



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2653

Introduced 1/10/2024, by Sen. Doris Turner

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Operating Room Patient Safety Act. Provides that each surgical technologist hired or contracted by a health care facility on or after January 1, 2026 shall meet specified educational, certification, or experiential requirements. Provides that nothing in the Act prohibits an individual from performing surgical technology services if the individual is acting within the scope of the individual's license or registration or is a student or intern under the direct supervision of a licensed health care provider. Provides that a health care facility may employ or otherwise contract with an individual to perform surgical technology services and functions who does not meet those requirements if the health care facility makes a diligent and thorough effort and, after such an effort is completed, the facility is unable to employ or contract with a sufficient number of qualified surgical technologists who satisfy the requirements of the Act. Provides that the health care facility shall maintain documentation of its efforts.

LRB103 34583 RPS 64421 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Operating Room Patient Safety Act.

6 Section 3. Purpose. It is the public policy of the State  
7 that the State has a legitimate interest in ensuring that all  
8 surgical procedures are performed to ensure maximum patient  
9 safety. Therefore, the purpose of this Act is to:

10 (1) ensure that an operating room has been prepared by  
11 qualified, trained professionals;

12 (2) ensure that surgical equipment and instruments are  
13 properly sterilized and functioning safely;

14 (3) ensure that during surgical procedures, the  
15 surgical team can rely on qualified, trained professionals  
16 to ensure a sterile environment is maintained; and

17 (4) provide the surgical team with proper instruments  
18 and supplies as requested.

19 Section 5. Definitions.

20 "Health care facility" means a facility regulated under  
21 the Hospital Licensing Act, the Ambulatory Surgical Treatment  
22 Center Act, or the University of Illinois Hospital Act.

1 "Health care facility" does not include a health care facility  
2 that is a critical access hospital as designated by the  
3 Department of Public Health in accordance with 42 CFR 485,  
4 Subpart F, a rural emergency hospital as defined under  
5 subsection (kkk)(2) of Section 1861 of the federal Social  
6 Security Act, or a hospital that qualifies as a Safety-Net  
7 Hospital under Section 5-5e.1 of the Illinois Public Aid Code.

8 "Surgical technologist" means an individual who is  
9 employed by or contracts with a health care facility to  
10 perform surgical technology services and functions.

11 "Surgical technology services" means surgical patient care  
12 including, but not limited to, one or more of the following:

13 (1) preparation of an operating room and the sterile  
14 operating field for surgical procedures by ensuring that  
15 surgical equipment is functioning properly and safely and  
16 using sterile techniques to prepare surgical supplies  
17 instruments and equipment;

18 (2) intraoperative anticipation and response to the  
19 needs of surgeons, nurses, and other surgical team members  
20 by monitoring the sterile operating field in an operating  
21 room and providing the required instruments or supplies;

22 (3) performance of tasks at the sterile operating  
23 field, as directed in an operating room setting,  
24 including:

25 (A) passing surgical supplies, instruments, and  
26 equipment directly to a health care provider;

- 1 (B) sponging or suctioning an operative site;  
2 (C) preparing and cutting suture material;  
3 (D) transferring and irrigating with fluids;  
4 (E) transferring, but not administering, drugs  
5 within the sterile field; or  
6 (F) handling surgical specimens.

7 Section 10. Requirements for surgical technologists. Each  
8 surgical technologist hired or contracted by a health care  
9 facility on or after January 1, 2026 shall meet one or more of  
10 the following requirements:

11 (1) The surgical technologist has successfully  
12 completed an educational program nationally accredited by  
13 the Commission on Accreditation of Allied Health Education  
14 Programs or the Accrediting Bureau of Health Education  
15 Schools for surgical technologists and holds and maintains  
16 a certified surgical technologist credential administered  
17 by a nationally recognized surgical technologist  
18 certifying body accredited by the National Commission for  
19 Certifying Agencies and recognized by the American College  
20 of Surgeons and the Association of Surgical Technologists.

21 (2) If the surgical technologist has successfully  
22 completed the educational requirements under paragraph (1)  
23 but has not, on the date the surgical technologist is  
24 hired or enters into the contract with the health care  
25 facility, obtained the national certification under

1 paragraph (1), the surgical technologist must obtain that  
2 certification within 12 months after being hired or  
3 entering into the contract.

4 (3) The surgical technologist is registered as a  
5 registered surgical technologist under the Registered  
6 Surgical Assistant and Registered Surgical Technologist  
7 Title Protection Act.

8 (4) The surgical technologist has successfully  
9 completed a training program for surgical technology in  
10 the armed forces of the United States or the United States  
11 Public Health Service.

12 (5) The surgical technologist has engaged in the  
13 practice of surgical technology at a hospital licensed  
14 under the Hospital Licensing Act or an ambulatory surgical  
15 treatment center licensed under the Ambulatory Surgical  
16 Treatment Center Act before January 1, 2026.

17 Section 15. Exemptions.

18 (a) Nothing in this Act prohibits an individual from  
19 performing surgical technology services if the individual is  
20 acting within the scope of the individual's license or  
21 registration or is a student or intern under the direct  
22 supervision of a licensed health care provider.

23 (b) A health care facility may employ or otherwise  
24 contract with an individual to perform surgical technology  
25 services and functions who does not meet the requirements

1 under Section 10 if the health care facility makes a diligent  
2 and thorough effort and, after completing such effort, is  
3 unable to employ or contract with a sufficient number of  
4 qualified surgical technologists who satisfy the requirements  
5 of this Act. The health care facility shall maintain  
6 documentation of its efforts.