

Disclosure by Surgical Technologists

Questions #1-5 submitted by committee member Sandstrom

- 1) Is accurate information about surgical technologists who lose employment or lose practice privileges in a facility for incompetence, negligence, unethical/ unprofessional conduct available to the public e.g. potential employers? If so, how?
- 2) Is accurate information about surgical technologists with felony or misdemeanor convictions available to potential employers or the public? If so, how?
- 3) Is accurate information about surgical technologists who practiced while impaired by alcohol, drugs or physical, mental or emotional disability available to employers or the public? If so, how?
- 4) Is accurate information about payments made by insurers due to an adverse judgment, settlement or award by a facility due to the actions of a surgical technologist available to the public e.g. other potential employers? If so, how?
- 5) Is accurate information about surgical technologists who have had regulatory discipline in another state available to employers or the public? If so, how?

There is no legal requirement that a prospective surgical technologist employee/applicant disclose ANYTHING to ANYONE related to malpractice, incompetence, negligence, unethical/unprofessional conduct, criminal convictions, drug/alcohol impairment/abuse, adverse claims, actions or settlements. Prospective employers may ask these questions and seek information from the applicant, but there is no guarantee that the prospective employee answer truthfully, nor is there any required punishment for failure to do so (ask, answer, or answer truthfully . Further, Nebraska law forbids a prior employer from disclosing information “about a current or former employee’s employment history to a prospective employer” without express written consent from the employee. If consent is given, an employer is allowed to disclose date/duration of employment, pay rate and wage history, job description, attendance, written performance evaluations, results of certain drug/alcohol tests, threats of violence, harassment or threatening behavior, grounds for separation (voluntary or involuntary), and whether the employee is eligible for rehire. Nebraska Revised Statutes, Chapter 48, Section 201. Additionally, the statute specifically provides that an employer is not required to *request or disclose* employment history from/to any other employer.

The link to the relevant statutory provisions: <http://nebraskalegislature.gov/laws/statutes.php?statute=48-201>

Hence, if an employer may not know this information, and may not divulge it to another employer, it is logical to assume that the public is in an even worse position to discover anything about a surgical technologist serving as a member of the hospital’s surgical team.