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December 31, 2015

Ron Briel, Program Manager
Division of Public Health, Licensure Unit
Nebraska Department of Health and Human Services
Lincoln, NE 68509

Dear Mr. Briel:

I oppose the 407 application for licensure that has been submitted by the surgical technology training programs. I've been a surgeon in Nebraska for the past thirty-one years. I served on the board of the Nebraska Medical Association, as president of the Metro Omaha Medical Society and the Nebraska Academy of Ophthalmology, and as chief of staff for the Nebraska Medical Center. I've been active participant in legislative and regulatory hearings since the mid-1980's.

Of all the licensure efforts I've seen in Nebraska, the surgical technologists' (ST) application is exceptional for its inability to provide any credible rationale for why licensure is needed. This is particularly true when measured against the litmus tests that are mandated for the 407 process.

- The applicants have provided no valid evidence that uncertified STs pose a clear danger to the public or provide a lower level of care than certified STs.
- The financial burden of mandatory education, certification and licensure will absolutely act as barriers of entry for individuals interested in the field, and it will have a disparate impact on low-income individuals. The labor pool will shrink and wages will increase for the licensed technologists, which will add to the uncontrolled healthcare inflation we're already facing.
- The current system of oversight of STs has served the state well for decades, and the applicants have provided no evidence that further assurance is needed from the state. If further assurance is needed, then it should also be required for every other link in the infection control chain at hospitals and ASCs.
- There are other reasonable, less expensive and better alternatives to licensure, including registration. If the committee is concerned about incompetent surgical technologists moving from employer to employer, then mandatory reporting could be a feature of the registration process.

I strongly oppose the application for licensure. I've observed the legislature for over thirty years. In Nebraska, we don't regulate and legislate by anecdote, and that's precisely what the applicants are asking the committee to do.

Sincerely,

Peter J. Whitted, MD, JD

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