



**To:** Chairwoman Liebling and Committee Members

**From:** Andrea Ledger, Director of Political and legislative Action

**Date:** February 21, 2014

**Re:** Surgical Technologist Certification Legislation

Professional Distinction

Personal Dignity

Patient Advocacy

Thank you for the opportunity to provide input into the recent proposals regarding scope of practice that were submitted to the Minnesota House Health and Human Services Policy Committee. We appreciate the chance to provide feedback.

The Minnesota Nurses Association represents over 20,000 Registered Nurses in the state of Minnesota. The mission of MNA is to promote the professional, economic and personal well-being of nurses, uphold and advance excellence, integrity and autonomy in the practice of nursing and advocate for quality care that is accessible and affordable for patients and consumers. We believe that, in its current state, the proposal to certify Surgical Technologists in Minnesota is counter to our mission.

While the Minnesota Nurses Association has had several conversations with representatives of the Minnesota State Assembly of Surgical Technologists, we are disappointed by the mischaracterization of our position on this proposal. The proposal author did correctly identify two of our concerns with the bill; however at no time did we request or discuss a desire to include language in the bill "that provides for specific R.N. staffing ratios in hospital surgical units". The Minnesota Nurses Association stands by our commitment to work with the Minnesota Department of Health on identifying whether a correlation exists between nurse staffing and patient outcomes before we move forward with any future legislation on safe nurse to patient standards. Additionally, our concerns with the bill go beyond the explanation provided.

It was stated that there would be no other profession impacted by the proposed regulatory changes. We disagree. The Minnesota Nurses Association believes that the legislation, as written, violates the scope of practice for Registered Nurses by allowing the Surgical Technologist to work under the supervision of any "licensed health practitioner". Despite the proposals claim that "surgical technologists work under the supervision of a surgeon," this is only true with regard to medical practice. When nursing care is delivered, it falls under the scope of practice of professional nursing (Minnesota Nurse Practice Act, Chapter

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148.171, Subdivision 15). When the Surgical Technologist is performing a nursing task, they are operating under the license of the RN, who is ultimately responsible for this work.

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The proposal declined to identify whether functions typically performed by members of this occupational group are identical or similar to those performed by another occupational group or groups. The functions identified in this proposal are often performed by Registered Nurses and Licensed Practical Nurses in addition to Surgical Technologists. The majority of the duties of the Scrub Surgical Technologist, as identified by the proposal, are within the scope of practice for the Registered Nurse. In many facilities, these duties are still performed by both Registered Nurses and Licensed Practical Nurses.

While the Minnesota Nurses Association generally supports higher levels of training and continuing education for health care professionals, the current proposal adds confusion around the supervision and direction of Surgical Technologists, as well as opens the door to infringement on the Registered Nurse scope of practice. It is essential that any legislation regarding certification be clear, concise and accurate. Creating this undue confusion does not provide any benefit to the patients we serve.

Without language that clarifies that the Surgical Technologist serving in the scrub function operates under the supervision of a Registered Nurse Circulator who is present during the procedure, the Minnesota Nurses Association strongly objects to this proposal.

Thank you again for your consideration of our viewpoint. If you have any additional questions, feel free to contact us.

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