



April 14, 2026

The Honorable Susan R. Donovan, Chair
House Committee on Health and Human Services
State House
82 Smith Street
Providence, RI 02903

RE: H 7076 – An Act Relating to Businesses and Professions – Certified Surgical First Assistants

Dear Chair Donovan:

Please accept this letter of opposition to H 7076, legislation that would require the licensing of certified surgical first assistants through the Rhode Island Department of Health (RIDOH). H 7076 would also create a new seven-member advisory licensure board. The Act would take effect on July 1, 2027.

Surgical first assistants are, by definition, not independent practitioners. They work under the direct supervision of surgeons. There is an existing certification process for surgical first assistants, whereby graduation from one of the 14 US schools accredited by the Commission on Accreditation of Allied Health Professionals is verified, clinical training hours are confirmed, and passing the National Board of Surgical Technology and Surgical Assisting certification exam is required. It is unclear how adding the departmental and individual cost of adding a licensing requirement to the existing certification process would improve the quality of care for patients undergoing surgical procedures in our State. It is important to note that other healthcare professional assistants, such as medical assistants and dental assistants, who work under the direct supervision of other licensed providers are not licensed in the State. Should issues arise with the quality of care that those assistants are providing, the supervising provider is held accountable.

This bill states (5-54.1-3, page 2) that exceptions can be made for licensure and certification – namely, that “a registered nurse, licensed or registered healthcare provider or other health care practitioner may perform surgical assistant tasks or functions if that individual is acting within the scope of licensure” and that “a surgical facility may employ as a surgical assistant an individual who does not meet the requirements (for licensure) if that individual receives a waiver from the department certifying that the individual has met special circumstances as determined by the department.” As all healthcare professionals can only operate within their scope of practice, and as CMS (42 CFR 482.22) mandates that organized medical staffs of healthcare facilities conduct “regular appraisals of members and define specific, evidence-based privileges, ensuring competence,” the responsibility for ensuring the competence of surgical first assistants is best accomplished via certification and the medical staff credentialing and privileging practices that already exist.

Please also be informed that a surgery policy issued by the American Medical Association in 2023 clearly notes that the responsibility for ensuring that surgical assistants are qualified and adequately supervised is the responsibility of the hospitals and ambulatory surgical centers that

allow them, through the medical staff credentialing and oversight process, and **not** on the entity that licenses a surgical assistant. The policy notes that surgical assistants may be a non-physician, but the surgical facility would be the owner of the vetting, supervision, oversight, and implementation of specific policies on what the credentialed surgical assistant may perform in the course of surgical procedures. (See [H-475.986 Surgical Assistants other than Licensed Physicians | AMA](#)).

RIDOH does not have authority over Rhode Island hospitals that may require additional certification from an entity specifically approved by each Rhode Island hospital. RIDOH has not been able to identify any exclusions in current State law or regulation preventing any personnel deemed qualified by a licensed physician and healthcare facility from being a surgical assistant. Currently there are no accredited surgical first assistant training schools in New England. There continue to be only seven states that license surgical first assistants, none of which are in New England.

RIDOH has never received a complaint against a licensed professional serving in the capacity of a surgical first assistant. RIDOH cannot support H 7076 unless evidence is presented that the existing certification, scope of practice, and medical staff credentialing and privileging processes are inadequate to ensure that these continually supervised assistants are providing safe care with surgeons in operating rooms. Should this bill pass, RIDOH would require funding for creation of a licensing board, an application, a verification of credentials process, and updates to the licensing system to create a new license type. In addition, RIDOH would require administrative support for that board and to process license applications and renewals. At least one additional FTE would be required to implement this licensure initiative, at a total cost of \$129,581 (salary and benefits) that would be subject to annual increases.

Thank you for the opportunity to comment on this legislation.

Sincerely,



Jerome M. Larkin, MD
Director

CC: The Honorable Members of the House Committee on Health and Human Services
The Honorable David A. Bennett
Nicole McCarty, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy

References:

42 CFR 482.51, Subpart D – Optional Hospital Services ([Subpart D, section 482.51](#))

42 CFR 482.22 Medical Staff Bylaws ([https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-482/subpart-C/section-482.22#p-482.22\(a\)\(3\)](https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-482/subpart-C/section-482.22#p-482.22(a)(3)))

42 CFR 482.12 Governing Body ([https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-482/subpart-B/section-482.12#p-482.12\(c\)\(1\)](https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-482/subpart-B/section-482.12#p-482.12(c)(1)))

Certification requirements: [CSFA® Eligibility | NBSTSA](#)

Accredited surgical first assistant training programs: [Become a CSFA - Association of Surgical Assistants](#)