



## OREGON SURGICAL TECHNOLOGIST LAW & REGULATIONS FREQUENTLY ASKED QUESTIONS

### *What does the Oregon surgical technologist law require?*

The Oregon surgical technologist law requires documentation showing that the person has completed an educational program for surgical technologists accredited by a national accreditation organization approved by the Oregon Health Authority<sup>1</sup> and that the person holds and maintains a surgical technologist certification issued by a nationally accredited certifying organization for surgical technologists approved by the authority by rule.<sup>2</sup> Certain individuals are grandfathered or otherwise exempt. The legislation also requires continuing education for surgical technologists who qualify for employment under the law but do not hold current certification.

### *When does the Oregon law go into effect?*

The first effective date is July 1, 2016. The education, certification and continuing education standards take effect July 1, 2016. The section regarding rural or medically underserved communities takes effect July 1, 2017.

### *Who may health care facilities hire to practice surgical technology in Oregon?*

To practice as a surgical technologist in Oregon, a surgical technologist must provide evidence to his or her employer of meeting one of following requirements:

#### **Education and Certification**

The person provides the health care facility with documentation showing that the person has completed an educational program for surgical technologists accredited by a national accreditation organization approved by the Oregon Health Authority by rule<sup>1</sup> and holds and maintains a surgical technologist certification issued by a nationally accredited certifying organization for surgical technologists approved by the authority by rule<sup>2</sup>;

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<sup>1</sup> The Oregon Health Authority has named the Commission on Accreditation of Allied Health Education Programs (CAAHEP: [www.caahep.org](http://www.caahep.org)) and the Accrediting Bureau of Health Education Schools (ABHES: [www.abhes.org](http://www.abhes.org)) as the organizations that accredit surgical technology programs. If a person holds a current, verified Certified Surgical Technologist Certification from the National Board of Surgical Technology and Surgical Assisting (NBSTSA), it is highly likely that the person is a graduate of an appropriately-accredited surgical technology educational program. The primary eligibility criterion to sit for the Certified Surgical Technologist exam through the NBSTSA is successfully completing a CAAHEP- or ABHES-accredited program.

<sup>2</sup> The Oregon Health Authority has named the National Board of Surgical Technology and Surgical Assisting (NBSTSA) as the surgical technologist certification body. The NBSTSA grants the Certified Surgical Technologist certification. Certifications may be verified at [www.nbstsa.org](http://www.nbstsa.org).



FREQUENTLY ASKED QUESTIONS

**Completed US Military Surgical Technologist Training Program**

The person provides the health care facility with documentation showing that the person has completed a training program for surgical technologists in the US military and every two years completes 16 hours of continuing education approved by the authority; or

**Grandfathered**

The person provides the health care facility with documentation showing that the person practiced surgical technology during at least two of the three years immediately preceding January 1, 2017 in a health care facility in Oregon or in another state or as an employee of an agency or institution of the federal government and every two years completes 16 hours of continuing education approved by the authority.

*May health care facilities require certification as a condition of employment, even if an individual is grandfathered in?*

Yes. Health care facilities may require certification for all individuals practicing surgical technology.

*May a health care facility hire a person who is not certified, but has documentation showing that they were practicing as a surgical technologist during at least two of the three years immediately preceding January 1, 2017?*

Yes. The Oregon law states a health care facility may hire someone to practice surgical technology if he or she was employed as a surgical technologist in a health care facility in Oregon or in another state if the person practiced surgical technology during at two of the three years immediately preceding January 1, 2017. These individuals must earn 16 hours of continuing education every two years.

*Are grandfathered individuals grandfathered into certification?*

No. Grandfathering means a person may continue to work as a surgical technologist after July 1, 2016 if he or she worked as surgical technologist for at least two of the three years immediately preceding January 1, 2017. If a person is grandfathered under the Oregon law, it does not mean they are automatically certified. Eligibility for initial certification is based on completion of accredited education and passage of a certification exam.

*May a health care facility hire a person who recently graduated from an accredited surgical technology program but has not passed the certification exam yet?*

Yes. If a person recently graduated from an accredited surgical technology program, a health care facility may employ that person from the date of his or her graduation until 12 months after his or her graduation. By the one-year anniversary of the individual's graduation date, he or she must hold certification to continue to work as a surgical technologist.



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### FREQUENTLY ASKED QUESTIONS

*Question: May a health care facility hire a person who is not certified, but was trained as a surgical technologist in the U.S. Armed Forces?*

Yes. A person who provides the health care facility with documentation showing that the person has completed a training program for surgical technologists in the US military may be hired to work as a surgical technologist. Such individuals must complete 16 hours of continuing education every two years.

*May a person who was employed at least two of the three years immediately preceding January 1, 2017 switch facilities?*

Yes. To be grandfathered as a surgical technologist in Oregon, a surgical technologist must provide evidence to his or her employer that he or she was employed as a surgical technologist in a surgical facility for at least two of the three years immediately preceding January 1, 2017.

*Does the Oregon surgical technologist change the scope of practice for surgical technologists in Oregon?*

No. The statute simply defines surgical technology to indicate which professionals are subject to the minimum education, certification and continuing education standards in law.

**Which Oregon surgical technologists must earn continuing education?**

The law requires continuing education for surgical technologists who are not certified, but qualify to work as surgical technologists under the military program graduate and grandfathering provisions of the law. The law requires 16 hours of continuing education every two years for these individuals.

**Who tracks continuing education for uncertified surgical technologists?**

It is the employer's responsibility to track continuing education for uncertified surgical technologists.

**Do licensed registered nurses who work as surgical technologists need to obtain surgical technologist certification?**

No. The certification requirement in the law does not apply to a health care facility that allows a licensed health care practitioner to perform the duties of a surgical technologist if the practitioner is acting within the scope of practice of the practitioner's license.

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\*\*\*Please note: The Association of Surgical Technologists provides this information on an educational basis and does not offer legal advice. AST recommends that individuals or health care facilities consult with their attorneys for answers to legal questions\*\*\*



**What are the provisions in the law for rural or medically underserved facilities?**

Section 3 of the law provides that a health care facility in a rural or medically underserved community may allow a person to practice as a surgical technologist at a health care facility who does not meet the requirements of Section 2 of the law while the person is attending an educational program for surgical technologists accredited by a national accreditation organization approved by the Oregon Health Authority by rule. If a person is hired as a surgical technologist under this provision, the person is exempt from the requirements of Section 2 for three years from the date on which the person began practicing as a surgical technologist a health care facility.

**Where can the text of the law be found?**

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2876>

**What do the Oregon Health Authority rules say about continuing education?**

The continuing education requirements shall:

- (A) Consist of 16 hours every two years;
  - (B) Be tracked by the surgical technologist and is subject to audit by the hospital in which the person is practicing; and
  - (C) Be relevant to the medical-surgical practice of surgical technology.
- (b) Continuing education may include but is not limited to:
- (A) Continuing education credits approved by the Association for Surgical Technologist;
  - (B) Healthcare sponsored conferences, forums, seminars, symposiums or workshops;
  - (C) Online distance learning courses;
  - (D) Live lectures at national conferences; or
  - (E) College courses.
- (12) A hospital shall conduct a random audit of a representative sample of the surgical technologists employed by the hospital every two years to verify compliance with educational requirements.