

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 501

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 October 5, 1978 (P.L.1109, No.261), entitled
2 "An act requiring the licensing of practitioners of
3 osteopathic medicine and surgery; regulating their practice;
4 providing for certain funds and penalties for violations and
5 repeals," providing for perfusionist licensing,
6 qualifications, supervision and scope of practice,
7 regulations and exemptions.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of October 5, 1978
11 (P.L.1109, No.261), known as the Osteopathic Medical Practice
12 Act, is amended by adding definitions to read:

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall
15 have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 * * *

18 "Extracorporeal circulation." The diversion of a patient's
19 blood through a heart-lung machine or similar device that

1 assumes the functions of the patient's heart, lung, kidney,
2 liver or other organs.

3 * * *

4 "Perfusion." The functions necessary for the support,
5 treatment, measurement or supplementation of the cardiovascular
6 systems or other organs, or a combination of those functions,
7 and for ensuring the safe management of physiologic functions by
8 monitoring and analyzing the parameters of the systems under the
9 supervision of a physician licensed under this act or the act of
10 December 20, 1985 (P.L.457, No.112), known as the "Medical
11 Practice Act of 1985."

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

15 * * *

16 Section 2. Section 2.1(a) of the act, amended December 10,
17 2001 (P.L.863, No.93), is amended to read:

18 Section 2.1. State Board of Osteopathic Medicine.

19 (a) The State Board of Osteopathic Medicine shall consist of
20 the Commissioner of Professional and Occupational Affairs or his
21 designee; the Secretary of Health or his designee; two members
22 appointed by the Governor who shall be persons representing the
23 public at large; one member appointed by the Governor who shall
24 be a respiratory care practitioner, a perfusionist, a physician
25 assistant or a certified athletic trainer; and six members
26 appointed by the Governor who shall be graduates of a legally
27 incorporated and reputable college of [osteopathy] OSTEOPATHIC ←
28 MEDICINE and shall have been licensed to practice osteopathic
29 medicine under the laws of this Commonwealth and shall have been
30 engaged in the practice of osteopathy in this Commonwealth for a

1 period of at least five years. All professional and public
2 members of the board shall be appointed by the Governor with the
3 advice and consent of a majority of the members elected to the
4 Senate. The Governor shall assure that respiratory care
5 practitioners, physician assistants and certified athletic
6 trainers are appointed to four-year terms on a rotating basis.

7 * * *

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

9 Section 13.3. Perfusionist.

10 (a) ~~License required.~~—Eighteen months TWO YEARS after the <—
11 effective date of this section, it shall be unlawful for any
12 person to hold himself out to the public as a perfusionist or to
13 practice or offer to practice perfusion unless the person holds
14 a valid, current license issued by the board or the State Board
15 of Osteopathic Medicine. <—

16 (b) ~~Use of title.~~—A perfusionist who holds a valid, current <—
17 license issued by either board may use the title perfusionist or
18 licensed perfusionist, or an appropriate abbreviation of the
19 title, such as "LP."

20 (c) ~~Regulations.~~—The board is authorized to promulgate <—
21 regulations to implement this section.

22 (d) ~~Supervision and scope of practice.~~—A perfusionist may <—
23 perform perfusion to an individual being treated by a physician
24 licensed under this act or the act of act of December 20, 1985
25 (P.L.457, No.112), known as the "Medical Practice Act of 1985,"
26 under medical supervision and approval consistent with standing
27 orders or protocols of a hospital THAT ARE PROMULGATED AND <—
28 APPROVED BY THE PHYSICIAN DESIGNATED AS THE MEDICAL DIRECTOR OF
29 THE CARDIOVASCULAR SURGERY PROGRAM. These services shall
30 include:

1 (1) The use of extracorporeal circulation, long-term
2 cardiopulmonary support techniques, including extracorporeal
3 carbon dioxide removal, extracorporeal membrane oxygenation
4 and associated therapeutic and diagnostic techniques.

5 (2) Counterpulsion, ventricular assistance,
6 autotransfusion, blood and blood component conservation
7 techniques, myocardial and organ preservation, extracorporeal
8 life support and isolated limb perfusion.

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

11 (4) In the performance of the acts described in
12 paragraphs (1) through (3):

13 (i) The administration of:

14 (A) Pharmacological and therapeutic agents.

15 (B) Blood products or anesthetic agents through
16 the extracorporeal circuit or through an intravenous
17 line in conjunction with extracorporeal support,
18 under the supervision of the treating physician.

19 (ii) The performance and use of:

20 (A) Anticoagulation monitoring and analysis.

21 (B) Physiologic monitoring and analysis.

22 (C) Blood gas and chemistry monitoring and
23 analysis.

24 (D) Hematologic monitoring and analysis.

25 (E) Hypothermia.

26 (F) Hyperthermia.

27 (G) Normothermia.

28 (H) Hemoconcentration and hemodilution.

29 (I) Hemodialysis in conjunction with perfusion
30 service.

1 (iii) The observation of signs and symptoms related
2 to perfusion services, the determination of whether the
3 signs and symptoms exhibit abnormal characteristics and
4 the implementation of appropriate reporting, perfusion
5 protocols or changes in or the initiation of emergency
6 procedures.

7 (e) Exemptions.—The following persons may perform <—
8 perfusion, as indicated:

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

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

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

16 (ii) is performed under the direct supervision of a
17 perfusionist who is assigned to supervise the student and
18 who is on duty and immediately available in the assigned
19 patient care area.

20 (3) A graduate of an accredited perfusion education
21 program, if perfusion services:

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

24 (ii) are performed under the supervision and
25 responsibility of a perfusionist who is on duty and
26 assigned to supervise the graduate.

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

30 (f) Qualifications.—An applicant shall be licensed to <—

1 practice perfusion under this act if the applicant meets all of
2 the following qualifications and has otherwise complied with the
3 provisions of this act:

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

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

6 (3) THE PERSON HAS GRADUATED FROM AN ACCREDITED <—
7 PERFUSION PROGRAM APPROVED BY THE BOARD.

8 (4) THE PERSON IS CERTIFIED BY A CERTIFYING AGENCY
9 APPROVED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY
10 APPROVED BY THE BOARD. THE CERTIFICATION SHALL INCLUDE AN
11 EXAMINATION APPROVED BY THE BOARD.

12 ~~(3)~~ (5) The person has completed an application form <—
13 provided by the board AND PAID THE APPROPRIATE FEE. <—

14 ~~(4)~~ The person has successfully completed a perfusion <—
15 education program approved by the board.

16 ~~(5)~~ The person is certified as a certified clinical
17 perfusionist by a certifying agency approved by the board.
18 The certification shall include an examination approved by
19 the board.

20 ~~(g)~~ Certain certified persons not graduates of accredited
21 programs. Within

22 (G) WITHIN two years of the effective date of this section, <—
23 an applicant who was not a graduate of an accredited program
24 prior to 1981, but met the then-current eligibility requirements
25 for certification as a certified clinical perfusionist and
26 subsequently was certified, shall be licensed as a perfusionist
27 if the applicant otherwise complies with the provisions of this
28 act.

29 (H) THE BOARD MAY ISSUE A TEMPORARY GRADUATE LICENSE TO <—
30 PRACTICE PERFUSION TO AN INDIVIDUAL WHO HAS GRADUATED FROM AN

1 EDUCATIONAL PROGRAM THAT COMPLIES WITH THE EDUCATION
2 REQUIREMENTS OF THIS ACT. THE FOLLOWING SHALL APPLY:

3 (1) THE INDIVIDUAL HAS APPLIED FOR THE EXAMINATION AND
4 IS ELIGIBLE TO TAKE THE REQUIRED EXAMINATION.

5 (2) THE INDIVIDUAL'S AUTHORIZATION TO PRACTICE PERFUSION
6 IS GRANTED ONLY UNDER THE SUPERVISION AND DIRECTION OF A
7 PERFUSIONIST LICENSED UNDER THIS ACT.

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

10 (4) THE LICENSE SHALL EXPIRE IMMEDIATELY UPON NOTICE
11 THAT THE INDIVIDUAL HAS FAILED THE REQUIRED EXAMINATION UNDER
12 THIS ACT.

13 (I) (1) THE BOARD MAY ISSUE A TEMPORARY PROVISIONAL LICENSE
14 TO PRACTICE PERFUSION IF ALL THE FOLLOWING REQUIREMENTS ARE
15 MET:

16 (I) THE INDIVIDUAL HOLDS A CURRENT LICENSE WHICH IS
17 IN GOOD STANDING UNDER THE LAWS OF ANOTHER STATE,
18 DISTRICT OF COLUMBIA OR TERRITORY OF THE UNITED STATES
19 WHICH INCLUDES CERTIFICATION BY A CERTIFYING AGENCY
20 APPROVED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY.

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

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

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

1 PARTICIPATE IN THE MEDICAL CARE AVAILABILITY AND REDUCTION OF
2 ERROR (MCARE) FUND.

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

14 (K) ALL APPLICATION AND LICENSURE FEES SHALL BE SET BY THE
15 BOARD BY REGULATION.

16 (L) DISCIPLINARY ACTIONS TAKEN BY THE STATE BOARD OF
17 OSTEOPATHIC MEDICINE AGAINST A PERFUSIONIST LICENSED BY IT SHALL
18 BE ENFORCEABLE BY THE STATE BOARD OF MEDICINE AGAINST THE SAME
19 INDIVIDUAL IF SUCH INDIVIDUAL HOLDS OR SEEKS A LICENSE TO
20 PRACTICE AS A PERFUSIONIST WITH THE STATE BOARD OF MEDICINE.

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

28 (2) BEGINNING WITH THE LICENSE PERIOD DESIGNATED BY
29 REGULATION, LICENSEES SHALL BE REQUIRED TO ATTEND AND
30 COMPLETE 30 HOURS OF MANDATORY CONTINUING EDUCATION DURING

1 EACH TWO-YEAR LICENSE PERIOD. NATIONALLY CERTIFIED EDUCATION
2 COURSES SHALL BE CONSIDERED AS CREDITABLE, IN ADDITION TO ANY
3 OTHER COURSES THE BOARD DEEMS CREDITABLE TOWARD MEETING THE
4 REQUIREMENTS FOR CONTINUING EDUCATION.

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

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

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

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

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

26 SECTION 4. THE STATE BOARD OF OSTEOPATHIC MEDICINE SHALL
27 INITIATE THE PROMULGATION OF REGULATIONS TO CARRY OUT THE
28 PROVISIONS OF THIS ACT WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF
29 THIS SECTION.

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

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