

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Operating Room Patient Safety Act.

6 Section 3. Purpose. It is the public policy of the State  
7 that the State has a legitimate interest in ensuring that all  
8 surgical procedures are performed to ensure maximum patient  
9 safety. Therefore, the purpose of this Act is to:

10 (1) ensure that an operating room has been prepared by  
11 qualified, trained professionals;

12 (2) ensure that surgical equipment and instruments are  
13 properly sterilized and functioning safely;

14 (3) ensure that during surgical procedures, the  
15 surgical team can rely on qualified, trained professionals  
16 to ensure a sterile environment is maintained; and

17 (4) provide the surgical team with proper instruments  
18 and supplies as requested.

19 Section 5. Definitions. As used in this Act:

20 "Health care facility" means a facility regulated under  
21 the Hospital Licensing Act, the Ambulatory Surgical Treatment  
22 Center Act, or the University of Illinois Hospital Act.

1 "Health care facility" does not include: (i) a health care  
2 facility that is a critical access hospital as designated by  
3 the Department of Public Health in accordance with 42 CFR 485,  
4 Subpart F; (ii) a rural emergency hospital as defined under  
5 subsection (kkk)(2) of Section 1861 of the federal Social  
6 Security Act; or (iii) a health care facility that is located  
7 more than 60 miles from a nationally accredited surgical  
8 technology program located in Illinois.

9 "Surgical technologist" means an individual who is  
10 employed by or contracts with a health care facility to  
11 perform surgical technology services and functions.

12 "Surgical technology services" means surgical patient care  
13 including, but not limited to, one or more of the following:

14 (1) preparation of an operating room and the sterile  
15 operating field for surgical procedures by ensuring that  
16 surgical equipment is functioning properly and safely and  
17 using sterile techniques to prepare surgical supplies,  
18 instruments, and equipment;

19 (2) intraoperative anticipation and response to the  
20 needs of surgeons, nurses, and other surgical team members  
21 by monitoring the sterile operating field in an operating  
22 room and providing the required instruments or supplies;

23 (3) performance of tasks at the sterile operating  
24 field, as directed in an operating room setting,  
25 including:

26 (A) passing surgical supplies, instruments, and

- 1 equipment directly to a health care provider;
- 2 (B) sponging or suctioning an operative site;
- 3 (C) preparing and cutting suture material;
- 4 (D) transferring and irrigating with fluids;
- 5 (E) transferring, but not administering, drugs
- 6 within the sterile field; or
- 7 (F) handling surgical specimens.

8 Section 10. Requirements for surgical technologists.

9 (a) Each surgical technologist hired or contracted by a

10 health care facility on or after January 1, 2028 shall meet one

11 or more of the following requirements:

12 (1) The surgical technologist has successfully

13 completed a nationally accredited program for surgical

14 technologists and is certified through the National Board

15 of Surgical Technology and Surgical Assisting or the

16 National Center for Competency Testing.

17 (2) If the surgical technologist has successfully

18 completed the educational requirements under paragraph (1)

19 but has not, on the date the surgical technologist is

20 hired or enters into the contract with the health care

21 facility, obtained the national certification under

22 paragraph (1), the surgical technologist must obtain that

23 certification within 18 months after being hired or

24 entering into the contract.

25 (3) The surgical technologist is registered as a

1 registered surgical technologist under the Registered  
2 Surgical Assistant and Registered Surgical Technologist  
3 Title Protection Act.

4 (4) The surgical technologist has successfully  
5 completed a training program for surgical technology in  
6 the armed forces of the United States or the United States  
7 Public Health Service.

8 (5) The surgical technologist has engaged in the  
9 practice of surgical technology at a hospital licensed  
10 under the Hospital Licensing Act or an ambulatory surgical  
11 treatment center licensed under the Ambulatory Surgical  
12 Treatment Center Act before January 1, 2028.

13 (b) This Section does not apply to a person assigned, on a  
14 temporary basis, to act as a surgical technologist on behalf  
15 of an out-of-state staffing agency for a health care facility.

16 Section 15. Exemptions.

17 (a) Health care facilities located in a Health  
18 Professional Shortage Area or Medically Underserved Area, as  
19 determined by the federal government, shall be exempt from  
20 Section 10 of this Act but shall have a hiring preference for  
21 surgical technologists who graduated from nationally  
22 accredited surgical technology programs and are certified  
23 through the National Board of Surgical Technology and Surgical  
24 Assisting or the National Center for Competency Testing.

25 (b) Nothing in this Act prohibits:

1           (1) a person licensed in this State under any other  
2 Act from engaging in the practice for which the person is  
3 licensed, including, but not limited to, a physician  
4 licensed to practice medicine in all its branches, a  
5 physician assistant, an advanced practice registered  
6 nurse, or a nurse performing surgery-related tasks within  
7 the scope of the nurse's license or registration; or

8           (2) a student or intern from performing surgical  
9 technology services under direct supervision, as defined  
10 in the Registered Surgical Assistant and Registered  
11 Surgical Technologist Title Protection Act.