

Advisory Board on Surgical Assisting

Virginia Board of Medicine

February 13, 2023

10:00 a.m.

Advisory Board on Surgical Assisting

Board of Medicine

Monday, February 13, 2023 @ 10:00 a.m.

9960 Mayland Drive, Suite 201,

Henrico, VA

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Call to Order – Deborah Redmond, LSA, Chair	
Emergency Egress Procedures – William Harp, MD	i
Roll Call – Beulah Archer	
Approval of Minutes of May 31, 2022	1 - 4
Adoption of the Agenda	
Public Comment on Agenda Items (15 minutes)	
New Business	
1. Legislative Update from the 2023 General Assembly Erin Barrett	5 - 11
2. Update on Regulatory Actions Erin Barrett	12
3. Review of Bylaws for Advisory Board Erin Barrett	13 - 14
4. Discuss Certification Requirement re: Surgical Assistant Working as a Surgical Technologist Deborah Redmond	
5. Approval of 2023 Meeting Calendar Deborah Redmond	15
6. Election of Officers Deborah Redmond	

Announcements:

Next Scheduled Meeting: Tuesday, June 20, 2023 @ 10:00 a.m.

Adjournment

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THESE PREMISES IN THE EVENT OF AN EMERGENCY.

Training Room 2

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When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

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Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

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ADVISORY BOARD ON SURGICAL ASSISTING
Minutes
May 31, 2022

The Advisory Board on Surgical Assisting met on Tuesday, May 31, 2022 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Deborah Redmond, CSA, Chair
Jessica Wilhelm, CSA
Nicole Meredith, RN, Citizen Member

MEMBERS ABSENT: Thomas Gochenour, CSA
Srikanth Mahavadi, MD

STAFF PRESENT: William L. Harp, M.D., Executive Director
Michael Sobowale, LLM, Deputy Director for Licensure
Erin Barrett, JD, DHP Senior Policy Analyst

GUESTS PRESENT: Hunter Jamerson, NSAA

Call to Order

Deborah Redmond called the meeting to order at 10:21 a.m.

Emergency Egress Procedures

Dr. Harp announced the emergency egress instructions.

Roll Call

The roll was called; a quorum was declared.

Approval of Minutes from February 7, 2022

Nicole Meredith moved to approve the minutes. Jessica Wilhelm seconded. The minutes carried as presented.

Adoption of Agenda

Jessica Wilhelm moved to adopt the agenda. Nicole Meredith seconded. The agenda was adopted as presented.

Public Comment on Agenda Items

Hunter Jamerson, representing the National Surgical Assistants Association (NSAA), expressed its support for provisional licensure of surgical assistants in the licensure process. Hospitals requiring licensure upon hiring would benefit from this, as well as newly graduated surgical assistants.

NEW BUSINESS

1. Legislative Update from the 2022 General Assembly

Erin Barrett discussed SB317 and the temporary authorization of a licensed individual from another state to practice in Virginia without a license for 90 days. If the individual applies for a permanent license, an additional 60 days can be added. Colanthia Morton Opher added that a new fillable form is now on the Board's website for employers to fill out and send to a dedicated email box.

2. Discussion of HB598

Ms. Barrett explained that this bill extends licensure by grandfathering until December 31, 2022, but the law authorizing the Board to issue a license does not become effective until July 1, 2022.

3. Regulatory Action: Recommended Adoption of Final Regulations for Surgical Assistants

Ms. Barrett provided a basic outline of the standard regulatory process. After discussion, members agreed to approve the adoption of a Notice of Intended Regulatory Action (NOIRA) to make modifications to the regulations for licensure of surgical assistants and registration of surgical technologists as follows: 1) add definitions as necessary; 2) conform fees for licensure to other professions under the Board; 3) add requirements for continuing competency for surgical assistants/technologists licensed under the grandfathering provision; 4) provide for an inactive license and for reactivation or reinstatement of a license; 5) provide for a restricted volunteer license or voluntary practice by out-of-state practitioners; and 6) provide for renewal from registration of surgical technologists. Finally, the Board will adopt standards of practice similar to those for other licensed professions under its jurisdiction and consider the code of ethics specific to surgical assistants, including provisions on maintenance of confidentiality and patient records.

Nicole Meredith moved to recommend a NOIRA. Jessica Wilhelm seconded. The motion was adopted as presented.

4. Discussion of Provisional License, Renewal, Inactive License, and Reactivation

Deborah Redmond led the discussion and suggested changes be made to the existing application for registration of surgical assistants similar to that of provisional licensure. This pathway would allow a prospective graduate to apply for licensure, as well as accept a job offer whose employer requests proof of licensure. Jessica Wilhelm discussed the national certifying board's processes of issuing the current certification only after the student has graduated. Michael Sobowale discussed that there are no CE attestations in the renewal processes which do need to be put in place.

5. Discussion of Inactive Certification and Reinstatement Requirements for Surgical Technologists

Michael Sobowale explained that there are currently no procedures in place for activating certification or reinstatement of expired surgical technologist certifications, and that each case is handled as a new application. Mr. Sobowale indicated that there is language in the proposed regulations to serve as a basis for instructions to implement a reinstatement application.

Announcements

Beulah Baptist Archer provided the following licensure totals for licensed surgical assistants and surgical technologists.

Licensed Surgical Assistants		Surgical Technologist	
Current active in Virginia	486	Current active in Virginia	994
Current Active out of state	88	Current active out of state	195
Total	574		1,189

Next Scheduled Meeting: September 26, 2022, at 10:00.

Adjournment

With no other business to conduct, Deborah Redmond adjourned the meeting at 11:20 a.m.

Deborah Redmond, CSA, Chair

William L. Harp, MD, Executive Director

Beulah Baptist Archer, Recording Secretary

Michael O. Sobowale, LLM
Deputy Executive Director, Licensure

Advisory Board
Legislative Report
As of February 1, 2023

HB 1573 Mental health conditions & impairment; health regulatory board w/in DHP to amend its applications.

Chief patron: Walker

A BILL to direct health regulatory boards within the Department of Health Professions to amend language related to mental health conditions and impairment in licensure, certification, and registration applications; emergency.

Summary as introduced:

Department of Health Professions; applications for licensure, certification, and registration; mental health conditions and impairment; emergency. Directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause.

EMERGENCY

01/30/23 House: Engrossed by House as amended HB1573E

01/30/23 House: Printed as engrossed 23103067D-E

01/31/23 House: Read third time and passed House (98-Y 0-N)

01/31/23 House: Impact statement from DPB (HB1573E)

01/31/23 House: VOTE: Passage Emergency (98-Y 0-N)

HB 1622 Health regulatory boards; delegation of authority to conduct informal fact-finding proceedings.

Chief patron: Wright

Agency bill

A BILL to amend and reenact § 54.1-2400 of the Code of Virginia, relating to health regulatory boards; delegation of authority to conduct informal fact-finding proceedings.

Summary as introduced:

Health regulatory boards; delegation of authority to conduct informal fact-finding proceedings. Removes the requirement that a health regulatory board receive information that a practitioner may be subject to a disciplinary action in order for the board to delegate to an appropriately qualified agency subordinate the authority to conduct informal fact-finding proceedings.

01/27/23 House: Read second time and engrossed

01/30/23 House: Read third time and passed House (82-Y 17-N)

01/30/23 House: VOTE: Passage (82-Y 17-N)

01/31/23 Senate: Constitutional reading dispensed

01/31/23 Senate: Referred to Committee on Education and Health

HB 1638 DPOR, et al.; disclosure of certain information.

Chief patron: Walker

Agency bill

A BILL to amend and reenact § 54.1-108 of the Code of Virginia, relating to Department of Professional and Occupational Regulation, Department of Health Professions, and health regulatory boards; disclosure of information regarding examinations, licensure, certification, registration, or permitting.

Summary as introduced:

Department of Professional and Occupational Regulation, Department of Health Professions, and health regulatory boards; disclosure of information regarding examinations, licensure, certification, registration, or permitting. Allows the Department of Professional and Occupational Regulation, the Department of Health Professions, and health regulatory boards to mail or email upon request records regarding applications for admission to examinations or for licensure, certification, registration, or permitting and the related scoring records to the individual to whom such records pertain. Under current law, such records may be made available during normal working hours for copying by the subject individual.

01/27/23 House: Read second time and engrossed

01/30/23 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

01/30/23 House: VOTE: (100-Y 0-N)

01/31/23 Senate: Constitutional reading dispensed

01/31/23 Senate: Referred to Committee on Education and Health

SB 970 Mental health conditions and impairment; DHP to amend its licensure, etc., applications.

Chief patron: Mason

A BILL to direct the Department of Health Professions to amend language related to mental health conditions and impairment in licensure, certification, and registration applications; emergency.

Summary as introduced:

Department of Health Professions; applications for licensure, certification, and registration; mental health conditions and impairment; emergency. Directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause.

EMERGENCY

01/17/23 Senate: Assigned Education sub: Health Professions

01/26/23 Senate: Reported from Education and Health (14-Y 0-N)

01/27/23 Senate: Constitutional reading dispensed (40-Y 0-N)

01/30/23 Senate: Read second time and engrossed

01/31/23 Senate: Read third time and passed Senate (39-Y 0-N)

SB 1054 Interjurisdictional compacts; criminal history record checks.

Chief patron: Peake

Agency bill

A BILL to amend the Code of Virginia by adding a section numbered 54.1-2409.1:1, relating to interjurisdictional compacts; criminal history record checks.

Summary as introduced:

Interjurisdictional compacts; criminal history record checks. Provides that when an

interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.

01/08/23 Senate: Referred to Committee on the Judiciary

01/16/23 Senate: Rereferred from Judiciary (15-Y 0-N)

01/16/23 Senate: Rereferred to Education and Health

01/25/23 Senate: Assigned Education sub: Health Professions

01/26/23 Senate: Impact statement from DPB (SB1054)

SB 1060 DPOR, et al.; disclosure of certain information.

Chief patron: Favola

Agency bill

A BILL to amend and reenact § 54.1-108 of the Code of Virginia, relating to Department of Professional and Occupational Regulation, Department of Health Professions, and health regulatory boards; disclosure of information regarding examinations, licensure, certification, registration, or permitting.

Summary as introduced:

Department of Professional and Occupational Regulation, Department of Health Professions, and health regulatory boards; disclosure of information regarding examinations, licensure, certification, registration, or permitting. Allows the Department of Professional and Occupational Regulation, the Department of Health Professions, and health regulatory boards to mail or email upon request records regarding applications for admission to examinations or for licensure, certification, registration, or permitting and the related scoring records to the individual to whom such records pertain. Under current law, such records may be made available during normal working hours for copying by the subject individual.

01/18/23 Senate: Impact statement from DPB (SB1060)

01/18/23 Senate: Reported from General Laws and Technology (14-Y 0-N)

01/20/23 Senate: Constitutional reading dispensed (38-Y 0-N)

01/23/23 Senate: Read second time and engrossed

01/24/23 Senate: Read third time and passed Senate (39-Y 0-N)

HB 2222 Surgical technologists and surgical assistants; practice prior to certification.

SUMMARY AS INTRODUCED:

Surgical technologists and surgical assistants; practice prior to certification. Allows surgical technologists and surgical assistants who have successfully completed an accredited surgical technologist training program or surgical assistant training program to practice under certain conditions prior to certification or licensure, respectively. The bill allows such person to practice as a surgical technologist with the title "surgical technologist, certificate applicant" until he has received a failing score on any examination for national certification or six months from the date of program completion, whichever occurs sooner. The bill allows such person to practice as a surgical assistant with the title "surgical assistant, license applicant" until he has received a failing score on the national certification examination or six months from the date of graduation, whichever occurs sooner.

2023 SESSION

INTRODUCED

23101446D

HOUSE BILL NO. 2222

Offered January 11, 2023

Prefiled January 11, 2023

A BILL to amend and reenact §§ 54.1-2956.12 and 54.1-2956.13 of the Code of Virginia, relating to surgical technologists and surgical assistants; practice prior to certification or licensure.

Patrons—Hayes, Adams, D.M., Clark, Guzman and Mundon King

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2956.12 and 54.1-2956.13 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2956.12. Certified surgical technologist; use of title; certification.

A. No person shall hold himself out to be a surgical technologist or use or assume the title of "surgical technologist" or "certified surgical technologist," or use the designation "S.T." or any variation thereof, unless such person is certified by the Board. No person shall use the designation "C.S.T." or any variation thereof unless such person (i) is certified by the Board and (ii) has successfully completed an accredited surgical technologist training program and holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor.

B. The Board shall certify as a surgical technologist any applicant who presents satisfactory evidence that he (i) has successfully completed an accredited surgical technologist training program and holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor, (ii) has successfully completed a training program for surgical technology during the person's service as a member of any branch of the armed forces of the United States, or (iii) has practiced as a surgical technologist or attended a surgical technologist training program at any time prior to October 1, 2022, provided he registers with the Board by December 31, 2022.

C. Notwithstanding the provisions of subsection A, a person who has successfully completed an accredited surgical technologist training program may practice with the title "surgical technologist, certificate applicant" until he has received a failing score on any examination for national certification by the National Board of Surgical Technology and Surgical Assisting or its successor or six months from the date of program completion, whichever occurs sooner. Any person practicing pursuant to this subsection shall be identified with the title "surgical technologist, certificate applicant" on any identification issued by an employer and in conjunction with any signature in the course of his practice.

§ 54.1-2956.13. Licensure of surgical assistant; practice of surgical assisting; use of title.

A. No person shall engage in the practice of surgical assisting or use or assume the title "surgical assistant" unless such person holds a license as a surgical assistant issued by the Board. Nothing in this section shall be construed as prohibiting any professional licensed, certified, or registered by a health regulatory board from acting within the scope of his practice.

B. The Board shall establish criteria for licensure as a surgical assistant, which shall include evidence that the applicant:

1. Holds a current credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, or the National Commission for Certification of Surgical Assistants, or their successors;

2. Has successfully completed a surgical assistant training program during the person's service as a member of any branch of the armed forces of the United States; or

3. Has practiced as a surgical assistant in the Commonwealth at any time in the six months immediately prior to July 1, 2020.

C. For renewal of a license, a surgical assistant who was licensed based on a credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, or the National Commission for the Certification of Surgical Assistants or their successors shall attest that the credential is current at the time of renewal.

D. Notwithstanding the provisions of subsection A, a person who has graduated from a surgical assistant training program as required to take a national certification examination given by the any entity listed in subdivision B 1 may practice with the title "surgical assistant, license applicant" until he has received a failing score on the national certification examination or six months from the date of graduation, whichever occurs sooner. Any person practicing pursuant to this subsection shall be identified with the title "surgical assistant, license applicant" on any identification issued by an

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HB2222

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59 *employer and in conjunction with any signature in the course of his practice.*

Board of Medicine
Advisory Board on Surgical Assisting
Current Regulatory Actions

VAC	Stage	Subject Matter	Date submitted*	Office; time in office**	Notes
18VAC85-160	Final	Changes consistent with a licensed profession	7/5/2022	Secretary 71 days	Proposed regulations consistent with surgical assistants changing from certification to licensure
18VAC85-160	Fast-track	Reinstatement of certification as a surgical technologist	7/21/2022	Secretary 15 days	Allows surgical technologists to voluntarily request inactive status and allows surgical technologists to reinstate a certification from inactive status, suspension, or revocation
18VAC85-160	Exempt	Implementation of HB598 for certification of surgical technologists	9/8/2022	To be published. Effective date: 11/9/22	Exempt changes pursuant to legislation which extended grandfathering provisions for surgical technologists.

* Date submitted to current location

** As of September 14, 2022

Agenda Item: Bylaws for all Advisory Boards

Included in your agenda package are:

- ❖ Copy of Approved Guidance Document 85-3

Action Needed:

- None

**BYLAWS FOR
ADVISORY BOARDS OF THE BOARD OF MEDICINE**

Article I - Members of the Advisory Board

The appointments and limitations of service of the members shall be in accordance with the applicable statutory provision of the advisory board governing such matters.

Article II - Officers

Section 1. Titles of Officers - The officers of the advisory board shall consist of a chairman and vice-chairman elected by the advisory board. The Executive Director of the Board of Medicine shall serve in an advisory capacity.

Section 2. Terms of Office - The chairman and vice-chairman shall serve for a one-year term and may not serve for more than two consecutive terms in each office. The election of officers shall take place at the first meeting after July 1, and officers shall assume their duties immediately thereafter.

Section 3. Duties of Officers.

- (a) The chairman shall preside at all meetings when present, make such suggestions as may deem calculated to promote and facilitate its work, and discharge all other duties pertaining by law or by resolution of the advisory board. The chairman shall preserve order and conduct all proceedings according to and by parliamentary rules and demand conformity thereto on the part of the members. The chairman shall appoint all committees as needed.

The chairman shall act as liaison between the advisory board and the Board of Medicine on matters pertaining to licensing, discipline, legislation and regulation of the profession which the advisory board represents.

When a committee is appointed for any purpose, the chairman shall notify each member of the appointment and furnish any essential documents or information necessary.

- (b) The vice-chairman shall preside at meetings in the absence of the chairman and shall take over the other duties of the chairman as may be made necessary by the absence of the chairman.

Article III - Meetings

Section 1. There shall be at least one meeting each year in order to elect the chairman and vice-chairman and to conduct such business as may be deemed necessary by the advisory board.

Section 2. Quorum - Three members shall constitute a quorum for transacting business.

Section 3. Order of Business - The order of business shall be as follows:

- (a) Calling roll and recording names of members present
- (b) Approval of minutes of preceding regular and special meetings
- (c) Adoption of Agenda
- (d) Public Comment Period
- (e) Report of Officers
- (f) Old Business
- (g) New Business

The order of business may be changed at any meeting by a majority vote.

Article IV - Amendments

Amendments to these bylaws may be proposed by presenting the amendments in writing to all advisory board members prior to any scheduled advisory board meeting. If the proposed amendment receives a majority vote of the members present at that advisory board meeting, it shall be represented as a recommendation for consideration to the Board of Medicine at its next regular meeting.

2023 Board Meeting Dates

Advisory Board on:

Behavioral Analysts			10:00 a.m.
Mon - February 6	June 12	October 2	
Genetic Counseling			1:00 p.m.
Mon - February 6	June 12	October 2	
Occupational Therapy			10:00 a.m.
Tue - February 7	June 13	October 3	
Respiratory Care			1:00 p.m.
Tue - February 7	June 13	October 3	
Acupuncture			10:00 a.m.
Wed - February 8	June 14	October 4	
Radiological Technology			1:00 p.m.
Wed - February 8	June 14	October 4	
Athletic Training			10:00 a.m.
Thurs - February 9	June 15	October 5	
Physician Assistants			1:00 p.m.
Thurs - February 9	June 15	October 5	
Midwifery			10:00 a.m.
Fri - February 10	June 16	October 6	
Polysomnographic Technology			1:00 p.m.
Fri - February 10	June 16	October 6	
Surgical Assisting			10:00 a.m.
Mon - February 13	Tue - June 20	Tue - October 10	

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Commonwealth of Virginia



REGULATIONS

GOVERNING LICENSURE OF SURGICAL ASSISTANTS AND CERTIFICATION OF SURGICAL TECHNOLOGISTS

VIRGINIA BOARD OF MEDICINE

Title of Regulations: 18 VAC 85-160-10 et seq.

**Statutory Authority: § 54.1-2400 and Chapter 29
of Title 54.1 of the *Code of Virginia***

Effective Date: November 9, 2022

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18VAC85-160-10. Definitions.

The following word and term when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Board" means the Virginia Board of Medicine.

18VAC85-160-20. Public participation.

A separate regulation, 18VAC85-11, Public Participation Guidelines, provides for involvement of the public in the development of all regulations of the Virginia Board of Medicine.

18VAC85-160-30. Current name and address.

Each licensee or certificate holder shall furnish the board his current name and address of record. All notices required by law or by this chapter to be given by the board to any such licensee or certificate holder shall be validly given when sent to the latest address of record provided or served to the licensee or certificate holder. Any change of name or address of record or public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

18VAC85-160-40. Fees.

A. The following fees have been established by the board:

1. The fee for licensure as a surgical assistant or certification as a surgical technologist shall be \$75.
2. The fee for renewal of licensure or certification shall be \$70. Renewals shall be due in the birth month of the licensee or certificate holder in each even-numbered year. For 2020, the renewal fee shall be \$54.
3. The additional fee for processing a late renewal application within one renewal cycle shall be \$25.
4. The handling fee for a returned check or a dishonored credit card or debit card shall be \$50.

B. Unless otherwise provided, fees established by the board are not refundable.

18VAC85-160-50. Requirements for licensure as a surgical assistant.

A. An applicant for licensure shall submit a completed application and a fee as prescribed in 18VAC85-160-40 on forms provided by the board.

B. An applicant for licensure as a surgical assistant shall provide evidence of:

1. A current credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting or the National Commission for Certification of Surgical Assistants or their successors;
2. Successful completion of a surgical assistant training program during the applicant's service as a member of any branch of the armed forces of the United States; or
3. Practice as a surgical assistant in the Commonwealth at any time in the six months immediately prior to July 1, 2020.

18VAC85-160-51. Requirements for certification as a surgical technologist.

A. An applicant for certification as a surgical technologist shall submit a completed application and a fee as prescribed in 18VAC85-160-40 on forms provided by the board.

B. An applicant for certification as a surgical technologist shall provide satisfactory evidence of:

1. Successful completion of an accredited surgical technologist training program and a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor; or
2. Successful completion of a training program for surgical technology during the applicant's service as a member of any branch of the armed forces of the United States.

C. The board will certify a surgical technologist who registers with the board by December 31, 2022, if that surgical technologist provides satisfactory evidence of:

1. Practice as a surgical technologist prior to October 1, 2022; or
2. Attendance of a surgical technologist training program prior to October 1, 2022.

18VAC85-160-60. Renewal of licensure for a surgical assistant.

A surgical assistant who was licensed based on a credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting or the National Commission for the Certification of Surgical Assistants or their successors shall attest that the credential is current at the time of renewal.