

## *Sample of press regarding House Bill 1160 and surgical technologist regulation*

### *Lawmakers want to toughen laws after a former Swedish surgical technologist put thousands at risk*

February 25, 2016

Denver 7 ABC, Jennifer Kovaleski

Video: Watch now

<http://www.thedenverchannel.com/lifestyle/health/lawmakers-want-to-toughen-laws-after-a-former-swedish-surgical-tech-put-thousands-at-risk>



DENVER - Colorado lawmakers are looking to strengthen laws after a former Swedish Medical Center surgical technologist put thousands of patients at risk.

Rocky Allen, 28, is accused of swapping out a syringe of the powerful narcotic Fentanyl and replacing it with another syringe.

Swedish fired Allen in January and asked nearly three thousands patients who had surgery while he worked there to get tested for HIV and hepatitis.

Allen's days in the operating room may be over, but with a long history of drug abuse at

three other hospitals, two in Arizona and one in California, questions are now swirling about why he was ever able to find work in Colorado.

"It is a wake-up call," said Rep. Joann Ginal, D-Fort Collins.

Current laws in Colorado requires surgical technologists and assistants to register with the state and self-report bad behavior.

In Allen's case, Denver7 found Allen lied about previous employers and drug abuse problems on his state registration.

"You can't fix it so it'll be full proof, but we've got to make this a stronger bill so that people like Rocky Allen cannot get through the system as easily as he did," said Rep. Ginal.

Ginal is sponsoring a bill that will keep Colorado's current regulations in place. She is also considering amendments that would strengthen the bill.

"Should we go higher? That's in discussion - should we go to a certification? - again further discussion is needed," she said.

The law originally passed in 2010 after a surgical tech swapped out a Fentanyl syringe at Rose Medical Center and infected numerous patients with hepatitis C.

The bill is up for a sunset review at the Capitol and could go off the books.

"The original bill was supposed to prevent something like this from happening, it failed -- does the regulation need to go further?" asked Denver7 Reporter Jennifer Kovaleski.

"We're in talks right now in regards to how much further we need to go," answered Rep. Ginal.

She said one thing being considered to make the law tougher is adding accountability to the information surgical techs are required to report. Right now, there is none.

"It's self-reporting to DORA and who is going to self-report that they have substance or drug abuse or an alcohol issue?" asked Ginal.

Nine other states also require certification and education requirements for surgical technologists.

Rep. Ginal said that option is not off the table.

The national Association of Surgical Technologists also supports more regulation.

A new version of House Bill 1160, with stronger amendment, is set to be introduced in committee on March 15.

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## *Surgical Technologists Call for More Regulation*

February 24, 2016

9 News Colorado, Victoria Sanchez

Video: Watch now

<http://www.9news.com/news/health/surgical-techs-call-for-more-regulation/55005055>



### **Surgical techs call for more regulation**



KUSA - The National Association of Surgical Technologists is calling for more regulation for their profession.

The vice president of the voluntary organization said the case of the former Swedish Medical Center employee who potentially exposed thousands of patients to blood-borne illnesses, is the most recent example of why stricter rules are needed.

The national group is based in Littleton and has 38,000 members.

"We're in the operating room and we're the face behind the mask," said Holly Falcon, vice president of the Association of Surgical Technologists.

Falcon said she was upset to hear Rocky Allen, a fellow tech, was charged with stealing drugs and allegedly putting 2,900 Swedish patients at risk for hepatitis B, hepatitis C and HIV.

"It just goes against everything that we stand for. It just goes against everything that we're taught as a surgical technologist to keep the patient first," she said.

Federal prosecutors said Allen has a "blood borne pathogen" and used his position at hospitals in four states to get his hands on the pain killer fentanyl.

Falcon said there are few rules for surgical technologists which is how Allen was able to cross state lines for new operating room positions despite getting fired at previous hospitals.

"If Rocky Allen would have been a nurse or he would have been a physician's assistant, he would have lost his license and therefore would not be allowed to work anywhere in the United States again. However, because we don't have that accountability in place for surgical technologists, these things can happen and surgical technologists can still work in the operating room," she said.

There is a Colorado law that will sunset this summer that mandates surgical technologists to register with the state. Unless it's continued, there will be no required professional registration.

The association is fighting to keep the registration and increase rules such as mandatory certification.

"We have big responsibilities in the operating room and to know that it's not mandated that we have a particular level of education or certification required to work is kind of scary," said Falcon.

House Bill 16-1160 is currently in the House Health, Insurance and Environment Committee.

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## THE DENVER POST

### *Stronger oversight of Colorado's surgical technologists under consideration after contamination*

[http://www.denverpost.com/news/ci\\_29552077/stronger-oversight-colorados-surgical-techs-under-consideration](http://www.denverpost.com/news/ci_29552077/stronger-oversight-colorados-surgical-techs-under-consideration)

**February 23, 2016**

Denver Post, David Olinger

A legislative hearing on state regulation of surgical technologists has been postponed to consider stronger oversight.

Colorado enacted regulatory standards for surgical technologists in 2010 after Kristen Parker infected at least 18 people with hepatitis by stealing liquid painkillers and leaving behind dirty needles.

That law is set to expire this year unless legislators vote to extend or amend it.

A hearing was scheduled Wednesday before the House Health, Insurance and Environment Committee, but it was called off.

The state Department of Regulatory Agencies favored "sunsetting" the law as duplicative of hospital and federal oversight. But that was before another surgical technologist, Rocky Allen, was fired by Swedish Medical Center last month and charged with fentanyl theft.

Rep. Beth McCann, D-Denver, who leads the committee, said members want to consider legislation that would improve oversight of hospital workers with access to narcotic drugs.

That could include "background checks, better sharing of data," she said. "Why isn't there more information available? Why aren't hospitals sharing information when someone is let go for this kind of behavior?"

McCann expects the hearing to be scheduled in about two weeks.

In the meantime, "we're going to be talking to health care facilities about some amendments whose goal would be to prevent another such occurrence," said Diana Protopapa, a lobbyist for surgical technologists and surgical assistants.

She said those facilities include hospitals and surgery centers.

Swedish and three hospitals in California and Arizona where Allen previously worked have offered free blood tests to nearly 5,000 surgery patients for HIV and hepatitis. Allen also worked in Washington state.

A federal court hearing Friday disclosed that Allen carries an unspecified bloodborne pathogen.

Colorado's association of surgical technologists favors stronger state regulation. In the current program, the state does not perform background checks or verify applicants' information, and disciplinary actions have been rare.

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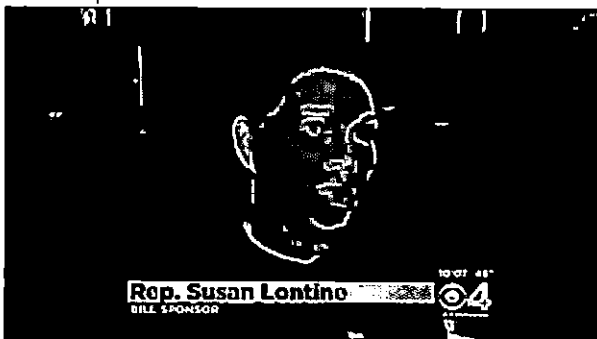
## *Debate Surrounds Renewal of State Registry for Surgical Technologists*

**February 18, 2016**

CBS 4 Denver, Karen Morfitt

Video: Watch now

[http://denver.cbslocal.com/2016/02/19/bill-would-renew-state-registry-for-surgical-technicians/?utm\\_source=dlvr.it&utm\\_medium=twitter](http://denver.cbslocal.com/2016/02/19/bill-would-renew-state-registry-for-surgical-technicians/?utm_source=dlvr.it&utm_medium=twitter)



**DENVER (CBS4)** – As the investigation into former surgical technologist Rocky Allen is building steam, a Colorado law designed to strengthen regulations for that position is set to expire.

Allen is accused of stealing syringes at Swedish Medical Center in Englewood and appeared in a federal courtroom in Denver on Friday morning.

Since 2010, surgical technicians have been required to register with the state. That's a law that was put into place after former Rose Medical Center operating room technician Kristen Parker infected approximately 30 patients with hepatitis C.

State Rep. Susan Lontine, a Democrat who represents Denver, says the goal then was to create a state database where hospitals can review a person's history before hiring them.

"Without a registry, we don't have any way to track when these people are let go because of these circumstances and we don't have any way for future employers to know this is what happened and this is why this person shouldn't continue to work in this field," Lontine told CBS4.

A recent review of the law by state researchers suggests the registry isn't necessary, as long as hospitals are allowed to share information about employees with each other.

But with the current case at Swedish Medical Center, Lontine and Rep. Joann Ginal, a Democrat who represents Fort Collins, say now is not the time to decrease regulation.

"Some hospitals may keep track of that but not all hospitals," Ginal said.

With the way the registry stands right now, information provided by techs is never verified by anyone.

Also, there's no requirement in Colorado for the amount of education or certification for surgical technologists.

Some states don't regulate the position at all.

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## *Surgical Technologists Are Pushing for Stronger Regulations After Massive Medical Scare at Swedish*

February 18, 2016

Denver 7 ABC, Jennifer Kovaleski

<http://www.thedenverchannel.com/lifestyle/health/surgical-technologists-are-pushing-for-stronger-regulations-after-massive-medical-scare-at-swedish>



Video: Watch now



DENVER - The Association of Surgical Technologists is pushing for stronger regulations after a surgical tech was arrested, accused of stealing powerful drugs and putting thousands of Colorado patients at risk. Swedish Medical Center fired Rocky Allen, 28, in January after investigators say he swapped out a medical syringe of Fentanyl and replaced it with another labeled syringe.

As a result, Swedish has asked 2,900 people who underwent surgery there between Aug. 17 and Jan. 22 to get tested for hepatitis B and C and HIV.

"To do something to put our patients at harm, it's really saddening," said certified surgical technologists Holly Falcon. "It's heartbreaking, and we're angry."

Falcon is also the vice president of the Association of Surgical Technologists based in Littleton. She said what happened at Swedish gives her profession a bad name, and all of it could have been prevented.

"I think that regulation is the key," said Falcon. "We don't have a license to lose, we don't have to be certified to work -- therefore anybody who has these issues could theoretically go to another hospital and be working again next week."

Colorado only requires surgical technologists to register with the state, and self-report bad behavior. There are currently no certification or education guidelines for surgical techs in our state. Nine states have laws setting minimum standards for education and certification of surgical technologists: Idaho, Indiana, Massachusetts, New Jersey, New York, Oregon, South Carolina, Tennessee and Texas, according to the Association of Surgical Technologists.

According to Allen's state registration, he was a non-certified tech with "no" administrative actions taken against him. However, that's not true. John C. Lincoln Memorial Hospital in Phoenix told Denver<sup>7</sup> that Rocky Allen, 28, worked there as a surgical tech from July 28 to Sept. 26, 2014. In a statement, a spokesperson for the hospital said Allen "was terminated for violation of workplace policy when he tested positive for use of a controlled substance."

"There's no accountability factor," said Falcon.

Colorado's current regulation for surgical techs is up for a sunset review at the state capitol. The Association of Surgical Technologist is pushing for the registry to stay in place - even though Colorado's Department of Regulatory Agencies (DORA) has recommended to lawmakers that it not be renewed. DORA has called the registry duplicative.

"I think it's crazy to say that surgical technologists don't need to be regulated, and situations such as this are proof that we need to increase the awareness," said Falcon.

Falcon also said while Colorado doesn't require surgical techs to be certified, patients can ask for a certified surgical tech to be in the operating room while their having surgery.

"Everybody in the operating room is regulated, except surgical technologists," she said.