

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

4 * * *

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

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

16 * * *

17 "VENTRICULAR ASSIST DEVICE." A MECHANICAL DEVICE USED TO ←
18 PARTIALLY OR COMPLETELY REPLACE THE FUNCTION OF A FAILING HEART
19 THROUGH CONNECTIONS TO THE HEART AND GREAT VESSELS THAT MAY BE
20 LOCATED INTRACORPOREALLY OR EXTRACORPOREALLY. THE TERM INCLUDES
21 A DEVICE THAT IS PLACED INTRAVASCULARLY OR EXTRAVASCULARLY AND
22 PROVIDES SUPPORT THROUGH DIRECT MEANS OR VIA COUNTERPULSATION.

23 * * *

24 Section 2. Section 2.1(a) of the act, amended December 10,
25 2001 (P.L.863, No.93), is amended to read:

26 Section 2.1. State Board of Osteopathic Medicine.

27 (a) The State Board of Osteopathic Medicine shall consist of
28 the Commissioner of Professional and Occupational Affairs or his
29 designee; the Secretary of Health or his designee; two members
30 appointed by the Governor who shall be persons representing the

1 public at large; one member appointed by the Governor who shall
2 be a respiratory care practitioner, a perfusionist, a physician
3 assistant or a certified athletic trainer; and six members
4 appointed by the Governor who shall be graduates of a legally
5 incorporated and reputable college of [osteopathy] osteopathic
6 medicine and shall have been licensed to practice osteopathic
7 medicine under the laws of this Commonwealth and shall have been
8 engaged in the practice of osteopathy in this Commonwealth for a
9 period of at least five years. All professional and public
10 members of the board shall be appointed by the Governor with the
11 advice and consent of a majority of the members elected to the
12 Senate. The Governor shall assure that respiratory care
13 practitioners, PERFUSIONISTS, physician assistants and certified ←
14 athletic trainers are appointed to four-year terms on a rotating
15 basis.

16 * * *

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

18 Section 13.3. Perfusionist.

19 (a) Two years after the effective date of this section, it
20 shall be unlawful for any person to hold himself out to the
21 public as a perfusionist or to practice or offer to practice
22 perfusion unless the person holds a valid, current license
23 issued by the board or the State Board of Medicine.

24 (b) A perfusionist who holds a valid, current license issued
25 by either board may use the title perfusionist or licensed
26 perfusionist, or an appropriate abbreviation of the title, such
27 as "LP."

28 (c) The board is authorized to promulgate regulations to
29 implement this section.

30 (d) A perfusionist may perform perfusion ~~to~~ ON an individual ←

1 being treated by a physician licensed under this act or the act
2 of act of December 20, 1985 (P.L.457, No.112), known as the
3 "Medical Practice Act of 1985," under medical supervision and
4 approval consistent with standing orders or protocols of a
5 hospital that are promulgated and approved by the physician
6 designated as the medical director of the cardiovascular surgery
7 program. These services shall include:

8 (1) The use of extracorporeal circulation, long-term
9 cardiopulmonary support techniques, including extracorporeal
10 carbon dioxide removal, extracorporeal membrane oxygenation
11 and associated therapeutic and diagnostic techniques.

12 (2) Counterpulsion, ventricular assistance,
13 autotransfusion, blood and blood component conservation
14 techniques, myocardial and organ preservation, extracorporeal
15 life support and isolated limb perfusion.

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

18 (4) In the performance of the acts described in
19 paragraphs (1) through (3):

20 (i) The administration of:

21 (A) Pharmacological and therapeutic agents.

22 (B) Blood products or anesthetic agents through
23 the extracorporeal circuit or through an intravenous
24 line in conjunction with extracorporeal support,
25 under the supervision of the treating physician.

26 (ii) The performance and use of:

27 (A) Anticoagulation monitoring and analysis.

28 (B) Physiologic monitoring and analysis.

29 (C) Blood gas and chemistry monitoring and
30 analysis.

- 1 (D) Hematologic monitoring and analysis.
- 2 (E) Hypothermia.
- 3 (F) Hyperthermia.
- 4 (G) Normothermia.
- 5 (H) Hemoconcentration and hemodilution.
- 6 (I) Hemodialysis in conjunction with perfusion
- 7 service.

8 (iii) The observation of signs and symptoms related
9 to perfusion services, the determination of whether the
10 signs and symptoms exhibit abnormal characteristics and
11 the implementation of appropriate reporting, perfusion
12 protocols or changes in or the initiation of emergency
13 procedures.

14 (e) The following persons may perform perfusion, as
15 indicated:

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

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

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

23 (ii) is performed under the direct supervision of a
24 perfusionist who is assigned to supervise the student and
25 who is on duty and immediately available in the assigned
26 patient care area.

27 (3) A graduate of an accredited perfusion education
28 program, if perfusion services:

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

1 (ii) are performed under the supervision and
2 responsibility of a perfusionist who is on duty and
3 assigned to supervise the graduate.

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

7 (5) FOR A VENTRICULAR ASSIST DEVICE UNDER INVESTIGATIVE ←
8 TRIALS BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION OR
9 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION
10 SOLELY AS A VENTRICULAR ASSIST DEVICE, A PERSON WHO:

11 (I) HAS SATISFACTORILY COMPLETED SPECIFIC
12 VENTRICULAR ASSIST DEVICE TRAINING IN A COURSE PROVIDED
13 BY THE VENTRICULAR ASSIST DEVICE MANUFACTURER; AND

14 (II) PROVIDES CARE RELATED TO THE VENTRICULAR ASSIST
15 DEVICE UNDER THE SUPERVISION OF A LICENSED PHYSICIAN.

16 (6) A PERSON WHO PERFORMS AUTOTRANSFUSION OR BLOOD
17 CONSERVATION TECHNIQUES UNDER THE SUPERVISION OF A LICENSED
18 PHYSICIAN.

19 (7) A PERSON WHO:

20 (I) IS TRAINED ACCORDING TO THE EXTRACORPOREAL
21 MEMBRANE OXYGENATION SPECIALIST GUIDELINES OF THE
22 EXTRACORPOREAL LIFE SUPPORT ORGANIZATION; AND

23 (II) OPERATES AN EXTRACORPOREAL MEMBRANE OXYGENATION
24 CIRCUIT UNDER THE SUPERVISION OF A LICENSED PHYSICIAN.

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

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

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

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

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

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

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

16 (h) The board may issue a temporary graduate license to
17 practice perfusion to an individual who has graduated from an
18 educational program that complies with the education
19 requirements of this act. The ALL OF THE following shall apply: ←

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

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

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

27 (4) The license shall expire immediately upon notice
28 that the individual has failed the required examination under
29 this act.

30 (i) (1) The board may issue a temporary provisional license

1 to practice perfusion if all the following requirements are
2 met:

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

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

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

12 (j) (1) An individual who holds a current license as a
13 perfusionist in another state, the District of Columbia or a
14 territory of the United States or has obtained national
15 certification may provide a one-time emergency perfusionist
16 service in this Commonwealth without first obtaining a
17 license from the board if:

18 (i) Prior to the out-of-State perfusionist
19 performing the emergency perfusionist services in this
20 Commonwealth, the out-of-State perfusionist submits by
21 electronic means and on forms approved by the board,
22 notification of emergency practice which shall include an
23 acknowledgment that the out-of-State perfusionist is
24 subject to the jurisdiction of the board in the same
25 manner as if the out-of-State perfusionist were licensed
26 by the board.

27 (ii) The health care facility licensed by the
28 Department of Health certifies to the board, by
29 electronic means and on forms approved by the board,
30 prior to the out-of-State perfusionist performing the

1 emergency perfusionist services in this Commonwealth that
2 all of the following apply:

3 (A) The emergency perfusionist services were
4 provided for a patient of the health care facility.

5 (B) The perfusionist licensed by the board and
6 retained by the health care facility that would
7 normally perform the emergency perfusionist services
8 was not available or incapable of providing the
9 perfusionist services.

10 (C) No other perfusionist licensed by the board
11 was available to provide or capable of providing the
12 emergency perfusion service.

13 (D) The out-of-State perfusionist provided only
14 the emergency perfusionist services for the patient
15 of the health care facility and no other perfusionist
16 services at the health care facility.

17 (2) The out-of-State perfusionist shall obtain a license
18 from the board if a health care facility licensed by the
19 Department of Health retains the perfusionist or if the
20 perfusionist provides any future perfusionist services.

21 (3) The out-of-State perfusionist shall not perform any
22 other perfusionist services other than the emergency
23 perfusionist services.

24 (k) (1) A licensed perfusionist practicing in this
25 Commonwealth shall maintain a level of professional liability
26 insurance coverage as required for a nonparticipating health ←
27 care provider under the act of March 20, 2002 (P.L.154,
28 No.13), known as the Medical Care Availability and Reduction
29 of Error (Mcare) Act, but shall not be eligible to
30 participate in the Medical Care Availability and Reduction of

1 Error (Meare) Fund. IN THE MINIMUM AMOUNT OF \$1,000,000 PER ←
2 OCCURRENCE OR CLAIMS MADE. FAILURE TO MAINTAIN INSURANCE
3 COVERAGE AS REQUIRED SHALL SUBJECT THE LICENSEE TO
4 DISCIPLINARY PROCEEDINGS. THE BOARD SHALL ACCEPT FROM
5 PERFUSIONISTS AS SATISFACTORY EVIDENCE OF INSURANCE COVERAGE
6 ANY OF THE FOLLOWING: SELF-INSURANCE, PERSONALLY PURCHASED
7 LIABILITY INSURANCE, PROFESSIONAL LIABILITY INSURANCE
8 COVERAGE PROVIDED BY THE PERFUSIONIST'S EMPLOYER OR SIMILAR
9 INSURANCE COVERAGE ACCEPTABLE TO THE BOARD.

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

21 (1) All application and licensure fees shall be set by the
22 board by regulation.

23 (m) Disciplinary actions taken by the State Board of
24 Osteopathic Medicine against a perfusionist licensed by it shall
25 be enforceable by the State Board of Medicine against the same
26 individual if such individual holds or seeks a license to
27 practice as a perfusionist with the State Board of Medicine.

28 (n) (1) The board shall adopt, promulgate and enforce rules
29 and regulations consistent with the provisions of this act
30 establishing requirements of continuing education to be met

1 by individuals licensed as perfusionists under this act as a
2 condition for renewal of their licenses. The regulations
3 shall include any fees necessary for the board to carry out
4 its responsibilities under this section.

5 (2) Beginning with the license period designated by
6 regulation, licensees shall be required to attend and
7 complete 30 hours of mandatory continuing education during
8 each two-year license period. Nationally certified education
9 courses shall be considered as creditable, in addition to any
10 other courses the board deems creditable toward meeting the
11 requirements for continuing education.

12 (3) An individual applying for the first time for
13 licensure in this Commonwealth shall be exempted from the
14 continuing education requirement for the biennial renewal
15 period following initial licensure.

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

22 (ii) The request shall be made in writing with
23 appropriate documentation and shall include a description
24 of circumstances sufficient to show why the licensee is
25 unable to comply with the continuing education
26 requirement.

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

30 (6) All courses, locations, instructors and providers

1 shall be approved by the board. No credit shall be given for
2 any course in office management.

3 Section 4. The State Board of Osteopathic Medicine shall
4 initiate the promulgation of regulations to carry out the
5 provisions of this act within 18 months of the effective date of
6 this section.

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