

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1867

Session of
2007

INTRODUCED BY KENNEY, OLIVER, CALTAGIRONE, JAMES, SONNEY,
STABACK, REICHLEY, TRUE, YOUNGBLOOD, HICKERNELL, HARHART,
HALUSKA, M. KELLER, SAYLOR, GRUCELA, RAPP, J. TAYLOR,
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SIPTROTH, K. SMITH, PETRONE, MURT, HORNAMAN AND HELM,
OCTOBER 2, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 4, 2008

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 ~~"General anesthesia." A controlled state of unconsciousness,~~ <—

1 ~~including deep sedation, accompanied by the partial or complete~~
2 ~~loss of protective reflexes which includes the patient's~~
3 ~~inability to independently maintain an airway and respond~~
4 ~~purposefully to physical stimulation or verbal command, produced~~
5 ~~by a pharmacologic or nonpharmacologic method, or combination~~
6 ~~thereof.~~

7 "ANESTHESIA." INCLUDES GENERAL ANESTHESIA AND SPINAL OR <—
8 MAJOR REGIONAL ANESTHESIA. IT DOES NOT INCLUDE LOCAL ANESTHESIA.
9 GENERAL ANESTHESIA IS A DRUG-INDUCED LOSS OF CONSCIOUSNESS
10 DURING WHICH PATIENTS ARE NOT AROUSABLE, EVEN BY PAINFUL
11 STIMULATION. THE ABILITY TO INDEPENDENTLY MAINTAIN VENTILATORY
12 FUNCTION IS OFTEN IMPAIRED. PATIENTS OFTEN REQUIRE ASSISTANCE IN
13 MAINTAINING A PATENT AIRWAY, AND POSITIVE PRESSURE VENTILATION
14 MAY BE REQUIRED BECAUSE OF DEPRESSED SPONTANEOUS VENTILATION OR
15 DRUG-INDUCED DEPRESSION OF NEUROMUSCULAR FUNCTION.
16 CARDIOVASCULAR FUNCTION MAY BE IMPAIRED.

17 "DEEP SEDATION/ANALGESIA." A DRUG-INDUCED DEPRESSION OF
18 CONSCIOUSNESS DURING WHICH PATIENTS CANNOT BE EASILY AROUSED BUT
19 RESPOND PURPOSEFULLY FOLLOWING REPEATED OR PAINFUL STIMULATION.
20 THE ABILITY TO INDEPENDENTLY MAINTAIN VENTILATORY FUNCTION MAY
21 BE IMPAIRED. PATIENTS MAY REQUIRE ASSISTANCE IN MAINTAINING A
22 PATENT AIRWAY, AND SPONTANEOUS VENTILATION MAY BE INADEQUATE.
23 CARDIOVASCULAR FUNCTION IS USUALLY MAINTAINED.

24 "Health care facility." Any health care facility providing
25 clinically related health services, including, but not limited
26 to, a general or special hospital, including psychiatric
27 hospitals, rehabilitation hospitals, ambulatory surgical
28 facilities, long-term care nursing facilities, cancer treatment
29 centers using radiation therapy on an ambulatory basis and
30 inpatient drug and alcohol treatment facilities, both profit and

1 nonprofit, and including those operated by an agency or State or
2 local government. The term shall also include a hospice. The
3 term shall not include an office used primarily for the private
4 or group practice by health care practitioners where no
5 reviewable clinically related health service is offered, a
6 facility providing treatment solely on the basis of prayer or
7 spiritual means in accordance with the tenets of any church or
8 religious denomination or a facility conducted by a religious
9 organization for the purpose of providing health care services
10 exclusively to clergy or other persons in a religious profession
11 who are members of the religious denominations conducting the
12 facility.

13 "Moderate sedation." A minimally depressed level of
14 consciousness which retains the patient's ability to
15 independently and continuously maintain an airway and respond
16 appropriately to physical stimulation or verbal command,
17 produced by a pharmacologic or nonpharmacologic method, or
18 combination thereof.

19 "Operating room of the facility." The phrase shall only
20 include the number of operating rooms ~~contained in the~~ <—
21 ~~ambulatory surgical facilities~~ COVERED BY A HEALTH CARE <—
22 FACILITY'S license issued by the Pennsylvania Department of
23 Health.

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

26 Section 4. Operating room staff.

27 Only a registered nurse, licensed in this Commonwealth,
28 qualified by training and experience in operating room nursing
29 shall ~~be present~~ FUNCTION as a circulating nurse during all <—
30 surgical procedures performed ~~by a physician~~ in a health care <—

1 ~~facility for the duration of the procedure with the exception of~~ <—
2 ~~surgical procedures that are not performed under general~~
3 ~~anesthesia or moderate sedation in an ambulatory surgical~~
4 ~~facility.~~ UNDER GENERAL ANESTHESIA OR DEEP SEDATION IN A HEALTH <—
5 CARE FACILITY'S OPERATING ROOM.
6 Section 5. Effective date.
7 This act shall take effect in 60 days.