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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 196  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Kelly and Carruthers

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### SUMMARY

- Requires an individual – with certain exceptions – to hold a license issued by the State Medical Board of Ohio in order to practice as a surgical assistant.
- Authorizes an individual to practice without a Board-issued license if the individual practices as a surgical assistant only at a hospital or ambulatory surgical facility that has been granted a waiver by the Board.

### DETAILED ANALYSIS

#### Practice of surgical assistants

H.B. 196 authorizes an individual holding a current, valid license issued by the State Medical Board to practice as a surgical assistant.<sup>1</sup> It also prohibits an individual, with certain exceptions, from knowingly practicing as a surgical assistant without a Board-issued license, but does not establish any criminal penalties for doing so.<sup>2</sup> However, in such a case, the bill authorizes the Medical Board to impose on the individual, pursuant to an adjudication, a civil penalty in an amount specified in rules adopted by the Board.<sup>3</sup>

Under a license, a surgical assistant may assist a physician in the performance of surgical procedures by engaging in the following activities:

- Providing exposure;
- Maintaining hemostasis;

<sup>1</sup> R.C. 4785.05.

<sup>2</sup> R.C. 4785.02(A).

<sup>3</sup> R.C. 4785.02(C).

- Making incisions;
- Closing or suturing surgical sites;
- Manipulating or removing tissue;
- Implanting surgical devices or drains;
- Suctioning surgical sites;
- Placing catheters;
- Clamping or cauterizing vessels or tissues;
- Applying dressings to surgical sites;
- Any other tasks as directed by the physician.<sup>4</sup>

### **Eligibility for licensure**

To be eligible for a license to practice as a surgical assistant, an applicant must demonstrate to the Medical Board that the applicant is at least 18 years of age and has attained a high school degree or equivalent.<sup>5</sup> In addition, an applicant must satisfy one of the following:

- Be credentialed as a surgical assistant by the National Board of Surgical Technology and Surgical Assistants or National Commission for Certification of Surgical Assistants;
- Have practiced as a surgical assistant at a hospital or ambulatory surgical facility located in Ohio during any part of the six months preceding the bill's effective date; or
- Have successfully completed a surgical assistant training program operated by a branch of the U.S. armed forces.<sup>6</sup>

The applicant also must complete a criminal records check in accordance with rules adopted by the Medical Board.<sup>7</sup>

### **Application and renewal procedures**

An applicant seeking to practice as a surgical assistant must file an application with the Medical Board in a manner prescribed by the Board.<sup>8</sup> After reviewing the application, if the Board determines that the applicant meets the bill's eligibility requirements, the Secretary of the Board must issue a license to the applicant.<sup>9</sup>

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<sup>4</sup> R.C. 4785.05.

<sup>5</sup> R.C. 4785.03(B).

<sup>6</sup> R.C. 4785.03(B).

<sup>7</sup> R.C. 4785.03(C).

<sup>8</sup> R.C. 4785.03(A).

<sup>9</sup> R.C. 4785.03(D) and 4785.04(A).

A license is valid for two years, unless revoked or suspended, and may be renewed in accordance with rules adopted by the Medical Board.<sup>10</sup> To renew a license, an applicant must complete continuing education as specified in rules adopted by the Board.<sup>11</sup>

In the event a license is not renewed and becomes expired or inactive, the Board must reinstate or restore the license if the individual seeking reinstatement or restoration satisfies the conditions specified in rules adopted by the Medical Board.<sup>12</sup>

### **Board discipline**

The bill requires the Medical Board to limit, revoke, or suspend an individual's license to practice as a surgical assistant, refuse to issue a license to an applicant, refuse to renew or reinstate a license, or reprimand or place on probation a license holder for any of the reasons specified in rules the Board adopts.<sup>13</sup>

### **Exceptions to the licensure requirement**

The bill exempts the following individuals from its licensure requirements – individuals practicing at hospitals or ambulatory surgical facilities that have been granted waivers by the Medical Board, as well as physicians, podiatrists, physician assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses.<sup>14</sup>

### **Waivers**

An individual may practice as a surgical assistant without holding a Medical Board-issued license if the individual practices only at a hospital or ambulatory surgical facility that has been granted a waiver – on behalf of its current and prospective employees – by the Board.<sup>15</sup> To be eligible for such a waiver, the hospital or facility must be located in an area of Ohio that experiences special health problems and physician practice patterns that limit access to surgical care.<sup>16</sup> The bill specifies that an individual practicing under such a waiver is subject to the same scope of practice as a surgical assistant licensed by the Medical Board.<sup>17</sup>

### **Rulemaking**

The bill requires the Medical Board to adopt rules establishing standards and procedures for the regulation of surgical assistants, including rules that do the following:

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<sup>10</sup> R.C. 4785.04(A).

<sup>11</sup> R.C. 4785.04(B).

<sup>12</sup> R.C. 4785.04(C).

<sup>13</sup> R.C. 4785.07.

<sup>14</sup> R.C. 4785.02(B).

<sup>15</sup> R.C. 4785.06(B).

<sup>16</sup> R.C. 4785.06(A).

<sup>17</sup> R.C. 4785.06(B).

- Establish application procedures and fees for the licensure of surgical assistants, including procedures and fees for the completion of criminal records checks;
- Specify the criminal offenses for which an applicant will be disqualified from licensure;
- Establish license renewal procedures and fees, including procedures and fees for reporting the completion of continuing education;
- Specify the number of credits, hours, or units of continuing education that must be completed to renew a license;
- Specify the amount of a civil penalty that may be imposed for knowingly practicing without a license;
- Specify the reasons for which the Board may refuse to issue or renew, suspend, or revoke a license or otherwise discipline a license holder;
- Establish procedures for waiver applications;
- Specify conditions to be satisfied before the Board reinstates or restores an expired or inactive license;
- Establish procedures for reporting to the Board license holder misconduct;
- Establish procedures by which the Board conducts disciplinary investigations.<sup>18</sup>

The bill also authorizes the Medical Board to adopt any other rules it considers necessary to implement and administer the bill's provisions.<sup>19</sup>

When adopting rules required by the bill, the Medical Board must do so in accordance with the Administrative Procedure Act.<sup>20</sup>

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## HISTORY

Action	Date
Introduced	03-09-21

H0196-I-134/ts

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<sup>18</sup> R.C. 4785.08(A).

<sup>19</sup> R.C. 4785.08(B).

<sup>20</sup> R.C. Chapter 119, not in the bill.