



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4490

Introduced 1/20/2026, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Operating Room Patient Safety Act. Provides that each surgical technologist hired or contracted by a health care facility on or after January 1, 2028 shall meet specified educational, certification, or experiential requirements. Provides that health care facilities located in a Health Professional Shortage Area or Medically Underserved Area, as determined by the federal government, shall be exempt as provided but shall have a hiring preference for surgical technologists who graduated from nationally accredited surgical technology programs and are certified through the National Board of Surgical Technology and Surgical Assisting or the National Center for Competency Testing. Provides that nothing in the Act prohibits a person licensed in the State under any other Act from engaging in the practice for which the person is licensed, including, but not limited to, a physician licensed to practice medicine in all its branches, a physician assistant, an advanced practice registered nurse, or a nurse performing surgery-related tasks within the scope of the nurse's license or registration; or a student or intern from performing surgical technology services under direct supervision, as defined in the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

LRB104 17111 BAB 30530 b

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. Each

9 surgical technologist hired or contracted by a health care

10 facility on or after January 1, 2028 shall meet one or more of

11 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 Section 15. Exemptions.

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

22 (b) Nothing in this Act prohibits:

23 (1) a person licensed in this State under any other
24 Act from engaging in the practice for which the person is
25 licensed, including, but not limited to, a physician

1 licensed to practice medicine in all its branches, a
2 physician assistant, an advanced practice registered
3 nurse, or a nurse performing surgery-related tasks within
4 the scope of the nurse's license or registration; or

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