

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 5. The Registered Surgical Assistant and  
5 Registered Surgical Technologist Title Protection Act is  
6 amended by changing Sections 1, 5, 10, and 50 and by adding  
7 Sections 6, 62, and 73 as follows:

8 (225 ILCS 130/1)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 1. Short title. This Act may be cited as the  
11 Registered Surgical Assistant and ~~Registered~~ Surgical  
12 Technologist ~~Title Protection~~ Act.

13 (Source: P.A. 93-280, eff. 7-1-04)

14 (225 ILCS 130/5)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 5. Legislative purpose. The purpose of this Act is to  
17 protect and benefit the public by setting standards of  
18 qualifications, education, training, and experience for those  
19 who seek to hold the title of registered surgical assistant ~~and~~  
20 ~~registered surgical technologist~~. The practice of surgical  
21 technology in the State of Illinois is hereby declared to  
22 affect the public health, safety, and welfare and to be subject

1 to regulation and control in the public interest. It is further  
2 declared to be a matter of public interest and concern that the  
3 practice of surgical technology, as defined in this Act, merit  
4 and receive the confidence of the public and that only  
5 qualified persons be authorized to practice surgical  
6 technology in the State of Illinois. This Act shall be  
7 liberally construed to best carry out these subjects and  
8 purposes.

9 (Source: P.A. 93-280, eff. 7-1-04.)

10 (225 ILCS 130/6 new)

11 Sec. 6. Registration as a surgical technologist. No person  
12 shall practice or attempt to practice surgical technology, as  
13 defined in this Act, without a valid registration as a surgical  
14 technologist issued by the Department.

15 (225 ILCS 130/10)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 10. Definitions. As used in this Act:

18 "Department" means the Department of Financial and  
19 Professional Regulation.

20 "Direct supervision" means supervision by an operating  
21 physician or other physician licensed to practice medicine in  
22 all its branches, licensed podiatrist, or licensed dentist who  
23 is physically present and who personally directs delegated acts  
24 and remains available to personally respond to an emergency

1 until the patient is released from the operating room. A  
2 registered professional nurse may also provide direct  
3 supervision within the scope of his or her license. A  
4 registered surgical assistant or registered surgical  
5 technologist shall perform duties as assigned.

6 "Director" means the Director of Professional Regulation.

7 "Physician" or "operating physician" means a person  
8 licensed to practice medicine in all of its branches under the  
9 Medical Practice Act of 1987.

10 "Registered surgical assistant" means a person who (i) is  
11 not licensed to practice medicine in all of its branches, (ii)  
12 is certified by the National Surgical Assistant Association on  
13 the Certification of Surgical Assistants, the Liaison Council  
14 on Certification for the Surgical Technologist as a certified  
15 first assistant, or the American Board of Surgical Assisting,  
16 (iii) performs duties under direct supervision, (iv) provides  
17 services only in a licensed hospital, ambulatory treatment  
18 center, or office of a physician licensed to practice medicine  
19 in all its branches, and (v) is registered under this Act.

20 "Registered surgical technologist" means a person who  
21 meets the requirements of Section 50 of this Act, performs  
22 duties under direct supervision, ~~(i) is not a physician~~  
23 ~~licensed to practice medicine in all of its branches, (ii) is~~  
24 ~~certified by the Liaison Council on Certification for the~~  
25 ~~Surgical Technologist, (iii) performs duties under direct~~  
26 ~~supervision, (iv) provides services only in a licensed~~

1 ~~hospital, ambulatory treatment center, or office of a physician~~  
2 ~~licensed to practice medicine in all its branches, and (v) is~~  
3 registered under this Act.

4 "Surgical technology" means intraoperative surgical  
5 patient care that may include the following: preparing the  
6 operating room for surgical procedures; preparing sterile  
7 supplies, instruments, and equipment using sterile technique;  
8 and performing, as directed, tasks at the sterile field to  
9 assist in the surgical procedure.

10 (Source: P.A. 93-280, eff. 7-1-04.)

11 (225 ILCS 130/50)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 50. Registration requirements; surgical technologist.

14 A person shall qualify for registration as a surgical  
15 technologist if he or she has applied in writing on the  
16 prescribed form, has paid the required fees, and meets all of  
17 the following requirements:

18 (1) Is at least 18 years of age.

19 (2) Has not violated a provision of Section 95 of this  
20 Act. In addition the Department may take into consideration  
21 any felony conviction of the applicant, but a conviction  
22 shall not operate as an absolute bar to registration.

23 (3) Has completed a nationally accredited surgical  
24 technology ~~technologist~~ program approved by the Department  
25 or a surgical technology program provided by the United

1 States Army, Navy, Air Force, Marine Corps, or Coast Guard,  
2 or the commissioned corps of the United States Public  
3 Health Service.

4 (4) Provides proof of certification as a certified  
5 surgical technologist or other surgical technology  
6 certification issued by a nationally accredited  
7 credentialing organization as approved by the Department.

8 Individuals practicing surgical technology prior to July  
9 1, 2014 shall be considered to have met the requirements of  
10 this paragraph. ~~Has successfully completed the surgical~~  
11 ~~technologist national certification examination provided~~  
12 ~~by the Liaison Council on Certification for the Surgical~~  
13 ~~Technologist or its successor agency.~~

14 (5) (Blank).

15 (6) (Blank). ~~Is currently certified by the Liaison~~  
16 ~~Council on Certification for the Surgical Technologist or~~  
17 ~~its successor agency and has met the requirements set forth~~  
18 ~~for certification.~~

19 (Source: P.A. 93-280, eff. 7-1-04; revised 11-18-11.)

20 (225 ILCS 130/62 new)

21 Sec. 62. Continuing education. The Department may adopt  
22 rules for continuing education for persons registered under  
23 this Act that require a completion of 30 hours of approved  
24 continuing education per registration renewal period. The  
25 Department shall establish by rule a means for the verification

1 of completion of the continuing education required by this  
2 Section. This verification may be accomplished through audits  
3 of records maintained by the registrant, by requiring the  
4 filing of continuing education certificates with the  
5 Department, or by other means established by the Department.

6 (225 ILCS 130/73 new)

7 Sec. 73. Unregistered practice; violation; civil penalty.

8 (a) Any person who practices, offers to practice, attempts  
9 to practice, or holds oneself out to practice surgical  
10 technology without being registered under this Act or any  
11 individual or entity that causes or attempts to cause a  
12 registered surgical technologist or any other person under that  
13 individual's or entity's control to violate this Act or any  
14 other State or federal law or rule related to the practice of  
15 surgical technology shall, in addition to any other penalty  
16 provided by law, pay a civil penalty to the Department in an  
17 amount not to exceed \$10,000 for each offense as determined by  
18 the Department. The civil penalty shall be assessed by the  
19 Department after a hearing is held in accordance with the  
20 provisions set forth in this Act regarding the provision of a  
21 hearing for the discipline of a registrant.

22 (b) The Department has the authority and power to  
23 investigate any and all unregistered activity.

24 (c) The civil penalty shall be paid within 60 days after  
25 the effective date of the order imposing the civil penalty. The

1 order shall constitute a judgment and may be filed and  
2 execution had thereon in the same manner as any judgment from  
3 any court of record.

4 Section 99. Effective date. This Act takes effect July 1,  
5 2014.