



## TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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### Clarification: House Bill 643 and Employing Surgical Technologists

Regarding House Bill 643 and the grandfathering of surgical technologists, a surgical technologist employed to practice surgical technology before September 1, 2009 would not be required to successfully complete an accredited educational program for surgical technologists and hold and maintain certification as a surgical technologist to be employed as a surgical technologist on or after September 1, 2009.

H.B. 643 does not state employed "on" September 1, 2009, but rather states employed "before" September 1, 2009. A surgical technologist who was employed before September 1, 2009 may remain employed as a surgical technologist without meeting the certification requirement.

A hospital or ambulatory surgical center (ASC) which chooses to hire surgical technologists without certification, on or after September 1, 2009, must determine how it will comply with the requirements of H.B. 643, and must adopt, implement, and enforce policies and procedures related to employment and qualifications of surgical technologists.

If a surgical technologist applicant, who was not employed (or was employed at a different facility) on or after September 1, 2009, either had none of the qualifications (education and certification), or had only some of the qualifications in H.B. 643, the burden of proof would be on the hospital or ASC to determine the applicant met the qualifications. The hospital or ASC must verify, and maintain documentation of, the applicant's previous (before September 1, 2009) employment as a surgical technologist.

A hospital or ASC may set employment standards and qualifications beyond that established by H.B. 643, such as requiring all surgical technologists to be certified, even those who were employed as uncertified surgical technologists prior to September 1, 2009, provided those standards and qualifications comply with requirements of other federal, state or local laws.