
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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 13, 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) Two years after the effective date of this section, it
11 shall be unlawful for any person to hold himself out to the
12 public as a perfusionist or to practice or offer to practice
13 perfusion unless the person holds a valid, current license
14 issued by the board or the State Board of Medicine.

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

19 (c) The board is authorized to promulgate regulations to
20 implement this section.

21 (d) A perfusionist may perform perfusion to an individual
22 being treated by a physician licensed under this act or the act
23 of act of December 20, 1985 (P.L.457, No.112), known as the
24 "Medical Practice Act of 1985," under medical supervision and
25 approval consistent with standing orders or protocols of a
26 hospital that are promulgated and approved by the physician
27 designated as the medical director of the cardiovascular surgery
28 program. These services shall include:

29 (1) The use of extracorporeal circulation, long-term
30 cardiopulmonary support techniques, including extracorporeal

1 carbon dioxide removal, extracorporeal membrane oxygenation
2 and associated therapeutic and diagnostic techniques.

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

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

9 (4) In the performance of the acts described in
10 paragraphs (1) through (3):

11 (i) The administration of:

12 (A) Pharmacological and therapeutic agents.

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

17 (ii) The performance and use of:

18 (A) Anticoagulation monitoring and analysis.

19 (B) Physiologic monitoring and analysis.

20 (C) Blood gas and chemistry monitoring and
21 analysis.

22 (D) Hematologic monitoring and analysis.

23 (E) Hypothermia.

24 (F) Hyperthermia.

25 (G) Normothermia.

26 (H) Hemoconcentration and hemodilution.

27 (I) Hemodialysis in conjunction with perfusion
28 service.

29 (iii) The observation of signs and symptoms related
30 to perfusion services, the determination of whether the

1 signs and symptoms exhibit abnormal characteristics and
2 the implementation of appropriate reporting, perfusion
3 protocols or changes in or the initiation of emergency
4 procedures.

5 (e) The following persons may perform perfusion, as
6 indicated:

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

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

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

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

18 (3) A graduate of an accredited perfusion education
19 program, if perfusion services:

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

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

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

28 (f) An applicant shall be licensed to practice perfusion
29 under this act if the applicant meets all of the following
30 qualifications and has otherwise complied with the provisions of

1 this act:

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

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

4 (3) The person has graduated from an accredited
5 perfusion program approved by the board.

6 (4) The person is certified by a certifying agency
7 approved by a nationally recognized accrediting agency
8 approved by the board. The certification shall include an
9 examination approved by the board.

10 (5) The person has completed an application form
11 provided by the board and paid the appropriate fee.

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

19 (h) The board may issue a temporary graduate license to
20 practice perfusion to an individual who has graduated from an
21 educational program that complies with the education
22 requirements of this act. The following shall apply:

23 (1) The individual has applied for the examination and
24 is eligible to take the required examination.

25 (2) The individual's authorization to practice perfusion
26 is granted only under the supervision and direction of a
27 perfusionist licensed under this act.

28 (3) The license shall be issued for a period of two
29 years and shall be nonrenewable.

30 (4) The license shall expire immediately upon notice

1 that the individual has failed the required examination under
2 this act.

3 (i) (1) The board may issue a temporary provisional license
4 to practice perfusion if all the following requirements are
5 met:

6 (i) The individual holds a current license which is
7 in good standing under the laws of another state,
8 District of Columbia or territory of the United States
9 which includes certification by a certifying agency
10 approved by a nationally recognized accrediting agency.

11 (ii) The individual meets the requirements as set
12 forth in subsection (f)(1), (2) and (3).

13 (2) The license shall be issued for a period of one year
14 and shall be nonrenewable.

15 (J) (1) AN INDIVIDUAL WHO HOLDS A CURRENT LICENSE AS A ←
16 PERFUSIONIST IN ANOTHER STATE, THE DISTRICT OF COLUMBIA OR A
17 TERRITORY OF THE UNITED STATES OR HAS OBTAINED NATIONAL
18 CERTIFICATION MAY PROVIDE A ONE-TIME EMERGENCY PERFUSIONIST
19 SERVICE IN THIS COMMONWEALTH WITHOUT FIRST OBTAINING A
20 LICENSE FROM THE BOARD IF:

21 (I) PRIOR TO THE OUT-OF-STATE PERFUSIONIST
22 PERFORMING THE EMERGENCY PERFUSIONIST SERVICES IN THIS
23 COMMONWEALTH, THE OUT-OF-STATE PERFUSIONIST SUBMITS BY
24 ELECTRONIC MEANS AND ON FORMS APPROVED BY THE BOARD,
25 NOTIFICATION OF EMERGENCY PRACTICE WHICH SHALL INCLUDE AN
26 ACKNOWLEDGMENT THAT THE OUT-OF-STATE PERFUSIONIST IS
27 SUBJECT TO THE JURISDICTION OF THE BOARD IN THE SAME
28 MANNER AS IF THE OUT-OF-STATE PERFUSIONIST WERE LICENSED
29 BY THE BOARD.

30 (II) THE HEALTH CARE FACILITY LICENSED BY THE

1 DEPARTMENT OF HEALTH CERTIFIES TO THE BOARD, BY
2 ELECTRONIC MEANS AND ON FORMS APPROVED BY THE BOARD,
3 PRIOR TO THE OUT-OF-STATE PERFUSIONIST PERFORMING THE
4 EMERGENCY PERFUSIONIST SERVICES IN THIS COMMONWEALTH THAT
5 ALL OF THE FOLLOWING APPLY:

6 (A) THE EMERGENCY PERFUSIONIST SERVICES WERE
7 PROVIDED FOR A PATIENT OF THE HEALTH CARE FACILITY.

8 (B) THE PERFUSIONIST LICENSED BY THE BOARD AND
9 RETAINED BY THE HEALTH CARE FACILITY THAT WOULD
10 NORMALLY PERFORM THE EMERGENCY PERFUSIONIST SERVICES
11 WAS NOT AVAILABLE OR INCAPABLE OF PROVIDING THE
12 PERFUSIONIST SERVICES.

13 (C) NO OTHER PERFUSIONIST LICENSED BY THE BOARD
14 WAS AVAILABLE TO PROVIDE OR CAPABLE OF PROVIDING THE
15 EMERGENCY PERFUSION SERVICE.

16 (D) THE OUT-OF-STATE PERFUSIONIST PROVIDED ONLY
17 THE EMERGENCY PERFUSIONIST SERVICES FOR THE PATIENT
18 OF THE HEALTH CARE FACILITY AND NO OTHER PERFUSIONIST
19 SERVICES AT THE HEALTH CARE FACILITY.

20 (2) THE OUT-OF-STATE PERFUSIONIST SHALL OBTAIN A LICENSE
21 FROM THE BOARD IF A HEALTH CARE FACILITY LICENSED BY THE
22 DEPARTMENT OF HEALTH RETAINS THE PERFUSIONIST OR IF THE
23 PERFUSIONIST PROVIDES ANY FUTURE PERFUSIONIST SERVICES.

24 (3) THE OUT-OF-STATE PERFUSIONIST SHALL NOT PERFORM ANY
25 OTHER PERFUSIONIST SERVICES OTHER THAN THE EMERGENCY
26 PERFUSIONIST SERVICES.

27 ~~(j)~~ (K) (1) A licensed perfusionist practicing in this ←
28 Commonwealth shall maintain a level of professional liability
29 insurance coverage as required for a nonparticipating health
30 care provider under the act of March 20, 2002 (P.L.154,

1 No.13), known as the Medical Care Availability and Reduction
2 of Error (Mcare) Act, but shall not be eligible to
3 participate in the Medical Care Availability and Reduction of
4 Error (Mcare) Fund.

5 (2) A license applicant shall provide proof that the
6 applicant has obtained professional liability insurance in
7 accordance with paragraph (1). It is sufficient if the
8 applicant files with the application a copy of a letter from
9 the applicant's professional liability insurance carrier
10 indicating that the applicant will be covered against
11 professional liability in the required amounts effective upon
12 the issuance of the applicant's license to practice perfusion
13 in this Commonwealth. Upon issuance of the license, the
14 licensee has 30 days to submit to the board the certificate
15 of insurance or a copy of the policy declaration page.

16 ~~(k)~~ (L) All application and licensure fees shall be set by <—
17 the board by regulation.

18 ~~(l)~~ (M) Disciplinary actions taken by the State Board of <—
19 Osteopathic Medicine against a perfusionist licensed by it shall
20 be enforceable by the State Board of Medicine against the same
21 individual if such individual holds or seeks a license to
22 practice as a perfusionist with the State Board of Medicine.

23 ~~(m)~~ (N) (1) The board shall adopt, promulgate and enforce <—
24 rules and regulations consistent with the provisions of this
25 act establishing requirements of continuing education to be
26 met by individuals licensed as perfusionists under this act
27 as a condition for renewal of their licenses. The regulations
28 shall include any fees necessary for the board to carry out
29 its responsibilities under this section.

30 (2) Beginning with the license period designated by

1 regulation, licensees shall be required to attend and
2 complete 30 hours of mandatory continuing education during
3 each two-year license period. Nationally certified education
4 courses shall be considered as creditable, in addition to any
5 other courses the board deems creditable toward meeting the
6 requirements for continuing education.

7 (3) An individual applying for the first time for
8 licensure in this Commonwealth shall be exempted from the
9 continuing education requirement for the biennial renewal
10 period following initial licensure.

11 (4) (i) The board may waive all or a portion of the
12 continuing education requirement for biennial renewal for
13 a licensee who shows to the satisfaction of the board
14 that the licensee was unable to complete the requirements
15 due to serious illness, military service or other
16 demonstrated hardship.

17 (ii) The request shall be made in writing with
18 appropriate documentation and shall include a description
19 of circumstances sufficient to show why the licensee is
20 unable to comply with the continuing education
21 requirement.

22 (5) A licensee seeking to reinstate an inactive or
23 lapsed license shall show proof of compliance with the
24 continuing education requirement for the preceding biennium.

25 (6) All courses, locations, instructors and providers
26 shall be approved by the board. No credit shall be given for
27 any course in office management.

28 Section 4. The State Board of Osteopathic Medicine shall
29 initiate the promulgation of regulations to carry out the
30 provisions of this act within 18 months of the effective date of

1 this section.

2 Section 5. This act shall take effect in 60 days.