

AN ACT

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Columbia
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Health Occupations Revision Act of 1985 to make technical corrections, to require surgical assistants to be licensed, to establish an Advisory Board on Surgical Assistants, and to establish minimum qualifications for licensure of surgical assistants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Surgical Assistant Licensure Amendment Act of 2006".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Anesthesiologist Assistants, Naturopathic Medicine, and Physician Assistants." and insert the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Anesthesiologist Assistants, Naturopathic Medicine, Physician Assistants, and Surgical Assistants." in its place.

(2) Add the following after "Sec. 634. Council hearing.":

"TITLE VI-C.

"SURGICAL ASSISTANTS; SCOPE OF PRACTICE;

"LICENSE RENEWAL; TRANSITION.

"Sec. 641. Scope of practice.

"Sec. 642. License renewal.

"Sec. 643. Transition."

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (20) to read as follows:

Amend
§ 3-1201.02

"(20) "Practice by surgical assistants" means the provision of aid by a person who is not a physician licensed to practice medicine, under the direct supervision of a surgeon licensed in the District of Columbia, in exposure, hemostasis, closures, and other intraoperative technical functions that assist a physician in performing a safe operation with optimal results for the patient."

(c) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

Amend
§ 3-1201.03

(1) The section heading is amended by striking the phrase "and Physician Assistants." and inserting the phrase "Physician Assistants, and Surgical Assistants." in its place.

(2) Subsection (a) is amended as follows:

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(A) Paragraph (2) is amended by striking the phrase “and the practice of physician assistants with the advice of the Advisory Committee on Physician Assistants.” and inserting the phrase “the practice of physician assistants with the advice of the Advisory Committee on Physician Assistants, and the practice of surgical assistants with the advice of the Advisory Committee on Surgical Assistants.” in its place.

(B) Paragraph (8) is amended as follows:

(i) Subparagraph (C) is amended by striking the phrase “Physician Assistants.” And inserting the phrase “Physician Assistants; and”.

(ii) Add a new subparagraph (D) to read as follows:

“(D) The practice of surgical assistants in accordance with guidelines approved by the Advisory Committee on Surgical Assistants.”.

(3) A new subsection (c-3) is added to read as follows:

“(c-3)(1) There is established an Advisory Committee on Surgical Assistants to consist of 5 members appointed by the Mayor.

“(2) The Advisory Committee on Surgical Assistants shall develop and submit to the Board guidelines for the licensing and regulation of surgical assistants in the District. The guidelines shall set forth the actions that may be performed by surgical assistants under the direct supervision of a licensed surgeon, who shall be responsible for the overall medical direction of the care and treatment of patients.

“(3) Of the members of the Advisory Committee on Surgical Assistants, one shall be a surgeon licensed in the District with experience working with surgical assistants, 3 shall be surgical assistants licensed in the District, and one shall be the Director of the Department of Health, or his or her designee.

“(4) The Advisory Committee on Surgical Assistants shall submit initial guidelines to the Board within 180 days of the effective date of Surgical Assistant Licensure Amendment Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-712), and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board.”.

(4) Subsection (e) is amended by striking the phrase “and Physician Assistants,” and inserting the phrase “Physician Assistants, and Surgical Assistants,” in its place.

(5) Subsection (f) is amended to read as follows:

“(f) Upon request by the Board, the Advisory Committees on Acupuncture, Anesthesiologist Assistants, Physician Assistants, and Surgical Assistants shall, respectively, review applications for licensure to practice acupuncture or to practice as an anesthesiologist assistant, a physician assistant, or a surgical assistant and shall forward recommendations to the Board for action.”.

(d) Section 216(c) (D.C. Official Code § 3-1202.16(c)) is amended by striking the phrase “Commissioner of Public Health” and inserting the phrase “Director of the Department of Health” in its place.

Amend
§ 3-1202.16

(e) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase “Physician Assistants,” and inserting the phrase “Physician Assistants, the surgical assistant member initially appointed to the Advisory Committee on Surgical Assistants,” in its place.

Amend
§ 3-1204.01

(f) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the phrase “or occupational therapy assistant,” and inserting the phrase “occupational therapy assistant, or surgical assistant” in its place.

Amend
§ 3-1205.01

(g) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new

subsection (q) to read as follows:

“(q) An individual applying for a license to practice as a surgical assistant under this act shall establish to the satisfaction of the Board of Medicine that the individual has:

“(A) Earned a degree or certification from a surgical assistant program accredited by the Commission for the Accreditation of Allied Health Educational Programs, or by the commission’s successor;

“(B) Successfully completed a dedicated training program for surgical assistants in the armed forces; or

“(C) Demonstrated to the satisfaction of the board, the completion of full-time work experience performed in the United States under the direct supervision of a physician licensed in the United States and consisting of a least 1,300 hours of performance as a surgical assistant within the 3 years preceding the date of application; and

“(D) Was certified as a surgical assistant by at least one of the following:

“(i) The National Surgical Assistant Association; or

“(ii) The American Board of Surgical Assistants.”.

(h) Section 631(d)(3) (D.C. Official Code § 3-1206.31(d)(3)) is amended to read as follows:

“(3) A supervising anesthesiologist may supervise up to 4 anesthesiologist assistants at any one time.”.

(i) Add a new Title VI-C to read as follows:

“TITLE VI-C

“SURGICAL ASSISTANTS; SCOPE OF PRACTICE;

“LICENSE RENEWAL; TRANSITION

“Sec. 641. Scope of practice.

“(a) A surgical assistant shall be licensed by the Board of Medicine before practicing as a surgical assistant within the District of Columbia.

“(b) An individual licensed to practice as a surgical assistant, as that practice is defined in section 102 (20) shall have the authority to:

“(1) Provide local infiltration or the topical application of a local anesthetic and hemostatic agents at the operative site;

“(2) Incise tissues;

“(3) Ligate and approximate tissues with sutures and clamps;

“(4) Apply tourniquets, casts, immobilizers, and surgical dressings;

“(5) Check the placement and operation of equipment;

“(6) Assist in moving and positioning the patient;

“(7) Assist the surgeon in draping the patient;

“(8) Prepare a patient by cleaning, shaving, and sterilizing the incision area;

“(9) Retract tissue and expose the operating field area during operative procedures;

“(10) Place suture ligatures and clamp, tie, and clip blood vessels to control bleeding during surgical entry;

“(11) Use cautery for hemostasis under direct supervision;

“(12) Assist in closure of skin and subcutaneous tissue;

“(13) Assist in the cleanup of the surgical suite; and

“(14) Check and restock the surgical suite.

“(c) A surgical assistant shall not:

“(1) Perform any surgical procedure independently;

“(2) Have prescriptive authority; or

“(3) Write any progress notes or orders on hospitalized patients, except operative notes.”

“(d) A supervising surgeon shall perform the critical portions of a surgical procedure and shall remain immediately available in the surgical suite for delegated acts that the surgical assistant performs or to respond to any emergency. Telecommunication shall not suffice as a means for directing delegated acts.

“(e) For the purposes of this section, the term:

“(1) “Supervising surgeon ” means a surgeon licensed by the Board who delegates to a licensed surgical assistant surgical assisting and oversees and accepts responsibility for the surgical assisting.

“Sec. 642. License renewal.

“The Board of Medicine shall renew the license of a surgical assistant who, in addition to meeting the requirements of section 504(q), has submitted to the Board, along with the application for renewal, documentation of current certification as a surgical assistant by:

“(1) The National Surgical Assistant Association; or

“(2) The American Board of Surgical Assistants.

“Sec. 643. Transition.

“For a period of 2 years following the effective date of the Surgical Assistant Licensure Amendment Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-172), all references in this act to surgical assistants shall be deemed to refer to persons meeting the requirements for licensure in the District, regardless of whether they are licensed in fact.”

(j) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (z) to read as follows:

Amend
§ 3-1210.03

“(z) Unless authorized to practice as a surgical assistant under this act, a person shall not use or imply the use of the words or terms “surgical assistant,” or “S.A.,” or any similar title or description of services with the intent to represent that the person practices as a surgical assistant.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c) (1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia