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Close the Loophole that Allows Unlicensed Individuals to Practice as Surgical Assistants

Currently, Texas law provides for licensure of several thousand persons practicing as surgical assistants in Texas hospitals and surgery centers. These licensees are regulated by the Texas Board of Nursing (Registered Nurse First Assistants, or RNFAs, Advanced Practice Registered Nurses, or APRNs, and other surgically trained registered nurses) and the Texas Board of medicine (Physician Assistants, or PAs, and Surgical Assistants, or SAs). It is estimated that approximately 4,000 licensed persons practice surgical assisting in Texas, either as independent practitioners, hospital employees, or employees of surgeons or surgical practices. Licensed Surgical Assistants who are neither RNFAs, APRNs, RNs nor PAs comprise approximately 450 practitioners of this overall licensee number.

Additionally, Texas law provides two notable exceptions (loopholes) to Surgical Assistant licensure: (1) Surgical Assistants seeking licensure can remain unregulated until they complete the required antecedent 2,000 hours of surgical assisting cases; and (2) uncertified, and unlicensed practitioners (in fact, any individual) may serve as a surgical assistant in any operative procedure under the delegatory authority of a surgeon without ever having to become licensed. The number of this latter category is unknown.

- Not only should the Texas Surgical Licensure Law be renewed, it should be strengthened to include all surgical assisting practitioners. Texas surgical patients are entitled to know, and be assured, that every person assisting on their surgical procedures is appropriately licensed and regulated.
- Discontinuing licensure of one segment of surgical assistant practitioners is inconsistent with the State's commitment to licensing other medical personnel performing the same surgical assisting tasks and functions
- Accountabilities for appropriately trained medical practitioners should extend to all such practitioners.
- Allowing and continuing this loophole for a subset of surgical assistant practitioners (who may practice without a license) is inconsistent with the historical commitment Texas has

made to assuring competent medical professionals who treat patients in this State. Moreover, the antecedent requirement of 2,000 hours of surgical assisting clinical practice could be achieved through the use of a provisional license.

- Requiring licensure of all Surgical Assistants brings this profession and professionals in line with licensed nurses (RNs, RNFAs, APRNs), physician assistants (PAs) and physicians (MDs) who may perform the same assisting services, tasks and functions during operative procedures.

In conclusion, licensing all surgical assistant practitioners (whether PA, RNFA, APRN, nurses, or certified Surgical Assistants) brings consistency to Texas licensure law, competency to the profession, and greater assurance to all patients receiving surgical care in Texas.

Respectfully submitted,

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