

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1119

Short Title: Perfusionist Licensure.

(Public)

Sponsors: Senators Lucas; and Kinnaird.

Referred to: Judiciary I.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.
3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 90 of the General Statutes is amended by adding a new
5 Chapter to read:

6 **"ARTICLE 37.**
7 **"PERFUSIONIST LICENSURE ACT.**

8 **"§ 90-646. Legislative findings.**

9 The General Assembly finds that the practice of perfusion is an area of health care
10 that is continually evolving to include more sophisticated and demanding patient care
11 activities. The General Assembly further finds that the practice of perfusion by
12 unauthorized, unqualified, unprofessional, and incompetent persons is a threat to public
13 health, safety, and welfare, and therefore it is necessary to establish minimum standards
14 of education, training, and competency for persons engaged in the practice of perfusion.

15 **"§ 90-647. Definitions.**

16 The following definitions apply in this Article:

- 17 (1) Advisory Committee. – The Perfusion Advisory Committee.
18 (2) Certificate holder. – A person who has been issued a certificate to
19 practice perfusion as a clinical certified perfusionist.

- 1 (3) Clinical certified perfusionist. – A person who has been issued a
2 certificate to practice perfusion by the American Board of
3 Cardiovascular Perfusion (ABCP).
- 4 (4) Extracorporeal circulation. – The diversion of a patient's blood through
5 a heart-lung machine or a similar device that assumes the functions of
6 the patient's heart, lungs, kidneys, liver, or other organs.
- 7 (5) Licensee. – A person who has been issued a license to practice perfusion
8 under this Article.
- 9 (6) Perfusion. – The performing of functions necessary for the support,
10 treatment, measurement, or supplementation of the cardiovascular,
11 circulatory, and respiratory systems or other organs, or a combination of
12 those functions, and the ensuring of safe management of physiological
13 function by monitoring and analyzing the parameters of the systems
14 under the supervision of a licensed physician. The term also includes
15 the use of extracorporeal circulation, long-term cardiopulmonary
16 support techniques, including extracorporeal carbon-dioxide removal
17 and extracorporeal membrane oxygenation, and associated therapeutic
18 and diagnostic technologies; counterpulsation, ventricular assistance,
19 autotransfusion, blood conservation techniques, myocardial and organ
20 preservation, extracorporeal life support, and isolated limb perfusion;
21 the use of techniques involving blood management, advanced life
22 support, and other related functions; and, in the performance of the acts
23 described in this subsection, (i) the administration of pharmacological
24 and therapeutic agents, blood products or anesthetic agents through the
25 extracorporeal circuit or through an intravenous line as ordered by a
26 physician; (ii) the performance and use of anti-coagulation monitoring
27 and analysis, physiologic monitoring and analysis, blood gas and
28 chemistry monitoring and analysis, hematological monitoring and
29 analysis, hypothermia, hyperthermia, hemoconcentration and
30 hemodilution, and hemodialysis in conjunction with perfusion service;
31 and (iii) the observation of signs and symptoms related to perfusion
32 services, the determination of whether the signs and symptoms exhibit
33 abnormal characteristics, and the implementation of appropriate
34 reporting, perfusion protocols, or changes in or the initiation of
35 emergency procedures.
- 36 (7) Perfusion protocols. – Perfusion-related policies and protocols
37 developed or approved by a licensed health care facility or a physician
38 through collaboration with administrators, licensed perfusionists, and
39 other health care professionals.

40 **"§ 90-648. License required; exemptions.**

41 (a) On or after January 1, 2000, no person shall practice or offer to practice
42 perfusion as defined in this Article, use the title 'licensed perfusionist', 'certified clinical
43 perfusionist', or 'provisional licensed perfusionist', use the letters 'LP', 'CCP', or 'PLP', or

1 otherwise indicate or imply that the person is a licensed perfusionist, clinical certified
2 perfusionist, or a provisionally licensed perfusionist unless that person is currently
3 licensed or certified as provided in this Article.

4 (b) The provisions of this Article shall not apply to:

5 (1) Any person registered, certified, credentialed, or licensed to engage in
6 another profession or occupation or any person working under the
7 supervision of a person registered, certified, credentialed, or licensed to
8 engage in another profession or occupation in this State if the person is
9 performing work incidental to the practice of that profession or
10 occupation and the person does not represent himself or herself as a
11 licensed perfusionist, a clinical certified perfusionist, or a provisionally
12 licensed perfusionist.

13 (2) A student enrolled in an accredited perfusion education program if
14 perfusion services performed by the student are an integral part of the
15 student's course of study and are performed under the direct supervision
16 of a licensed perfusionist.

17 (3) A perfusionist employed by the United States government when
18 performing duties associated with that employment.

19 (4) A person performing autotransfusion or blood conservation techniques
20 under the direct supervision of a licensed physician.

21 **"§ 90-649. Perfusion Advisory Committee.**

22 (a) Composition and Terms. – The North Carolina Perfusion Advisory Committee
23 is created. The Committee shall consist of seven members who shall serve staggered
24 terms. The initial Committee members shall be selected on or before October 1, 1999, as
25 follows:

26 (1) The General Assembly, upon the recommendation of the President Pro
27 Tempore of the Senate, shall appoint two licensed perfusionists and one
28 physician who is licensed under Article 1 of Chapter 90 of the General
29 Statutes, who shall each serve a term of three years.

30 (2) The General Assembly, upon the recommendation of the Speaker of the
31 House of Representatives, shall appoint two licensed perfusionists and
32 one physician who is licensed under Article 1 of Chapter 90 of the
33 General Statutes, who shall each serve a term of two years.

34 (3) The Governor shall appoint one public member who shall serve a term
35 of one year.

36 Upon the expiration of the terms of the initial Committee members, members shall be
37 appointed for a term of three years and shall serve until a successor is appointed. No
38 member may serve more than two consecutive full terms.

39 (b) Qualifications. – Members of the Committee shall be citizens of the United
40 States and residents of this State. The perfusionist members shall hold current licenses
41 from the Committee and shall remain in good standing with the Committee during their
42 terms. Public members of the Committee shall not be: (i) trained or experienced in the
43 practice of perfusion, (ii) an agent or employee of a person engaged in the practice of

1 perfusion, (iii) a health care professional licensed under this Chapter or a person enrolled
2 in a program to become a licensed health care professional, (iv) an agent or employee of
3 a health care institution, a health care insurer, or a health care professional school, (v) a
4 member of an allied health profession or a person enrolled in a program to become a
5 member of an allied health profession, or (vi) a spouse of an individual who may not
6 serve as a public member of the Board.

7 (c) Vacancies. – Any vacancy shall be filled by the authority originally filling that
8 position, except that any vacancy in appointments by the General Assembly shall be
9 filled in accordance with G.S. 120-122. Appointees to fill vacancies shall serve the
10 remainder of the unexpired term and until their successors have been duly appointed and
11 qualified.

12 (d) Removal. – The Committee may remove any of its members for neglect of
13 duty, incompetence, or unprofessional conduct. A member subject to disciplinary
14 proceedings in his or her capacity as a licensed perfusionist shall be disqualified from
15 participating in the official business of the Committee until the charges have been
16 resolved.

17 (e) Compensation. – Each member of the Committee shall receive per diem and
18 reimbursement for travel and subsistence as provided in G.S. 93B-5.

19 (f) Officers. – The officers of the Committee shall be a chair, a vice-chair, and
20 other officers deemed necessary by the Committee to carry out the purposes of this
21 Article. All officers shall be elected annually by the Committee for two-year terms and
22 shall serve until their successors are elected and qualified. The chair of the Committee
23 shall be a licensed perfusionist.

24 (g) Meetings. – The Committee shall hold its first meeting within 30 days after the
25 appointment of its members, and shall hold at least two meetings each year to conduct
26 business and to review the standards and rules previously adopted by the Committee.
27 The Committee shall establish the procedures for calling, holding, and conducting regular
28 and special meetings. A majority of Committee members constitutes a quorum.

29 **"§ 90-650. Powers of the Committee.**

30 The Committee shall have the power and duty to:

- 31 (1) Administer this Article.
- 32 (2) Issue interpretations of this Article.
- 33 (3) Adopt, amend, or repeal rules as may be necessary to carry out the
34 provisions of this Article.
- 35 (4) Employ and fix the compensation of personnel that the Committee
36 determines is necessary to carry into effect the provisions of this Article
37 and incur other expenses necessary to effectuate this Article.
- 38 (5) Examine and determine the qualifications and fitness of applicants for
39 licensure and certification, provisional licensure, licensure and
40 certificate renewal, and reciprocal licensure and certification.
- 41 (6) Issue, renew, deny, suspend, or revoke licenses and certificates, order
42 probation, issue reprimands, and carry out any other disciplinary actions
43 authorized by this Article.

- 1 (7) Set fees for licensure and certification, provisional licensure, reciprocal
2 licensure and certification, licensure and certificate renewal, and other
3 services deemed necessary to carry out the purposes of this Article.
- 4 (8) Establish continuing education requirements for licensees.
- 5 (9) Establish a code of ethics for licensees.
- 6 (10) Maintain a current list of all persons who have been licensed or certified
7 under this Article.
- 8 (11) Conduct investigations for the purpose of determining whether
9 violations of this Article or grounds for disciplining licensees and
10 certificate holders exist.
- 11 (12) Maintain a record of all proceedings and make available to all licensees,
12 certificate holders, and other concerned parties an annual report of all
13 Committee action.
- 14 (13) Adopt a seal containing the name of the Committee for use on all
15 official documents and reports issued by the Committee.

16 **"§ 90-651. Qualifications for licensure and certification.**

17 (a) An applicant shall be licensed to practice perfusion if the applicant meets all of
18 the following qualifications:

- 19 (1) Is at least 18 years old.
- 20 (2) Completes an application on a form provided by the Committee.
- 21 (3) Successfully completes a perfusion education program approved by the
22 Committee.
- 23 (4) Passes an examination administered by the Committee.
- 24 (5) Pays the required fee under G.S. 90-654.

25 (b) An applicant shall be certified as a certified clinical perfusionist if the applicant
26 submits proof satisfactory to the Committee that the applicant has been certified as a
27 certified clinical perfusionist by the American Board of Cardiovascular Perfusion or its
28 successor organization and pays the required fee under G.S. 90-654.

29 **"§ 90-652. Reciprocity.**

30 The Committee may grant, upon application and payment of proper fees, a license to a
31 person who has been licensed to practice perfusion in another state or territory of the
32 United States whose standards of competency are substantially equivalent to those
33 provided in this Article or holds a current certificate as a certified clinical perfusionist
34 issued by the American Board of Cardiovascular Perfusion or its successor organization.

35 **"§ 90-653. Provisional license.**

36 The Committee may grant a provisional license or certificate for a period not
37 exceeding 12 months to any applicant who has successfully completed an approved
38 perfusion education program and pays the required fee under G.S. 90-654. A provisional
39 license or certificate shall allow the individual to practice perfusion under the supervision
40 and direction of a licensed perfusionist and in accordance with rules adopted pursuant to
41 this Article. A license or certificate granted under this section shall contain an
42 endorsement indicating that the license or certificate is provisional and stating the terms
43 and conditions of its use by the licensee or certificate holder and shall state the date the

1 license or certificate was granted and the date it expires. Provisional licenses and
2 certificates shall be renewed in accordance with the provisions of G.S. 90-655.

3 **"§ 90-654. Expenses; fees.**

4 (a) All fees payable to the Committee shall be deposited in the name of the
5 Committee in financial institutions designated by the Committee as official depositories
6 and shall be used to pay all expenses incurred in carrying out the purposes of this Article.

7 (b) All salaries, compensation, and expenses incurred or allowed to carry out the
8 purposes of this Article shall be paid by the Committee exclusively out of the fees
9 received by the Committee as authorized by this Article or funds received from other
10 sources. In no case shall any salary, expense, or other obligation of the Committee be
11 charged against the State treasury.

12 (c) The Committee shall establish fees not exceeding the following amounts:

13 (1) <u>Initial application</u>	<u>\$ 25.00</u>
14 (2) <u>Examination or re-examination</u>	<u>\$150.00</u>
15 (3) <u>Issuance of license or certificate</u>	<u>\$100.00</u>
16 (4) <u>Renewal of license or certificate</u>	<u>\$ 50.00</u>
17 (5) <u>Late renewal of license or</u>	
18 <u>certificate</u>	<u>\$ 50.00</u>
19 (6) <u>Provisional license or certificate</u>	<u>\$ 35.00</u>
20 (7) <u>Copies of rules</u>	<u>Cost</u>

21 **"§ 90-655. Renewal of licenses and certificates.**

22 (a) All licenses and certificates to practice perfusion shall expire one year after the
23 date they were issued. The Committee shall send a notice of expiration to each licensee
24 or certificate holder at his or her last known address at least 30 days prior to the
25 expiration of his or her license. All applications for renewal of unexpired licenses and
26 certificates shall be filed with the Committee and accompanied by proof satisfactory to
27 the Committee that the applicant has completed the continuing education requirements
28 established by the Committee and the renewal fee as required by G.S. 90-654.

29 (b) An application for renewal of a license or certificate that has been expired for
30 less than two years shall be accompanied by proof satisfactory to the Committee that the
31 applicant has satisfied the continuing education requirements established by the
32 Committee and the renewal and late fees required by G.S. 90-654. A license or
33 certificate that has been expired for more than two years shall not be renewed, but the
34 applicant may apply for a new license or certificate by submitting to reexamination and
35 complying with the current requirements for licensure and certification under this Article.
36 The Committee may renew an expired license or certificate without examination if the
37 applicant moved to another state and has been licensed or certified in that state for two
38 years preceding the application of renewal, and the applicant pays the renewal fee
39 required by G.S. 90-654.

40 **"§ 90-656. Suspension, revocation, and refusal to renew.**

41 (a) The Committee may deny, refuse to renew, suspend, or revoke an application,
42 license, or certificate, or order probation or issue a reprimand if the applicant, licensee, or
43 certificate holder:

- 1 (1) Gives false information or withholds material information from the
2 Committee in procuring or attempting to procure a license or certificate.
3 (2) Gives false information or withholds material information from the
4 Committee during the course of an investigation conducted by the
5 Committee.
6 (3) Has been convicted of or pled guilty or no contest to a crime that
7 indicates the person is unfit or incompetent to practice perfusion as
8 defined in this Article or that indicates the person has deceived,
9 defrauded, or endangered the public.
10 (4) Has a habitual substance abuse or mental impairment that interferes
11 with his or her ability to provide appropriate care as established by this
12 Article or rules adopted by the Committee.
13 (5) Has demonstrated gross negligence, incompetency, or misconduct in the
14 practice of perfusion as defined in this Article.
15 (6) Has had an application for licensure or certification or a license or
16 certificate to practice perfusion in another jurisdiction denied,
17 suspended, or revoked for reasons that would be grounds for similar
18 action in this State.
19 (7) Has willfully violated any provision of this Article or rules adopted by
20 the Committee.

21 (b) The taking of any action authorized under subsection (a) of this section may be
22 ordered by the Committee after a hearing is held in accordance with Article 3A of
23 Chapter 150B of the General Statutes. The Committee may reinstate a revoked license or
24 certificate if it finds that the reasons for revocation no longer exist and that the person can
25 reasonably be expected to perform the services authorized under this Article in a safe
26 manner.

27 "**§ 90-657. Enjoining illegal practices.**

28 The Committee may apply to the superior court for an order enjoining violations of
29 this Article. Upon a showing by the Committee that any person has violated this Article,
30 the court may grant injunctive relief."

31 Section 2. Notwithstanding the requirements of this Act, the North Carolina
32 Perfusion Advisory Committee shall issue a license to practice perfusion to any person
33 who has, as his or her primary job function, been operating cardiopulmonary bypass
34 systems during cardiac surgery cases in a licensed health care facility in the five years
35 immediately preceding application to the Committee or within five of the last eight years
36 preceding application to the Committee. A perfusionist member of the Committee shall
37 apply for and obtain a license from the Committee within 90 days after the Board begins
38 issuing licenses.

39 Section 3. This act is effective when it becomes law.