AN ACT concerning health and healthcare; relating to the practice of
surgical technology; regulation of surgical technologists; amending
K.S.A. 2017 Supp. 65-2872 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) As used in this section:
(1) "Physician" means a person licensed by the state board of healing
arts to practice medicine and surgery.
(2) "Medical care facility" means a hospital, as defined in K.S.A. 65-
425, and amendments thereto, or an ambulatory surgical center, as defined
in K.S.A. 65-425, and amendments thereto.
(3) "Surgical technologist" means a person who is qualified to
perform surgical technology tasks and functions in accordance with this
section.
(4) "Surgical technology" means surgical patient care including, but
not limited to, the following perioperative tasks and functions:
(A) Preparing the operating room and the sterile operating field for
surgical procedures by ensuring that surgical equipment is functioning
properly and safely and using sterile technique to prepare supplies,
instruments and equipment;
(B) assisting a physician with placing sterile drapes on a patient to
establish the sterile operating field;
(C) participating in a time-out process of verifying the correct patient,
procedure and surgical site;
(D) preparing and passing instruments and supplies to a physician by
anticipating the needs of the physician based on knowledge of human
anatomy and pathophysiology;
(E) sponging and suctioning a surgical site to provide a view of a
surgical wound;
(F) preparing and cutting suture material, as directed by a physician;
(G) preparing and utilizing irrigation solutions during surgery, as
directed by a physician;
(H) preparing and passing medications and hemostatic agents utilized
during a surgical procedure, not including the administration of drugs;
(I) preparing and passing off specimens, as appropriate;
(J) holding retractors or instruments, as directed by a physician;
(K) applying electrocautery to clamps or forceps on bleeding vessels, as directed by a physician;
(L) operating the camera during an endoscopic procedure, as directed by a physician;
(M) placing instruments into robotic arms during a surgical procedure, as directed by a physician;
(N) connecting drains to suction apparatus;
(O) performing urinary catheterization;
(P) preparing and applying sterile dressings to closed wounds;
(Q) performing counts of instruments and sponges with a registered nurse circulator licensed by the board of nursing;
(R) assisting with transferring a patient to and positioning the patient on an operating table; and
(S) identifying and correcting breaks in the sterile operating field and maintaining the highest standard of sterile technique.

(b) (1) A medical care facility shall not employ or contract for the services of a person to perform surgical technology tasks and functions unless the person meets at least one of the following:
(A) The surgical technologist has successfully completed a surgical technology program accredited by the commission on accreditation of allied health education programs, or any other equivalent entity as determined by the state board of healing arts, and holds and maintains the certified surgical technologist credential administered by the national board of surgical technology and surgical assisting, or any other equivalent entity as determined by the state board of healing arts;
(B) the surgical technologist has successfully completed an appropriate surgical technology training program in the United States army, navy, air force, marine corps or coast guard or the United States public health service;
(C) the surgical technologist provides evidence that the person was either employed to perform surgical technology tasks and functions in a medical care facility on the effective date of this section or at any time during the two years immediately preceding the effective date of this section; or
(D) the surgical technologist is in the service of the United States government performing surgical technology tasks and functions related to such service.

(2) A medical care facility may employ or contract with a person to perform surgical technology tasks and functions during the 12-month period of time immediately following the person's successful completion of an accredited surgical technology program, but shall not continue to employ or contract with such person after such 12-month period, unless the person provides evidence that the person holds and maintains the
(c) (1) The state board of healing arts shall adopt rules and regulations to establish continuing education requirements for surgical technologists in accordance with this section.

(2) A person who is qualified to perform surgical technology tasks and functions under subsection (b)(1)(B) or (b)(1)(C) shall annually complete 15 hours of continuing education to remain qualified.

(3) A medical care facility that employs or contracts with a surgical technologist shall verify that the surgical technologist meets the continuing education requirements or, if applicable, that the person holds and maintains the certified surgical technologist credential administered by the national board of surgical technology and surgical assisting, or any other equivalent entity as determined by the state board of healing arts.

(d) A medical care facility may employ or contract with a person to perform surgical technology tasks and functions who does not meet the requirements of subsection (b) if, after a diligent and thorough effort, the medical care facility is unable to employ or contract with a sufficient number of surgical technologists who meet the requirements of subsection (b) and the medical care facility documents such efforts and retains such records at the medical care facility.

(e) This section shall not be construed to prevent or prohibit a licensee of the state board of healing arts or the board of nursing from performing surgical technology tasks and functions if such licensee is acting within the licensee's authorized scope of practice, as provided by law.

(f) The state board of healing arts shall adopt rules and regulations as may be necessary to implement and administer this section.

Sec. 2. K.S.A. 2017 Supp. 65-2872 is hereby amended to read as follows: 65-2872. The practice of the healing arts shall not be construed to include the following persons:

(a) Persons rendering gratuitous services in the case of an emergency.

(b) Persons gratuitously administering ordinary household remedies.

(c) The members of any church practicing their religious tenets provided they shall not be exempt from complying with all public health regulations of the state.

(d) Students while in actual classroom attendance in an accredited healing arts school who after completing one year's study treat diseases under the supervision of a licensed instructor.

(e) Students upon the completion of at least three years study in an accredited healing arts school and who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed 180 days
under the supervision of a licensed practitioner.

(f) Persons who massage for the purpose of relaxation, muscle conditioning, or figure improvement, provided no drugs are used and such persons do not hold themselves out to be physicians or healers.

(g) Persons whose professional services are performed under the supervision or by order of or referral from a practitioner who is licensed under this act.

(h) Persons in the general fields of psychology, education and social work, dealing with the social, psychological and moral well-being of individuals or groups, or both, provided they do not use drugs and do not hold themselves out to be the physicians, surgeons, osteopathic physicians or chiropractors.

(i) Practitioners of the healing arts in the United States army, navy, air force, public health service, and coast guard or other military service when acting in the line of duty in this state.

(j) Practitioners of the healing arts licensed in another state when and while incidentally called into this state in consultation with practitioners licensed in this state.

(k) Dentists practicing their professions, when licensed and practicing in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(l) Optometrists practicing their professions, when licensed and practicing under and in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(m) Nurses practicing their profession when licensed and practicing under and in accordance with the provisions of article 11 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(n) Podiatrists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(o) Every act or practice falling in the field of the healing arts, not specifically excepted herein, shall constitute the practice thereof.

(p) Pharmacists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 16 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(q) A dentist licensed in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, who administers general and local anesthetics to facilitate medical
procedures conducted by a person licensed to practice medicine and surgery if such dentist is certified by the board of healing arts under K.S.A. 65-2899, and amendments thereto, to administer such general and local anesthetics.

(r) Practitioners of the healing arts duly licensed under the laws of another state who do not open an office or maintain or appoint a place to regularly meet patients or to receive calls within this state, but who order services which are performed in this state in accordance with rules and regulations of the board. The board shall adopt rules and regulations identifying circumstances in which professional services may be performed in this state based upon an order by a practitioner of the healing arts licensed under the laws of another state.

(s) Acupuncturists, when licensed and practicing in accordance with K.S.A. 2017 Supp. 65-7601 through 65-7624, and amendments thereto, rules and regulations adopted pursuant thereto, and interpretations thereof by the supreme court of this state.

(t) Persons licensed by the state board of cosmetology practicing their professions, when licensed and practicing under and in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(u) Surgical technologists, when practicing in accordance with section 1, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 65-2872 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.