
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2588 Session of
2006

INTRODUCED BY REICHLEY, CALTAGIRONE, CRAHALLA, GOODMAN, GRUCELA,
HICKERNELL, JAMES, M. KELLER, SONNEY, STABACK, E. Z. TAYLOR,
YOUNGBLOOD, DeLUCA AND BEYER, APRIL 24, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 28, 2006

AN ACT

1 Requiring a circulating nurse in certain operating rooms.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Circulating
6 Nurse Act.

7 Section 2. Purpose.

8 The purpose of this legislation is to require a registered
9 nurse to be the circulating nurse in an operating room for the
10 safety of the patient.

11 Section 3. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Conscious sedation." A minimally depressed level of
16 consciousness which retains the patient's ability to

1 independently and continuously maintain an airway and respond
2 appropriately to physical stimulation or verbal command,
3 produced by a pharmacologic or nonpharmacologic method, or
4 combination thereof.

5 "General anesthesia." A controlled state of unconsciousness,
6 including deep sedation, accompanied by the partial or complete
7 loss of protective reflexes which includes the patient's
8 inability to independently maintain an airway and respond
9 purposefully to physical stimulation or verbal command, produced
10 by a pharmacologic or nonpharmacologic method, or combination
11 thereof.

12 "Health care facility." Any health care facility providing
13 clinically related health services, including, but not limited
14 to, a general or special hospital, including psychiatric
15 hospitals, rehabilitation hospitals, ambulatory surgical
16 facilities, long-term care nursing facilities, cancer treatment
17 centers using radiation therapy on an ambulatory basis and
18 inpatient drug and alcohol treatment facilities, both profit and
19 nonprofit, and including those operated by an agency or State or
20 local government. The term shall also include a hospice. The
21 term shall not include an office used primarily for the private
22 or group practice by health care practitioners where no
23 reviewable clinically related health service is offered, a
24 facility providing treatment solely on the basis of prayer or
25 spiritual means in accordance with the tenets of any church or
26 religious denomination or a facility conducted by a religious
27 organization for the purpose of providing health care services
28 exclusively to clergy or other persons in a religious profession
29 who are members of the religious denominations conducting the
30 facility.

1 "Operating room of the facility." The phrase shall only
2 include the number of operating rooms contained in the
3 ambulatory surgical facilities license issued by the
4 Pennsylvania Department of Health.

5 "Registered nurse." An individual licensed under the laws of
6 this Commonwealth to practice professional nursing.

7 Section 4. Operating room staff.

8 Only a registered nurse, licensed in this Commonwealth,
9 qualified by training and experience in operating room nursing
10 shall be present as a circulating nurse during all surgical
11 procedures in a health care facility for the duration of the
12 procedure with the exception of ~~the following~~ surgical <—
13 procedures ~~when such procedures~~ THAT are not performed under <—
14 general anesthesia or conscious sedation in an ambulatory
15 surgical facility. <—

16 ~~(1) Endoscopy.~~

17 ~~(2) Pain management.~~

18 ~~(3) Lasik eye.~~

19 ~~(4) Extracorporeal shock wave therapy (ESWL).~~

20 FACILITY. <—

21 Section 5. Effective date.

22 This act shall take effect in 60 days.