

KENTUCKY PASSES SURGICAL ASSISTANT REGULATION

Kentucky became the third state to officially recognize and regulate the nonphysician surgical assisting profession with the passage last month of Senate Bill 206. The new law, signed by Governor Fletcher on April 9, regulates surgical assistants in Kentucky under the Board of Medical Licensure, and establishes an advisory committee for surgical assistants under that Board.

AST member surgical assistants in Kentucky first began legislative work in 1999, when they partnered with the National Surgical Assistants Association and successfully worked through to passage a reimbursement law for surgical assistants (the first of its kind). That law requires that third party insurers reimburse CFA, CSA, and/or SA-

C surgical assistants in cases where a physician would otherwise have been reimbursed as the assistant at surgery.

Both organizations felt that a long-term relationship had been built with Senator Brett Guthrie that could be maintained over time. Senator Guthrie has remained supportive of both surgical technologists and surgical assistants since that time, and AST's membership in Kentucky has worked for several years toward the introduction of Senate Bill 206 this year.

It had been hoped that this type of legislation could be introduced earlier in Kentucky, but 2004 was the first year since 1999 in which the political climate was favorable, and a great deal of time had to be spent

during the 2000-2003 period laying the groundwork with all the various groups that had a stake in this type of legislation.

One factor that definitely contributed to the success of SB 206 was the development of a new school of surgical assisting. The Madisonville Community College surgical assisting program was the first surgical assisting program accredited by the Commission on Accreditation of Allied Health Education Programs. The existence of this program in the state provides an infrastructure for the profession, and a means for the development of a legal framework by which to insure that surgical assistants receive standardized education and credentialing in order to enter the profession in that state.

Madisonville Program Director Jeff Bidwell, CST/CFA, spearheaded the grassroots effort in Kentucky this spring, providing testimony at various legislative hearings, and working tirelessly to coordinate a large-scale grassroots effort. Lobby support was provided by top lobbyist and

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former state Senator Kim Nelson, who took on the issue with very little time left to work in the session and guided our members expertly through the process. Members of several organizations with different credentials and backgrounds worked together for several months to support the legislative effort, coordinating mailings, telephone campaigns, and making visits to legislators in the capital to show support for the legislation.

The new law, effective July 1, 2005, will create a new title in Kentucky, "Kentucky Certified Surgical Assistant," to be used only by those indi-

2. Graduation from a United States Military program that emphasizes surgical assisting; and
- (c) Demonstrate to the satisfaction of the board the completion of full-time work experience performed in this country under the direct supervision of a physician licensed in this country and consisting of at least eight hundred (800) hours of performance as an assistant in surgical procedures for the three (3) years preceding the date of the application.

The legislature and the surgical assistant members of AST and NSAA in Kentucky recognized from the

surgical assistants, we believe an ideal situation has been set up in Kentucky by which the profession has been officially recognized by the state, and by which members of that profession will have input into the rules that govern the profession of surgical assisting.

Even more importantly, this new law defines the Kentucky Certified Surgical Assistant as an individual who is directly delegated to by the physician at the operative field. AST has only been supportive of proposed regulations that would define surgical assisting under direct supervision and delegation by the operative physician, and has held the position that the direct delegation relationship is important to the provision of safe surgery.

States are becoming increasingly receptive to the idea that all individuals who provide direct, hands-on care in the operating room should be properly trained and credentialed, and held accountable by a state regulatory process. Further, states have seemed, over the last five years, to become less and less receptive to the idea of third-party delegation, and have begun to see that the position taken by surgical technologists and surgical assistants (CSTs and CFAs) is a common-sense one. Every patient deserves properly trained and credentialed surgical personnel, and that includes the provision of Certified Surgical Technologists and Certified First Assistants/Certified Surgical Assistants.

THERE ARE MANY QUALIFIED SURGICAL ASSISTANTS ALREADY WORKING IN KENTUCKY WHO MIGHT NOT MEET THE ABOVE REQUIREMENTS, BUT WHO PROVIDE HIGH QUALITY, SAFE PATIENT CARE IN THE STATE. FOR THIS REASON, BROAD "GRANDFATHER" LANGUAGE WAS INCLUDED IN THE NEW LAW.

viduals who have been certified by the State of Kentucky Board of Medical Licensure. In order to be certified by the state, individuals must:

- (a) Hold and maintain certification by one (1) of the following:
 1. The National Surgical Assistant Association; or
 2. The Liaison Council on Certification for the Surgical Technologist;
- (b) Document one (1) of the following:
 1. Graduation from a program approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP); or

beginning that there are many qualified surgical assistants already working in Kentucky who might not meet the above requirements, but who provide high quality, safe patient care in the state. For this reason, broad "grandfather" language was included in the new law.

The development of any legislation related to a profession is an ongoing process, and AST will participate in the "rules-making" process, providing public comment to the Board of Medical Licensure as they develop the rules for the newly recognized profession.

Because the advisory committee will include at least three practicing

SURGICAL ASSISTANT GUIDE TO CURRENT REGULATION

As the profession moves forward, several states now officially regulate the profession of surgical assisting. Please use the following as a guide to current regulation that supports our profession:

Texas

Texas is the first state to license surgical assistants, regulating them through the Texas State Board of Medical Examiners.

Licensure Information

www.tsbme.state.tx.us/professionals/surgasst/surgasst.htm

Application

www.tsbme.state.tx.us/professionals/surgasst/surglic.htm

Rules

www.tsbme.state.tx.us/rules/rules/184.htm

Info

surgassts@tsbme.state.tx.us

Illinois

Illinois regulates surgical assistants through the Illinois Department of Public Regulation, and the law in Illinois provides for both registration of surgical assistants, granting the protected title “Registered Surgical Assistant,” and for third-party insurance reimbursement.

This new regulation is still in the rules-making process, but information will soon be available through

the Department of Professional Regulation: www.dpr.state.il.us.

Kentucky

Kentucky regulates surgical assistants through registration that functions much like a license. Surgical assistants will be regulated by the Kentucky State Board of Medical Licensure. A third-party reimbursement law was passed in this state in 1999.

While this regulation is still in the rules-making process, information will soon be available through the Kentucky State Board of Medical Licensure: www.state.ky.us/agencies/kbml.

All of these new laws support our profession by officially recognizing surgical assisting as a profession, and by protecting not only our titles, but developing a “route of entry” into the profession itself. At the same time, the legislatures have protected the right-to-practice of the many qualified individuals that have worked in these states but might not otherwise have qualified for registration or licensure. Key to this concept is a “date-certain” after which a set route of entry to the profession is developed.

For further information on the laws that affect you as a surgical assistant, visit www.surgicalassistant.org.



AST's 35th Annual National Conference in Washington, DC, offered AST members two opportunities to get involved legislatively. During Lobby Day, Wednesday, May 26, members met with their senators, representatives or their health legislative staff members. The Government Affairs Forum on Friday, May 28, featured Tennessee Representatives Kathryn Bowers and Gary Odom, who shared their success stories with Senate Bill 2181. During the week, approximately 500 members participated in these two events.