

**CHAPTER NO. 532**

**HOUSE BILL NO. 2232**

**By Representative Bowers**

**Substituted for: Senate Bill No. 2181**

**By Senator Ford**

AN ACT to amend Tennessee Code Annotated, Title 68, relative to surgical technologists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 5 of this act as a new chapter thereto.

SECTION 2.

(a) Individuals employed to be surgical technologists must:

(1) Hold current national certification established by the Liaison Council on Certification for the Surgical Technologist (LCC-ST);

(2) Have completed a program for surgical technology accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP);

(3) Have completed an appropriate training program for surgical technologists in the armed forces or at a CAAHEP accredited hospital or CAAHEP accredited ambulatory surgical treatment center program. For the purposes of this act, "armed forces" means the army, navy, air force, marine corps, coast guard, or public health service of the United States; or

(4) Successfully complete the surgical technologists LCC-ST certifying exam.

(b) Any student who completes a surgical technology program that is in the process of becoming CAAHEP accredited upon the effective date of this act shall be considered a graduate of a CAAHEP accredited program.

SECTION 3.

(a) In addition to individuals identified in Section 2 of this act, a person may be employed upon providing sufficient evidence that, prior to the effective date of this act, the person has begun training to be a surgical technologist, or was at any time employed as a surgical technologist for not less than eighteen (18) months in a hospital, medical office, surgery center, or school.

(b) Notwithstanding any provision of law to the contrary, a surgical technologist in the service of the federal government is exempt from the provisions of this act while performing duties related to such employment.

SECTION 4. The license of a hospital, ambulatory surgical treatment center, or other such entity that violates any provision of this act may be subject to penalties imposed by the board for licensing healthcare facilities pursuant to § 68-11-207.

SECTION 5. A hospital, ambulatory surgical treatment center, or other such entity can petition the director of health care facilities of the department for a waiver from the provisions of this act if such entity is unable to employ a sufficient number of surgical technologists who meet the requirements of this act. The hospital, ambulatory surgical treatment center, or other such entity must demonstrate to the director that a diligent and thorough effort has been made to employ surgical technologists who meet the requirements of this act. The director shall refuse to grant a waiver upon finding that a diligent and thorough effort has not been made. A waiver shall exempt a facility from the provisions of this act for not more than six (6) months. Additional waivers may be granted, but all exemptions greater than twelve (12) consecutive months must be approved by the board.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2006, the public welfare requiring it, including requirements set forth in this act for persons seeking employment as surgical technologists.

**PASSED: April 5, 2004**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 14<sup>th</sup> day of April 2004**

  
PHIL BREDEESEN, GOVERNOR