

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1867 Session of  
2007

INTRODUCED BY KENNEY, OLIVER, CALTAGIRONE, JAMES, SONNEY,  
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OCTOBER 2, 2007

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE  
OF REPRESENTATIVES, AS AMENDED, OCTOBER 24, 2007

## 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~~

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1 ~~consciousness which retains the patient's ability to~~  
2 ~~independently and continuously maintain an airway and respond~~  
3 ~~appropriately to physical stimulation or verbal command,~~  
4 ~~produced by a pharmacologic or nonpharmacologic method, or~~  
5 ~~combination thereof.~~

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

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

1 facility.

2 "MODERATE SEDATION." A MINIMALLY DEPRESSED LEVEL OF  
3 CONSCIOUSNESS WHICH RETAINS THE PATIENT'S ABILITY TO  
4 INDEPENDENTLY AND CONTINUOUSLY MAINTAIN AN AIRWAY AND RESPOND  
5 APPROPRIATELY TO PHYSICAL STIMULATION OR VERBAL COMMAND,  
6 PRODUCED BY A PHARMACOLOGIC OR NONPHARMACOLOGIC METHOD, OR  
7 COMBINATION THEREOF.

8 "Operating room of the facility." The phrase shall only  
9 include the number of operating rooms contained in the  
10 ambulatory surgical facilities license issued by the  
11 Pennsylvania Department of Health.

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

14 Section 4. Operating room staff.

15 Only a registered nurse, licensed in this Commonwealth,  
16 qualified by training and experience in operating room nursing  
17 shall be present as a circulating nurse during all surgical  
18 procedures performed by a physician in a health care facility  
19 for the duration of the procedure with the exception of surgical  
20 procedures that are not performed under general anesthesia or  
21 ~~conscious~~ MODERATE sedation in an ambulatory surgical facility. <—

22 Section 5. Effective date.

23 This act shall take effect in 60 days.