a member of the board. One member shall be a licensed pharmacist appointed by the Board of Pharmacy.

B. The term of office for each member of the Committee shall be five (5) years. Provided, of those members initially appointed to the Committee by the Board, two shall serve three-year terms and two shall serve five-year terms, as designated by the Board; of those members initially appointed to the Committee by the State Board of Osteopathic Examiners, one shall serve a two-year term and one shall serve a four-year term, as designated by the board; and the member initially appointed by the Board of Pharmacy shall serve a five-year term.

C. The Committee shall meet at least quarterly. At the initial meeting of the Committee, members shall elect a chair. The chair shall represent the Committee at all meetings of the Board. Four members shall constitute a quorum for the purpose of conducting official business of the Committee.

D. The State Board of Medical Licensure and Supervision is hereby granted the power and authority to promulgate rules, which are in accordance with the provisions of this title, governing the requirements for licensure as a certified first surgical assistant, as well as to establish standards for training, approve institutions for training, and regulate the standards of practice of a certified first surgical assistant after licensure, including the power to issue, review, suspend or revoke a license.

E. The State Board of Medical Licensure and Supervision is hereby granted the power and authority to investigate all complaints, hold hearings, subpoena witnesses and initiate prosecution concerning violations of Section 519.1 et seq. of this title. When such complaints involve physicians licensed by the State Board of Osteopathic Examiners, the State Board of Osteopathic Examiners shall be officially notified of such complaints.

F. 1. The Committee shall advise the Board on matters pertaining to certified first surgical assistants, including, but not limited to:

- a. educational standards required to practice,
- b. licensure requirements required to practice,
- c. methods and requirements to ensure the continued competence of certified first surgical assistants after licensure,
- d. grounds for revocation or suspension of a license, and
- e. all other matters which may pertain to the practice of certified first surgical assistants.

2. The Committee shall review and make recommendations to the Board on all applications for licensure as a certified first surgical assistant and all applications to practice which shall be approved by the Board. When considering applicants for licensure, to establish standards of training or approve institutions for training, the Committee shall include any Director, or designee, of any certified first surgical assistant educational programs conducted by institutions of higher education in the state as member.

3. The Committee shall assist and advise the Board in all hearings involving certified first surgical assistants who are deemed to be in violation of this act or any rules of the Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

To be eligible for licensure as a physician assistant pursuant to the provisions of this act an applicant shall:

1. Have applied for licensure pursuant to the provisions of this act and applicable rules of the State Board of Medical Licensure and Supervision;

2. Have successfully completed the first assistant national certification examination provided by the Liaison Council on Certification for the Surgical Technologist; and

3. Have met any additional requirements set by the Board.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.7 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Licenses issued to certified first surgical assistants shall be renewed annually on a date determined by the State Board of Medical Licensure and Supervision. Each application for renewal shall document that the certified first surgical assistant has earned at least twenty (20) hours of continuing medical education during the preceding calendar year.

B. The Board shall promulgate, in the manner established by its rules, fees for the following:

1. Initial licensure;
2. License renewal;
3. Late license renewal;
4. Application to practice; and
5. Disciplinary hearing.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any person who holds herself or himself out as a certified first surgical assistant or uses the title "Certified First Surgical Assistant" without being licensed, or who otherwise violates the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00), by imprisonment in the county jail for not less than five (5) days, nor more than thirty (30) days, or by both such fine and imprisonment. Each day of a violation of the provisions of this act shall constitute a separate and distinct offense. Conviction shall also be grounds for the suspension or revocation of the license of a duly licensed certified first surgical assistant.

SECTION 9. This act shall become effective November 1, 2003.

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