

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 500 Session of 2007

INTRODUCED BY SANTONI, BARRAR, BOYD, CALTAGIRONE, CURRY, FABRIZIO, GERGELY, HENNESSEY, KILLION, KOTIK, MARKOSEK, PALLONE, REICHLEY, WALKO, YOUNGBLOOD, SIPTROTH, JAMES, MURT AND SOLOBAY, FEBRUARY 26, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 6, 2007

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," providing for perfusionist licensing,
10 qualifications, supervision and scope of practice,
11 regulations and exemptions.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2 of the act of December 20, 1985
15 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
16 amended by adding definitions to read:

17 Section 2. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

1 "Extracorporeal circulation." The diversion of a patient's
2 blood through a heart-lung machine or similar device that
3 assumes the functions of the patient's heart, lung, kidney,
4 liver or other organs.

5 * * *

6 "Perfusion." The functions necessary for the support,
7 treatment, measurement or supplementation of the cardiovascular
8 systems or other organs, or a combination of those functions,
9 and for ensuring the safe management of physiologic functions by
10 monitoring and analyzing the parameters of the systems under the
11 supervision of a licensed physician.

12 "Perfusionist." An individual who is licensed to practice
13 perfusion by the State Board of Medicine or the State Board of
14 Osteopathic ~~Medical Examiners~~ MEDICINE.

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16 Section 2. Section 3(a) of the act, amended December 10,
17 2001 (P.L.859, No.92), is amended to read:

18 Section 3. State Board of Medicine.

19 (a) Establishment.--The State Board of Medicine shall
20 consist of the commissioner or his designee, the Secretary of
21 Health or his designee, two members appointed by the Governor
22 who shall be persons representing the public at large and seven
23 members appointed by the Governor, six of whom shall be medical
24 doctors with unrestricted licenses to practice medicine and
25 surgery in this Commonwealth for five years immediately
26 preceding their appointment and one who shall be a nurse
27 midwife, physician assistant, certified registered nurse
28 practitioner, respiratory care practitioner [or], certified
29 athletic trainer or perfusionist licensed or certified under the
30 laws of this Commonwealth. All professional and public members

1 of the board shall be appointed by the Governor, with the advice
2 and consent of a majority of the members elected to the Senate.

3 * * *

4 Section 3. The act is amended by adding a section to read:

5 Section 13.3. Perfusionist.

6 (a) License required.--Eighteen months after the effective
7 date of this section, it shall be unlawful for any person to
8 hold himself out to the public as a perfusionist or to practice
9 or offer to practice perfusion unless the person holds a valid,
10 current license issued by the board or the State Board of
11 Osteopathic ~~Medical Examiners~~ MEDICINE. ←

12 (b) Use of title.--A perfusionist who holds a valid, current
13 license issued by either board may use the title perfusionist or
14 licensed perfusionist, or an appropriate abbreviation of the
15 title, such as "LP."

16 (c) Regulations.--The board is authorized to promulgate
17 regulations to implement this section.

18 (d) Supervision and scope of practice.--A perfusionist may
19 perform perfusion to an individual being treated by a licensed
20 physician under medical supervision and approval consistent with
21 standing orders or protocols of a hospital THAT ARE PROMULGATED ←
22 AND APPROVED BY THE PHYSICIAN DESIGNATED AS THE MEDICAL DIRECTOR
23 OF THE CARDIOVASCULAR SURGERY PROGRAM. These services shall
24 include:

25 (1) The use of extracorporeal circulation, long-term
26 cardiopulmonary support techniques, including extracorporeal
27 carbon dioxide removal, extracorporeal membrane oxygenation
28 and associated therapeutic and diagnostic techniques.

29 (2) Counterpulsion, ventricular assistance,
30 autotransfusion, blood and blood component conservation

1 techniques, myocardial and organ preservation, extracorporeal
2 life support and isolated limb perfusion.

3 (3) Blood and blood component management techniques,
4 advanced life support and other related functions.

5 (4) In the performance of the acts described in
6 paragraphs (1), (2) and (3):

7 (i) The administration of:

8 (A) Pharmacological and therapeutic agents.

9 (B) Blood products or anesthetic agents through
10 the extracorporeal circuit or through an intravenous
11 line in conjunction with extracorporeal support,
12 under the supervision of the treating physician.

13 (ii) The performance and use of:

14 (A) Anticoagulation monitoring and analysis.

15 (B) Physiologic monitoring and analysis.

16 (C) Blood gas and chemistry monitoring and
17 analysis.

18 (D) Hematologic monitoring and analysis.

19 (E) Hypothermia.

20 (F) Hyperthermia.

21 (G) Normothermia.

22 (H) Hemoconcentration and hemodilution.

23 (I) Hemodialysis in conjunction with perfusion
24 service.

25 (iii) The observation of signs and symptoms related
26 to perfusion services, the determination of whether the
27 signs and symptoms exhibit abnormal characteristics and
28 the implementation of appropriate reporting, perfusion
29 protocols or changes in or the initiation of emergency
30 procedures.

1 (e) Exemptions.--The following persons may perform
2 perfusion, as indicated:

3 (1) A person licensed under any other section of this
4 act or any other law of this Commonwealth, while engaging in
5 the practice for which the person is licensed.

6 (2) A student enrolled in an accredited perfusion
7 education program if perfusion performed by the student:

8 (i) is an integral part of the student's course of
9 study; and

10 (ii) is performed under the direct supervision of a
11 perfusionist who is assigned to supervise the student and
12 who is on duty and immediately available in the assigned
13 patient care area.

14 (3) A graduate of an accredited perfusion education
15 program, if perfusion services:

16 (i) are necessary to fulfill the eligibility
17 requirements for a certification examination; and

18 (ii) are performed under the supervision and
19 responsibility of a perfusionist who is on duty and
20 assigned to supervise the graduate.

21 (4) A legally qualified person employed by the Federal
22 Government to practice perfusion while in the discharge of
23 the person's official duties.

24 (f) Qualifications.--An applicant shall be licensed to
25 practice perfusion under this act if the applicant meets all of
26 the following qualifications and has otherwise complied with the
27 provisions of this act:

28 (1) The person is at least 18 years of age.

29 (2) The person is of good moral character.

30 (3) THE PERSON HAS GRADUATED FROM AN ACCREDITED

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1 PERFUSION PROGRAM APPROVED BY THE BOARD.

2 (4) THE PERSON IS CERTIFIED BY A CERTIFYING AGENCY
3 APPROVED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY
4 APPROVED BY THE BOARD. THE CERTIFICATION SHALL INCLUDE AN
5 EXAMINATION APPROVED BY THE BOARD.

6 ~~(3)~~ (5) The person has completed an application form <—
7 provided by the board AND PAID THE APPROPRIATE FEE. <—

8 ~~(4)~~ The person has successfully completed a perfusion <—
9 education program approved by the board

10 ~~(5)~~ The person is certified as a certified clinical
11 perfusionist by a certifying agency approved by the board.
12 The certification shall include an examination approved by
13 the board.

14 (g) Certain certified persons not graduates of accredited
15 programs.--Within two years of the effective date of this
16 section, an applicant who was not a graduate of an accredited
17 program prior to 1981, but met the then-current eligibility
18 requirements for certification as a certified clinical
19 perfusionist and subsequently was certified, shall be licensed
20 as a perfusionist if the applicant otherwise complies with the
21 provisions of this act.

22 (H) TEMPORARY GRADUATE LICENSE TO PRACTICE PERFUSION.-- <—

23 (1) THE BOARD MAY ISSUE A TEMPORARY GRADUATE LICENSE TO
24 PRACTICE PERFUSION TO AN INDIVIDUAL WHO HAS GRADUATED FROM AN
25 EDUCATIONAL PROGRAM THAT COMPLIES WITH THE EDUCATION
26 REQUIREMENTS OF THIS ACT. THE FOLLOWING SHALL APPLY:

27 (I) THE INDIVIDUAL HAS APPLIED FOR THE EXAMINATION
28 AND IS ELIGIBLE TO TAKE THE REQUIRED EXAMINATION.

29 (II) THE INDIVIDUAL'S AUTHORIZATION TO PRACTICE
30 PERFUSION IS GRANTED ONLY UNDER THE SUPERVISION AND

1 DIRECTION OF A PERFUSIONIST LICENSED UNDER THIS ACT.

2 (III) THE LICENSE SHALL BE ISSUED FOR A PERIOD OF
3 TWO YEARS AND SHALL BE NONRENEWABLE.

4 (IV) THE LICENSE SHALL EXPIRE IMMEDIATELY UPON
5 NOTICE THAT THE INDIVIDUAL HAS FAILED THE REQUIRED
6 EXAMINATION UNDER THIS ACT.

7 (I) TEMPORARY PROVISIONAL LICENSE TO PRACTICE PERFUSION.--

8 (1) THE BOARD MAY ISSUE A TEMPORARY PROVISIONAL LICENSE
9 TO PRACTICE PERFUSION IF ALL THE FOLLOWING REQUIREMENTS ARE
10 MET:

11 (I) THE INDIVIDUAL HOLDS A CURRENT LICENSE WHICH IS
12 IN GOOD STANDING UNDER THE LAWS OF ANOTHER STATE,
13 DISTRICT OF COLUMBIA OR TERRITORY OF THE UNITED STATES
14 WHICH INCLUDES CERTIFICATION BY A CERTIFYING AGENCY
15 APPROVED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY.

16 (II) THE INDIVIDUAL MEETS THE REQUIREMENTS AS SET
17 FORTH IN SUBSECTION (F)(1), (2) AND (3).

18 (2) THE LICENSE SHALL BE ISSUED FOR A PERIOD OF ONE YEAR
19 AND SHALL BE NONRENEWABLE.

20 (J) PROFESSIONAL LIABILITY.--

21 (1) A LICENSED PERFUSIONIST PRACTICING IN THIS
22 COMMONWEALTH SHALL MAINTAIN A LEVEL OF PROFESSIONAL LIABILITY
23 INSURANCE COVERAGE AS REQUIRED FOR A NONPARTICIPATING HEALTH
24 CARE PROVIDER UNDER THE ACT OF MARCH 20, 2002 (P.L.154,
25 NO.13), KNOWN AS THE MEDICAL CARE AVAILABILITY AND REDUCTION
26 OF ERROR (MCARE) ACT, BUT SHALL NOT BE ELIGIBLE TO
27 PARTICIPATE IN THE MEDICAL CARE AVAILABILITY AND REDUCTION OF
28 ERROR FUND.

29 (2) A LICENSE APPLICANT SHALL PROVIDE PROOF THAT THE
30 APPLICANT HAS OBTAINED PROFESSIONAL LIABILITY INSURANCE IN

1 ACCORDANCE WITH PARAGRAPH (1). IT IS SUFFICIENT IF THE
2 APPLICANT FILES WITH THE APPLICATION A COPY OF A LETTER FROM
3 THE APPLICANT'S PROFESSIONAL LIABILITY INSURANCE CARRIER
4 INDICATING THAT THE APPLICANT WILL BE COVERED AGAINST
5 PROFESSIONAL LIABILITY IN THE REQUIRED AMOUNTS EFFECTIVE UPON
6 THE ISSUANCE OF THE APPLICANT'S LICENSE TO PRACTICE PERFUSION
7 IN THIS COMMONWEALTH. UPON ISSUANCE OF THE LICENSE, THE
8 LICENSEE HAS 30 DAYS TO SUBMIT TO THE BOARD THE CERTIFICATE
9 OF INSURANCE OR A COPY OF THE POLICY DECLARATION PAGE.

10 (K) LICENSURE FEES.--ALL APPLICATION AND LICENSURE FEES
11 SHALL BE SET BY THE BOARD BY REGULATION.

12 (L) RECIPROCAL DISCIPLINARY ACTION.--DISCIPLINARY ACTION
13 TAKEN BY THE STATE BOARD OF MEDICINE AGAINST A PERFUSIONIST
14 LICENSED BY IT SHALL BE ENFORCEABLE BY THE STATE BOARD OF
15 OSTEOPATHIC MEDICINE AGAINST THAT SAME INDIVIDUAL IF THE
16 INDIVIDUAL HOLDS OR SEEKS A LICENSE TO PRACTICE AS A
17 PERFUSIONIST WITH THE STATE BOARD OF OSTEOPATHIC MEDICINE.

18 (M) CONTINUING EDUCATION.--

19 (1) THE BOARD SHALL ADOPT, PROMULGATE AND ENFORCE RULES
20 AND REGULATIONS CONSISTENT WITH THE PROVISIONS OF THIS ACT
21 ESTABLISHING REQUIREMENTS OF CONTINUING EDUCATION TO BE MET
22 BY INDIVIDUALS LICENSED AS PERFUSIONISTS UNDER THIS ACT AS A
23 CONDITION FOR RENEWAL OF THEIR LICENSES. THE REGULATIONS
24 SHALL INCLUDE ANY FEES NECESSARY FOR THE BOARD TO CARRY OUT
25 ITS RESPONSIBILITIES UNDER THIS SECTION.

26 (2) BEGINNING WITH THE LICENSE PERIOD DESIGNATED BY
27 REGULATION, LICENSEES SHALL BE REQUIRED TO ATTEND AND
28 COMPLETE 30 HOURS OF MANDATORY CONTINUING EDUCATION DURING
29 EACH TWO-YEAR LICENSE PERIOD. NATIONALLY CERTIFIED EDUCATION
30 COURSES SHALL BE CONSIDERED AS CREDITABLE, IN ADDITION TO ANY

1 OTHER COURSES THE BOARD DEEMS CREDITABLE TOWARD MEETING THE
2 REQUIREMENTS FOR CONTINUING EDUCATION.

3 (3) AN INDIVIDUAL APPLYING FOR THE FIRST TIME FOR
4 LICENSURE IN THIS COMMONWEALTH SHALL BE EXEMPTED FROM THE
5 CONTINUING EDUCATION REQUIREMENTS FOR THE BIENNIAL RENEWAL
6 PERIOD FOLLOWING INITIAL LICENSURE.

7 (4) (I) THE BOARD MAY WAIVE ALL OR A PORTION OF THE
8 CONTINUING EDUCATION REQUIREMENT FOR BIENNIAL RENEWAL FOR
9 A LICENSEE WHO SHOWS TO THE SATISFACTION OF THE BOARD
10 THAT THE LICENSEE WAS UNABLE TO COMPLETE THE REQUIREMENTS
11 DUE TO SERIOUS ILLNESS, MILITARY SERVICE OR OTHER
12 DEMONSTRATED HARDSHIP.

13 (II) THE REQUEST SHALL BE MADE IN WRITING WITH
14 APPROPRIATE DOCUMENTATION AND SHALL INCLUDE A DESCRIPTION
15 OF CIRCUMSTANCES SUFFICIENT TO SHOW WHY THE LICENSEE IS
16 UNABLE TO COMPLY WITH THE CONTINUING EDUCATION
17 REQUIREMENT.

18 (5) A LICENSEE SEEKING TO REINSTATE AN INACTIVE OR
19 LAPSED LICENSE SHALL SHOW PROOF OF COMPLIANCE WITH THE
20 CONTINUING EDUCATION REQUIREMENT FOR THE PRECEDING BIENNIUM.

21 (6) ALL COURSES, LOCATIONS, INSTRUCTORS AND PROVIDERS
22 SHALL BE APPROVED BY THE BOARD. NO CREDIT SHALL BE GIVEN FOR
23 ANY COURSE IN OFFICE MANAGEMENT.

24 SECTION 4. THE STATE BOARD OF MEDICINE SHALL PROMULGATE
25 REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT WITHIN 18
26 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

27 Section 4 5. This act shall take effect in 60 days.

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