

House Bill 700

By: Representatives Dollar of the 45th, Powell of the 32nd, and Harrell of the 106th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, acupuncture, physician assistants, and others, so as to provide for the licensing
3 of surgical assistants; to provide for definitions; to provide for powers and responsibilities
4 of the Georgia Composite Medical Board; to provide for licensing standards and
5 requirements; to provide for the issuance of licenses and exceptions to licensure
6 requirements; to provide for licenses and their duration, renewal, and filing; to provide for
7 licensing of provisional licensed surgical assistants and standards and requirements relating
8 thereto; to provide for sanctions; to provide for an advisory committee; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
13 acupuncture, physician assistants, and others, is amended by adding a new article to read as
14 follows:

15 "ARTICLE 11

16 43-34-300.

17 As used in this article, the term:

18 (1) 'Advisory committee' means the committee appointed pursuant to Code Section
19 43-34-307.

20 (2) 'Board' means the Georgia Composite Medical Board.

21 (3) 'Delegating physician' means a person who is licensed to practice medicine pursuant
22 to Article 2 of this chapter and who delegates surgical assisting to a licensed surgical
23 assistant and oversees and accepts responsibility for such surgical assisting.

24 (4) 'Direct supervision' means supervision of a surgical assistant by a delegating
25 physician who is physically present and who personally directs delegated acts and
26 remains immediately available to personally respond to any emergency until the patient
27 is released from the operating room or care and has been transferred, as determined by
28 board rule, to another physician.

29 (5) 'License' means a license to practice as a licensed surgical assistant or provisional
30 licensed surgical assistant.

31 (6) 'Licensed surgical assistant' means a person licensed as such pursuant to this article.

32 (7) 'Provisional licensed surgical assistant' means a person provisionally licensed as such
33 pursuant to this article.

34 (8) 'Surgical assistant' means an allied health professional who, under the direction and
35 supervision of a delegating physician, assists such physician in duties or procedures
36 incidental to a surgical procedure as deemed necessary. This includes, but is not limited
37 to:

38 (A) Determining specific equipment needed per procedure;

39 (B) Reviewing permit to confirm procedure and special need;

40 (C) Selecting and placing X-rays for reference;

41 (D) Assisting in moving and positioning the patient;

42 (E) Inserting and removing a Foley urinary bladder catheter;

43 (F) Placing pneumatic tourniquet;

44 (G) Confirming procedure with surgeon;

45 (H) Draping patient within surgeon's guidelines;

46 (I) Providing retraction of tissue and organs for optimal visualization with regard to
47 tissue type and appropriate retraction instrument and technique;

48 (J) Assisting in maintaining hemostasis by direct pressure, use and application of
49 appropriate surgical instruments for the task, placement of ties, placement of suture
50 ligatures, application of chemical hemostatic agents, or other measures as directed by
51 the surgeon;

52 (K) Using electrocautery mono and bi-polar;

53 (L) Clamping, ligating, and cutting tissue per surgeon's directive;

54 (M) Harvesting saphenous vein, including skin incision, per surgeon's directive;

55 (N) Dissecting common femoral artery and bifurcate per surgeon's directive;

56 (O) Maintaining integrity of sterile field;

57 (P) Closing all wound layers (facia, subcutaneous, and skin) per surgeon's directive;

58 (Q) Inserting drainage tubes per surgeon's directive;

59 (R) Selecting and applying wound dressings;

60 (S) Assisting with resuscitation of patient during cardiac arrest or other life-threatening
 61 events in the operating room; and

62 (T) Performing any other duties or procedures incident to the surgical procedure
 63 deemed necessary and as directed by the surgeon.

64 (9) 'Underserved area of Georgia' means an area determined to be underserved by the
 65 Georgia Board of Physician Workforce pursuant to Code Section 31-34-5.

66 43-34-301.

67 The board, in consultation with the advisory committee, shall have the power and
 68 responsibility to:

69 (1) Determine the qualifications and fitness of applicants for licensure and renewal of
 70 licensure;

71 (2) Adopt and revise rules consistent with the laws of this state that are necessary to
 72 conduct its business, carry out its duties, and administer this article;

73 (3) Examine, approve, issue, deny, revoke, suspend, sanction, and renew the licenses of
 74 board applicants for licensure as licensed surgical assistants and provisional licensed
 75 surgical assistants under this article and conduct hearings in connection with these
 76 actions;

77 (4) Conduct hearings on complaints concerning violations of this article and the rules
 78 adopted under this article and cause the prosecution and enjoinder of the violations;

79 (5) Establish application, examination, and licensure fees;

80 (6) Request and receive the assistance of state educational institutions or other state
 81 agencies and prepare information of consumer interest describing the regulatory functions
 82 of the board and the procedures by which consumer complaints are filed with and
 83 resolved by the board. The board shall make the information available to the public and
 84 appropriate state agencies; and

85 (7) Establish education, examination, and continuing education requirements.

86 43-34-302.

87 (a) Each applicant for a license to practice as a licensed surgical assistant shall meet the
 88 following requirements:

89 (1) Be at least 21 years of age;

90 (2) Submit a completed application required by the board;

91 (3) Submit any fees required by the board;

92 (4) Successfully complete a surgical assistant education program approved by the board;

93 (5) Pass a competency examination prepared or approved by the board and administered
 94 to qualified applicants, which examination may be or may include the complete

95 examination given by the National Commission for the Certification of Surgical
 96 Assistants or its successor, the National Board of Surgical Technology and Surgical
 97 Assisting, or the Association of Operating Room Nurses; and
 98 (6) File a written application with the board on a form prescribed by the board and pay
 99 the application fee established by the board.

100 (b) To be eligible for a license, a person shall:

101 (1) Hold and maintain certification by one of the following:

102 (A) The National Commission for the Certification of Surgical Assistants;

103 (B) The National Board of Surgical Technology and Surgical Assisting; or

104 (C) The Association of Operating Room Nurses; and

105 (2) Provide evidence of one of the following:

106 (A) Graduation from a program approved by the Commission on Accreditation of
 107 Allied Health Education Programs (CAAHEP);

108 (B) Graduation from a United States military program that emphasizes surgical
 109 assisting;

110 (C) Demonstration to the satisfaction of the board the completion of full-time work
 111 experience performed in the United States under the direct supervision of a physician
 112 licensed in the United States and consisting of at least 1,300 hours of performance as
 113 a surgical assistant within the three years preceding the date of application; or

114 (D) Demonstration that such person is a foreign medical graduate with verified surgical
 115 residency to practice.

116 43-34-303.

117 (a)(1) The board may grant a license to practice as a surgical assistant to any applicant
 118 who is licensed, certified, or registered and in good standing in another state that has
 119 standards at least as stringent as those required pursuant to this article.

120 (2) An applicant who is licensed, certified, or registered and in good standing in another
 121 state that does not have standards at least as stringent as those required pursuant to this
 122 article may request a waiver on the grounds that his or her experience and education meet
 123 the criteria equivalent to the requirements of this article.

124 (b) A person is not required to hold a license under this Code section if such person is:

125 (1) A student enrolled in a surgical assistant education program approved by the board
 126 who is assisting in a surgical operation that is an integral part of the program of study;

127 (2) A surgical assistant employed in the service of the federal government while
 128 performing surgical assisting duties related to such employment;

129 (3) A health care professional licensed or certified in this state acting within the scope
 130 of his or her license; or

131 (4) A surgical assistant practicing in an underserved area of Georgia.
132 (c) Prior to January 1, 2020, the board may issue a license as a surgical assistant to an
133 applicant who:
134 (1) Meets the requirements set forth in this article; and
135 (2) Provides documentation that the applicant has passed a surgical or first assistant
136 examination required for certification by any of the following:
137 (A) The National Commission for the Certification of Surgical Assistants;
138 (B) The National Board of Surgical Technology and Surgical Assisting; or
139 (C) The Association of Operating Room Nurses,
140 provided that its examination meets the requirements set forth for education and training
141 as determined by the board.

142 43-34-304.
143 (a) A license to practice as a surgical assistant shall be valid for two years. The board may
144 provide that such licenses expire on various dates. A person may renew an unexpired
145 license by submitting proof of compliance with the continuing professional education
146 requirements prescribed by the board and paying the required renewal fee to the board
147 before the expiration date of the license.
148 (b) The license holder shall maintain on file at all times during which the license holder
149 provides services in a health care facility a true and correct copy of the license certificate
150 in the appropriate records of the facility and keep the board informed of any change of
151 address.
152 (c) In order to renew his or her license, such licensee shall continue to meet the
153 requirements of Code Section 43-34-302.
154 (d) If a person's license has been expired for less than two years, such person may renew
155 the license by submitting proof, satisfactory to the board, of compliance with the
156 continuing professional education requirements prescribed by the board and pay any
157 penalty fee prescribed by the board.
158 (e) If a person's license has been expired for more than two years, such person may not
159 renew the license, except as provided for in subsection (f) of this Code section. Such
160 person may obtain a new license by submitting to reexamination and complying with the
161 current requirements and procedures for obtaining an initial license.
162 (f) The board may renew without reexamination an expired license of a person who was
163 licensed in this state, moved to another state or states, is currently licensed or certified, and
164 has been in practice in another state or states for two years immediately preceding the
165 person's application to renew a license. Such person shall pay the required fee as
166 established by the board.

167 43-34-305.

168 (a) A license to practice as a provisional licensed surgical assistant may be issued by the
 169 board to a person who submits to the board evidence of having successfully completed an
 170 approved surgical assistant education program required for licensure under paragraph (4)
 171 of subsection (a) of Code Section 43-34-302 and upon the filing of an application and
 172 payment of the application fee.

173 (b) A provisional licensed surgical assistant shall be under the supervision and direction
 174 of a licensed surgical assistant at all times during which the provisional licensed surgical
 175 assistant performs medical duties in an operating room.

176 (c) A provisional license shall be valid for one year from the date it is issued and may be
 177 renewed no more than one time by the same procedures established for the renewal of
 178 licenses pursuant to this article.

179 (d) If a person does not pass any portion of the licensure examination required pursuant
 180 to paragraph (5) of subsection (a) of Code Section 43-34-302, such person's provisional
 181 license shall be automatically revoked.

182 43-34-306.

183 (a) The board, in consultation with the advisory committee, may:

184 (1) Refuse to grant or renew a license to an applicant;

185 (2) Administer a public or private reprimand to a license holder, but a private reprimand
 186 shall not be disclosed to any person except the license holder;

187 (3) Suspend the license of any license holder for a definite period or for an indefinite
 188 period in connection with any condition that may be attached to the restoration of such
 189 license;

190 (4) Limit or restrict any license as the board deems necessary for the protection of the
 191 public;

192 (5) Revoke any license;

193 (6) Levy a fine on a license holder; or

194 (7) Condition any penalty or withhold formal disposition of any matter pending the
 195 applicant's or license holder's submission to such care, counseling, or treatment as the
 196 board may direct.

197 (b) The board may take any one or more of the actions specified in subsection (a) of this
 198 Code section upon a finding by the board that the license holder or applicant has:

199 (1) Failed to demonstrate the qualifications or standards for licensure contained in this
 200 article or under the laws, rules, or regulations under which licensure is sought or held.

201 The applicant shall demonstrate to the satisfaction of the board that he or she meets all
 202 the requirements for licensure and, if the board is not satisfied as to the applicant's

203 qualifications, it may deny licensure; provided, however, that the applicant shall be
204 allowed to appear before the board if he or she so desires;

205 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
206 practice of a business or profession licensed under this article or on any document
207 connected therewith; practiced fraud or deceit or intentionally made any false statement
208 in obtaining licensure to practice a licensed business or profession; or made a false
209 statement or deceptive registration with the board;

210 (3) Been convicted of any felony or of any crime involving moral turpitude in the courts
211 of this state or any other state, territory, or country or in the courts of the United States.
212 As used in this paragraph and paragraph (4) of this subsection, the term 'felony' shall
213 include any offense which, if committed in this state, would be deemed a felony, without
214 regard to its designation elsewhere; and as used in this paragraph, the term 'conviction'
215 shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an
216 appeal of the conviction has been sought;

217 (4) Been arrested, charged, and sentenced for the commission of any felony or any crime
218 involving moral turpitude where:

219 (A) A plea of nolo contendere was entered to the charge;

220 (B) First offender treatment without adjudication of guilt pursuant to the charge was
221 granted; or

222 (C) An adjudication or sentence was otherwise withheld or not entered on the charge.
223 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
224 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender
225 treatment shall be conclusive evidence of arrest and sentencing for such crime;

226 (5) Had his or her license under this article revoked, suspended, or annulled by any
227 lawful authority other than the board; had other disciplinary action taken against him or
228 her by any such lawful authority other than the board; or was refused the renewal of
229 licensure by any such lawful authority other than the board, pursuant to disciplinary
230 proceedings;

231 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct
232 or practice harmful to the public, which conduct or practice materially affects the fitness
233 of the license holder or applicant to practice a business or profession licensed under this
234 article, or of a nature likely to jeopardize the interest of the public, which conduct or
235 practice need not have resulted in actual injury to any person or be directly related to the
236 practice of the licensed business or profession but shows that the license holder or
237 applicant has committed any act or omission which is indicative of bad moral character
238 or untrustworthiness. Unprofessional conduct shall include any departure from, or the

239 failure to conform to, the minimal standards of acceptable and prevailing practice of the
 240 business or profession licensed under this article;

241 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
 242 encourages any unlicensed person or any license holder whose license has been
 243 suspended or revoked by the board to engage in any practice outside the scope of any
 244 disciplinary limitation placed upon the license holder by the board;

245 (8) Violated, without regard to whether the violation is criminally punishable, a statute,
 246 law, or any rule or regulation of this state, any other state, the professional licensing
 247 board regulating the business or profession licensed under this article, the United States,
 248 or any other lawful authority, which statute, law, or rule or regulation relates to or in part
 249 regulates the practice of a business or profession licensed under this article, when the
 250 license holder or applicant knows or should know that such action is in violation of such
 251 statute, law, or rule or regulation; or violated a lawful order of the board previously
 252 entered by the board in a disciplinary hearing, consent decree, or licensure reinstatement;

253 (9) Been adjudged mentally incompetent by a court of competent jurisdiction inside or
 254 outside this state. Any such adjudication shall automatically suspend the license of any
 255 such person and shall prevent the reissuance or renewal of any license so suspended for
 256 as long as the adjudication of incompetence is in effect; or

257 (10) Displayed an inability to practice a business or profession licensed under this article
 258 with reasonable skill and safety to the public or has become unable to practice such
 259 licensed business or profession with reasonable skill and safety to the public by reason
 260 of illness or the use of alcohol, drugs, narcotics, chemicals, or any other type of material.

261 43-34-307.

262 The board shall appoint an advisory committee. The advisory committee shall be
 263 representative of a cross section of the cultural backgrounds of the surgical assistants
 264 licensed under this article as the board in its discretion may determine. Members shall
 265 receive no compensation for service on the committee. The committee shall have such
 266 advisory duties and responsibilities as the board may determine. The initial members of
 267 the advisory committee shall include persons eligible for licensure under this article.
 268 Subsequent advisory committee members shall be licensed pursuant to this article."

269 **SECTION 2.**

270 All laws and parts of laws in conflict with this Act are repealed.