

January 19, 2016

Senator Kathy Campbell, Chair
Health and Human Services Committee
P.O. Box 94604
Lincoln, Nebraska 68509-4604

RE: LB 721

Dear Senator Campbell and members of the Health and Human Services Committee,

The Department of Health and Human Services' Division of Public Health has reviewed LB 721, which provides for a scope of practice and licensure of Surgical First Assistants, and offers the following technical information on the bill.

Due to the anticipated low number of persons (under 20) possessing the pre-requisite national certification, passage of this bill is not initially expected to result in a need for additional staff. However, there will be programming costs to incorporate a new credential category within the current online License Information System and increased Department staff time will be needed to develop and implement regulations for this new credential area due to the fact that this is a newly credentialed profession. Regulatory updates/changes will also be necessary for 172 NAC 88 regulations for Medicine and Surgery and Osteopathic Medicine and Surgery.

Since this bill reflects licensure of a new health profession for the state, it is recommended that the implementation date follows the date of final approval by no less than 6 – 12 months to allow for development, approval, and implementation of state regulations.

It is noted that several areas may require further definition of terms and intent:

- Page 3, Section 9, indicates that surgical assisting provides “primary assistance to the primary surgeon”, while Section 11(1) indicates the role as “Assisting the surgical team in the intraoperative care”.
- Page 3, Section 11(6a&b) needs to be further clarified to reflect scope of practice -- the term "Utilizing" is not clear.
- Page 4, Section 14, it may be beneficial to add "currently" in line 24 to read "A person currently licensed . . ."
- Page 5, Section 17 (4) provides that the Board of Medicine shall 'receive and investigate complaints, conduct hearings, and impose disciplinary actions in relation to complaints against licensed surgical assisting under the Uniform Credentialing Act.' This language is in direct conflict with the provisions of the Uniform Credentialing Act. Under the UCA, the Department

makes decisions related to licensure of a profession, receives and investigates complaints, the Attorney General files petitions for discipline, disciplinary hearings are not conducted by the boards, but are instead held before the Department, and the Chief Medical Officer/Director of Public Health imposes discipline, which can be appealed pursuant to the Administrative Procedures Act.

- Page 5, Section 17 (5) implies that the Surgical First Practice Act assigns "other duties" to the board that conflict with duties identified under the UCA.
- Please feel free to contact me for discussion that you would deem necessary on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jenifer Roberts-Johnson".

Jenifer Roberts-Johnson, Deputy Director
Division of Public Health
Department of Health and Human Services