

1 S.253

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Health; health care providers; surgery

6 Statement of purpose of bill as introduced: This bill proposes to codify a
7 definition of surgery and specify which health care providers are authorized to
8 perform it.

9 An act relating to the definition and performance of surgery

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. chapter 222 is amended to read:

12 CHAPTER 222. ACCESS TO HEALTH CARE PROFESSIONALS

13 SERVICES

14 § 9490. SURGERY; DEFINITION; WHO MAY PERFORM

15 (a)(1) "Surgery" means a procedure performed for the purpose of
16 structurally altering the human body by incision or destruction of tissues and is
17 part of the practice of medicine. Surgery includes the diagnostic or therapeutic
18 treatment of conditions or disease processes by instruments, including lasers,
19 ultrasound, ionizing radiation, scalpels, probes, and needles, that cause
20 localized alteration or transportation of live human tissue. During surgery,

1 tissue can be cut, burned, vaporized, frozen, sutured, probed, manipulated by
2 closed reduction for major dislocation and fractures, or otherwise altered by any
3 mechanical, thermal, light-based, electromagnetic, or chemical means.

4 Surgery also includes the injection of diagnostic or therapeutic substances into
5 body cavities, internal organs, joints, sensory organs, or the central nervous
6 system.

7 (2) As used in subdivision (1) of this subsection, “incision” does not
8 include the scraping or brushing of live tissue.

9 (b) No individual shall perform surgery in this State unless the individual
10 is:

11 (1) licensed by the Board of Medical Practice as a doctor of medicine or
12 podiatry or as a physician assistant;

13 (2) licensed by the Board of Osteopathic Physicians and Surgeons as an
14 osteopathic physician;

15 (3) licensed by the Board of Dental Examiners as a doctor of dentistry;

16 (4) licensed by the Board of Nursing as an advanced practice registered
17 nurse; or

18 (5) acting pursuant to the orders and under the appropriate supervision
19 of a licensed doctor of medicine, osteopathy, podiatry, or dentistry.

20 (c) Nothing in this section shall be construed to restrict, limit, alter, or
21 expand the scope of practice in effect on January 1, 2020 for any profession

1 licensed by the Board of Medical Practice or by any of the health care
2 professional regulatory boards within the Office of Professional Regulation.

3 (d) After July 1, 2020, any expansion of the scope of practice of a health
4 care profession not described in subsection (b) of this section to include
5 surgery shall be conditioned on a finding by the Green Mountain Care Board,
6 in consultation with the applicable health care professional licensing board or
7 boards, that the need, cost, type, level, quality, safety, and feasibility of
8 providing these new surgical services is consistent with the Health Resource
9 Allocation Plan established pursuant to section 9405 of this title.

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11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2020.