

# TEXAS: SURGICAL ASSISTANT LICENSURE PROGRAM THREATENED BY SUNSET REVIEW

The Surgical Assistant Licensure Act, passed in 2001 in Texas, and under which nearly 300 surgical assistants have been licensed (many of them Certified First Assistants) has come under fire by the Texas Sunset Commission as a part of its review of the Texas Board of Medical Examiners. The Board of Medical Examiners, tasked with administering the licensure program for surgical assistants in Texas, was slated for review this year by the Sunset Commission, which has released a report recommended that the Licensed Surgical Assistant program be abolished.

The “Sunset process” is the regular assessment by the legislature of the continuing need for a state agency to exist. As a part of this process, the commission seeks to ask the question, “Do this agency’s functions continue to be needed?” The Sunset process sets a date after which an agency will be abolished if legislation is not passed allowing it to continue its functions, and 2004 is the year for the Texas Board of Medical Examiners to come under review. The process also creates the opportunity for the legislature to look at agencies and make

recommendations about changes to their missions or operations. In Texas, each agency is reviewed about every 12 years, and 20-30 agencies are reviewed each year.

The Sunset process is guided by a body of legislators and public members appointed by the lieutenant governor and the speaker of the house of representatives. As a part of their findings on the Texas Board of Medical Examiners, the Texas Sunset Commission has found in their October, 2004 report that:

Licensing surgical assistants does not provide additional public protection that warrants state oversight.

The Surgical Assistant Advisory Committee has fulfilled its purpose.

According to the report, “This recommendation would eliminate the requirement that the Medical Board license and regulate surgical assistants. The recommendation also would eliminate the Surgical Assistant Advisory Committee.”

The Association of Surgical Technologists maintains that surgical assisting is inherently dangerous, and should be regulated by all states, and that all states should establish a program with minimum credentialing standards and a disciplinary process for those individuals who wish to practice as surgical assistants. ASA has not advocated that

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these regulations extend to other professionals licensed to work in or around the operative arena, such as physician assistants or registered nurses, who are already licensed to practice in other sections of the law.

ASA disagrees with the idea that licensing surgical assistants in Texas does not protect the public, but we do agree with the idea that the licensure act, as written, only requires individuals who wish to call themselves “surgical assistants” be licensed, meaning the license is not required to practice. We have supported the

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**ASA WILL BE BUSY  
IN THE COMING  
WEEKS AND MONTHS  
ADVOCATING IN TEXAS  
FOR THE MAINTENANCE  
OF SURGICAL ASSISTANT  
LICENSURE IN THAT STATE**

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idea for several years that licensure should be required to practice, not to use a title.

Further, it is ASA’s position that the Texas Board of Medical Examiners has not fully utilized the services of the Surgical Assistant Advisory Committee, a committee made up of licensed surgical assistants, physicians, and one registered nurse. The committee has, to date, not completed its work on the decision making process with regard to acceptable national credentials, but the Texas Board of Medical Examiners has not called them to meet to do so.

The recommendations of the Sunset Commission at this point appear to be more fiscally driven than patient-care oriented, in that their recommendation ends with a summary including the positive fiscal impact on the State of Texas that would result from the abolishment of surgical assistant licensure.

On November 16, the Texas Sunset Commission took public comment on their findings. The hearing was attended by Licensed Surgical Assistants Terry Morris, Ken Campbell, and Patricia Ferrie, all members of the Texas Surgical Assistants Association, who provided testimony in opposition to the abolishment of licensure in their state. The surgical assistant representatives testified on the importance of the patient protections and professional responsibility established by the licensure program, and the importance of giving the recently established licensure program enough time to develop. While the Sunset report argues that few individuals have become licensed, TSAA and ASA showed evidence that nearly all surgical assistants eligible for licensure have become licensed, and that more will be doing so when they graduate from the surgical assistant program at South Plains College in Lubbock.

ASA will be busy in the coming weeks and months advocating in Texas for the maintenance of surgical assistant licensure in that state. However, surgical assistants in Texas agree that they would like

to propose that the surgical assistant licensure program be moved from under the Board of Medical Examiners to a different licensing board. We will, of course, maintain that what surgical assistants do is not nursing; therefore, it is inappropriate to license surgical assistants under the Board of Nursing. ASA will seek a board that would more fully utilize the Surgical Assistants Advisory Committee in order to develop a better program that will better serve the public, such as the Professional Licensing and Certification Unit of the Texas Department of Health, or a similar body.

Ultimately, the Sunset Commission’s job is to review laws. They then make recommendations to allow a law to “sunset,” propose legislation to modify existing law, or simply recommend no change. In this instance, it is unlikely that the Sunset Commission would recommend that abolishment of the Texas State Board of Medical Examiners, and more likely that they will recommend certain changes. If they do recommend legislation that would include the abolishment of the Texas Licensed Surgical Assistant Program, ASA will actively oppose this legislation.

The process in Texas is fluid and is unfolding on a daily basis. Interested individuals should follow the process at [www.surgicalassistant.org](http://www.surgicalassistant.org), and join our email list server there for information on how ASA members can support our efforts.

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**DECISION EXPECTED BY END OF DECEMBER 2004.**  
**Please see [www.surgicalassistant.org](http://www.surgicalassistant.org) for updates and details.**

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# FORUM FOR SURGICAL ASSISTANTS

APRIL 8-10, 2005 • JURYS HOTEL • WASHINGTON, DC  
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## FORUM PROPOSED AGENDA

### FRIDAY, APRIL 8 ..... 2 CEs / CAT 2

**Surgical Assistant Pep Rally—Capitol Hill Lobby Day Briefing**  
**Visit Your Legislator—Capitol Hill Lobby Day**  
**Reception and Networking at the Jurys Hotel**

### SATURDAY, APRIL 9 ..... 7 CEs

#### LEGISLATIVE TRACK

The legislative track will include the opportunity to hear from and visit with key legislative supporters for our organization, including national lobbyist Bill Finerfrock, legislative monitor Lee Bechtel, and other key legislative strategists at the state level. Bill Finerfrock has worked in and with the U.S. Congress and federal agencies for the past 17 years. After spending nearly eight years in the U.S. Senate, he served as the chief lobbyist for the American Academy of Physicians Assistants for eight years. At Capitol Associates, he specializes in health care financing, health system reform, health workforce and rural health issues

#### CLINICAL TRACK

Workshops in development. Please check the journal and the AST web site, [www.ast.org](http://www.ast.org), for updates.

### SUNDAY, APRIL 10 ..... 3 CEs / CAT 2

**Surgical Assisting and ASA—open forum.**  
**Issues discussion and organizational planning.**

Attendance is limited to 150. Confirmation will be mailed at least 20 days prior to the forum, and on-site registrations will be accepted on a space-available basis. All cancellations must be received in writing by March 14, 2005, and individuals will receive a refund of the amount paid, less a \$25 administration fee. No refunds after March 15, 2005.

AST is not responsible for airline ticket refunds in the unlikely event that the forum program changes or events occur that are beyond the reasonable control of AST. AST reserves the right to make program changes, as necessary, including canceling an educational session or the forum.

**Mail to: AST, 7108-C S Alton Wy  
Centennial, CO 80112**

**Fax to: 303-694-9169, or call:  
800-637-7433 (8 AM–5 PM, M–F, MT)**

**Register on-line at: [www.ast.org](http://www.ast.org), click on  
Surgical Assisting Forum Registration Form.**

**Accommodations:** Jurys Hotel, 1500 New Hampshire Ave, NW, Washington, DC 20036, 202-797-0153; Fax: 202-232-1130. \$140, single/double occupancy. Reservation deadline is March 12, 2005.



## SURGICAL ASSISTING FORUM REGISTRATION FORM

### SURGICAL ASSISTING FORUM

(includes Friday reception, Saturday lunch and all sessions)

- |   |              |          |
|---|--------------|----------|
| <input type="checkbox"/> ASA member         | \$225        | \$ _____ |
| <input type="checkbox"/> AST member         | \$250        | \$ _____ |
| <input type="checkbox"/> Nonmember          | \$275        | \$ _____ |
| <input type="checkbox"/> Guest lunch ticket | _____ x \$35 | \$ _____ |
| <b>TOTAL</b>                                |              | \$ _____ |

Date \_\_\_\_\_ Member/Cert no \_\_\_\_\_

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