

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 31 entitled “An act relating to circulating nurses in hospital operating
4 rooms” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 1905 is amended to read:

8 § 1905. LICENSE REQUIREMENTS

9 Upon receipt of an application for license and the license fee, the licensing
10 agency shall issue a license when it determines that the applicant and hospital
11 facilities meet the following minimum standards:

12 * * *

13 (23) A registered nurse who is licensed pursuant to 26 V.S.A. chapter 28
14 and educated and trained in perioperative nursing shall be present and serve as
15 a circulating nurse for the duration of any invasive or surgical procedure
16 conducted in a hospital operating room. As used in this subdivision,
17 “circulating nurse” means a licensed registered nurse who is responsible for
18 coordinating nursing care, responding to the safety needs of a patient in the
19 operating room, and supporting the surgical team as appropriate during a
20 procedure. A circulating nurse may leave the operating room for a short period
21 of time during a procedure to perform an activity related to the procedure or, in

1 accordance with hospital-specific protocols, may be relieved by another
2 circulating nurse.

3 Sec. 2. 18 V.S.A. § 9437 is amended to read:

4 § 9437. CRITERIA

5 (a) A certificate of need shall be granted if the applicant demonstrates and
6 the ~~board~~ Board finds that:

7 (1) the application is consistent with the health resource allocation plan;

8 (2) the cost of the project is reasonable, because:

9 (A) the applicant's financial condition will sustain any financial
10 burden likely to result from completion of the project;

11 (B) the project will not result in an undue increase in the costs of
12 medical care. In making a finding under this subdivision, the ~~board~~ Board
13 shall consider and weigh relevant factors, including:

14 (i) the financial implications of the project on hospitals and other
15 clinical settings, including the impact on their services, expenditures, and
16 charges;

17 (ii) whether the impact on services, expenditures, and charges is
18 outweighed by the benefit of the project to the public; and

19 (C) less expensive alternatives do not exist, would be unsatisfactory,
20 or are not feasible or appropriate;

1 (3) there is an identifiable, existing, or reasonably anticipated need for
2 the proposed project which is appropriate for the applicant to provide;

3 (4) the project will improve the quality of health care in the ~~state~~ State
4 or provide greater access to health care for Vermont’s residents, or both;

5 (5) the project will not have an undue adverse impact on any other
6 existing services provided by the applicant;

7 (6) the project will serve the public good, including with regard to
8 ambulatory surgical centers, a requirement that at any invasive or surgical
9 procedure conducted in an operating room of a new health care facility, a
10 registered nurse who is licensed pursuant to 26 V.S.A. chapter 28 and educated
11 and trained in perioperative nursing be present and serve as a circulating nurse
12 for the duration of the procedure;

13 (7) the applicant has adequately considered the availability of
14 affordable, accessible patient transportation services to the facility; and

15 (8) if the application is for the purchase or lease of new health care
16 information technology, it conforms with the health information technology
17 plan established under section 9351 of this title.

18 (b) As used in this section, “circulating nurse” means a licensed registered
19 nurse who is responsible for coordinating nursing care, responding to the
20 safety needs of a patient in the operating room, and supporting the surgical
21 team as appropriate during a procedure. A circulating nurse may leave the

1 operating room for a short period of time during a procedure to perform an
2 activity related to the procedure or, in accordance with hospital-specific
3 protocols, may be relieved by another circulating nurse.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on July 1, 2017.

6

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8 (Committee vote: _____)

9

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Senator _____

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FOR THE COMMITTEE