

4640--A

Cal. No. 887

2011-2012 Regular Sessions

I N   S E N A T E

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Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to licensure of perfusionists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. The legislature hereby finds and  
2 declares that the public interest requires the regulation of the prac-  
3 tice of perfusion and the establishment of clear licensure standards for  
4 perfusionists; and that the health and welfare of the residents of the  
5 state will be protected by identifying to the public those individuals  
6 who are qualified and legally authorized to practice perfusion.

7     S 2. The education law is amended by adding a new article 134 to read  
8 as follows:

9     ARTICLE 134

10    LICENSED PERFUSIONISTS

11     SECTION 6630. DEFINITIONS.

12             6631. LICENSURE.

13             6632. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFU-  
14    SIONIST".

15             6633. STATE COMMITTEE FOR PERFUSION.

16             6634. LIMITED PERMITS.

17             6635. CONTINUING PROFESSIONAL EDUCATION.

18             6636. ENDORSEMENT AND EXEMPTIONS.

19     S 6630. DEFINITIONS. AS USED IN THIS ARTICLE: 1. THE TERM "PERFUSION-  
20 IST" MEANS A PERSON WHO IS LICENSED TO PRACTICE PERFUSION PURSUANT TO  
21 THIS ARTICLE.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 2. THE TERM "REGISTERED PROGRAM" MEANS A PROGRAM FOR THE EDUCATION OF  
2 PERFUSIONISTS WHICH HAS BEEN REGISTERED BY THE DEPARTMENT OR DETERMINED  
3 BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT.

4 3. THE TERM "PERFUSION" MEANS THE FUNCTIONS NECESSARY FOR THE SUPPORT,  
5 TREATMENT, MEASUREMENT, OR SUPPLEMENTATION OF THE CARDIOVASCULAR, CIRCULATORY  
6 OR RESPIRATORY SYSTEM OR OTHER ORGANS, OR A COMBINATION OF THOSE  
7 ACTIVITIES, AND THE FUNCTIONS NECESSARY TO ENSURE THE SAFE MANAGEMENT OF  
8 PHYSIOLOGIC FUNCTIONS BY MONITORING AND ANALYZING THE PARAMETERS OF THE  
9 SYSTEMS UNDER AN ORDER ISSUED BY AND UNDER THE SUPERVISION OF, A  
10 LICENSED PHYSICIAN OR OTHER AUTHORIZED HEALTH CARE PRACTITIONER DURING  
11 AND WITHIN THE PERFUSION PROCEDURES. SUCH FUNCTIONS SHALL INCLUDE:

12 A. EXTRACORPOREAL CIRCULATION, CARDIOPULMONARY BYPASS, EXTRACORPOREAL  
13 MEMBRANE OXYGENATION AND CARBON DIOXIDE REMOVAL, EXTRACORPOREAL LIFE  
14 SUPPORT, VENTRICULAR ASSISTANCE AND REPLACEMENT AND COUNTERPULSATION,  
15 ACUTE EXTRACORPOREAL RENAL SYSTEM SUPPORT AND REPLACEMENT, INTRAOPERATIVE  
16 AUTOLOGOUS BLOOD MANAGEMENT AND PROCESSING, ORGAN AND LIMB PERFUSION  
17 AND PRESERVATION AND ASSOCIATED THERAPEUTIC AND DIAGNOSTIC TECHNIQUES  
18 AND TECHNOLOGIES;

19 B. THE ADMINISTRATION OF PHARMACOLOGICAL AND THERAPEUTIC AGENTS, ANESTHETIC  
20 AGENTS AND BLOOD PRODUCTS THROUGH THE EXTRACORPOREAL CIRCUIT OR  
21 THROUGH AN INTRAVENOUS LINE AS ORDERED BY A PHYSICIAN;

22 C. THE PERFORMANCE AND USE OF AND ANALYSIS OF THE RESULTS FROM POINT  
23 OF CARE TESTS AND INSTRUMENTS USED TO MONITOR COAGULATION, BLOOD GAS AND  
24 BLOOD CHEMISTRY AND HEMOGLOBIN AND HEMATOCRIT;

25 D. PHYSIOLOGICAL MONITORING OF PATIENTS RECEIVING PERFUSION SERVICES,  
26 THE DETERMINATION OF WHETHER THE SIGNS AND SYMPTOMS EXHIBIT ABNORMAL  
27 CHARACTERISTICS, AND THE IMPLEMENTATION OF APPROPRIATE REPORTING, PERFUSION  
28 PROTOCOLS, OR CHANGES IN OR THE INITIATION OF EMERGENCY PROCEDURES  
29 UNDER THE SUPERVISION OF A PHYSICIAN.

30 4. THE TERM "COMMITTEE" MEANS THE STATE COMMITTEE FOR PERFUSION  
31 CREATED BY SECTION SIXTY-SIX HUNDRED THIRTY-THREE OF THIS ARTICLE.

32 S 6631. LICENSURE. 1. TO QUALIFY FOR LICENSURE AS A "LICENSED PERFUSIONIST",  
33 AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

34 A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

35 B. EDUCATION: HAS SUCCESSFULLY COMPLETED A BACCALAUREATE OR HIGHER  
36 DEGREE IN PERFUSION REGISTERED BY THE DEPARTMENT, OR THE SUBSTANTIAL  
37 EQUIVALENT AS DETERMINED BY THE DEPARTMENT. AN EQUIVALENT TEST IS NOT  
38 ACCEPTABLE AS AN ALTERNATIVE TO AN EDUCATIONAL PROGRAM;

39 C. EXAMINATION: HAS OBTAINED A PASSING SCORE ON EXAMINATION ACCEPTABLE  
40 TO THE DEPARTMENT;

41 D. AGE: AT THE TIME OF APPLICATION IS AT LEAST TWENTY-ONE YEARS OF  
42 AGE;

43 E. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT;  
44

45 F. FEE: PAY A FEE DETERMINED BY THE DEPARTMENT FOR AN INITIAL LICENSE  
46 AND FOR EACH TRIENNIAL REGISTRATION PERIOD.

47 2. UNTIL TWO YEARS FROM THE IMPLEMENTATION OF THIS ARTICLE:

48 (I) APPLICANTS MAY BE LICENSED IF THEY HAVE PRACTICED FOR FIVE YEARS  
49 IN THE PAST TEN YEARS WITH NO DISCIPLINARY HISTORY AND HAVE PASSED A  
50 NATIONAL CERTIFICATION EXAMINATION ACCEPTABLE TO THE COMMITTEE AND THE  
51 DEPARTMENT;

52 (II) APPLICANTS MAY BE LICENSED IF THEY HAVE BEEN EMPLOYED WITH NO  
53 DISCIPLINARY HISTORY FOR FIVE YEARS IN THE PAST TEN YEARS IN A CARDIAC  
54 SURGICAL PROGRAM IN THE STATE ACCEPTABLE TO THE COMMITTEE AND THE  
55 DEPARTMENT;

(III) APPLICANTS WHO POSSESS CERTIFICATION FROM A NATIONAL CERTIFICATION ORGANIZATION ACCEPTABLE TO THE COMMITTEE AND THE DEPARTMENT MAY BE LICENSED IF THEY HAVE BEEN EMPLOYED FOR THREE OF THE PAST TEN YEARS WITH NO DISCIPLINARY HISTORY.

S 6632. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFUSIONIST". ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE PERFUSION OR USE THE TITLE "LICENSED PERFUSIONIST".

S 6633. STATE COMMITTEE FOR PERFUSION. 1. A STATE COMMITTEE FOR PERFUSION SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER AS A COMMITTEE OF THE BOARD FOR MEDICINE TO ADVISE SOLELY IN MATTERS RELATING TO PERFUSION AND SHALL ASSIST ON MATTERS OF LICENSURE AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH PARAGRAPH E OF SUBDIVISION ONE OF SECTION SIXTY-SIX HUNDRED THIRTY-ONE OF THIS ARTICLE. THE LICENSURE REQUIREMENTS FOR PERFUSIONISTS SHALL BE WAIVED FOR THE INITIAL COMMITTEE APPOINTEES, PROVIDED THAT SUCH APPOINTEES SHALL BE LICENSED WITHIN ONE YEAR OF FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE.

2. THE COMMITTEE SHALL CONSIST OF EIGHT INDIVIDUALS, TO BE COMPOSED OF THE FOLLOWING:

A. FOUR LICENSED PERFUSIONISTS;

B. TWO LICENSED PHYSICIANS SPECIALIZING IN THORACIC SURGERY;

C. ONE EDUCATOR WHO HOLDS A DOCTORATE OR EQUIVALENT DEGREE; AND

D. ONE REPRESENTATIVE OF THE PUBLIC AT LARGE.

S 6634. LIMITED PERMITS. 1. ELIGIBILITY. A PERSON WHO FULFILLS ALL REQUIREMENTS FOR LICENSURE AS A PERFUSIONIST EXCEPT THAT RELATING TO THE EXAMINATION SHALL BE ELIGIBLE FOR A LIMITED PERMIT.

2. LIMIT OF PRACTICE. A PERMITTEE SHALL BE AUTHORIZED TO PRACTICE AS A PERFUSIONIST ONLY UNDER THE SUPERVISION OF A LICENSED PERFUSIONIST.

3. DURATION. A LIMITED PERMIT SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE OR TEN DAYS AFTER NOTIFICATION BY THE DEPARTMENT OF THE RESULTS OF THE FIRST EXAMINATION FOR WHICH THE APPLICANT IS ELIGIBLE. A LIMITED PERMIT SHALL BE EXTENDED FOR ONE ADDITIONAL YEAR FOR GOOD CAUSE AS DETERMINED BY THE DEPARTMENT.

4. FEES. THE FEE FOR EACH LIMITED PERMIT SHALL BE ONE HUNDRED FIVE DOLLARS.

S 6635. CONTINUING PROFESSIONAL EDUCATION. THE COMMITTEE AND THE DEPARTMENT SHALL ESTABLISH REQUIREMENTS FOR CONTINUING COMPETENCY, INCLUDING CONTINUING EDUCATION IN REGULATION, THAT ARE CONSISTENT WITH APPLICABLE REGULATIONS IN OTHER PROFESSIONS REGULATED UNDER THIS TITLE.

S 6636. ENDORSEMENT AND EXEMPTIONS. 1. ENDORSEMENT. ON RECEIPT OF AN APPLICATION AND FEE PURSUANT TO SECTION SIX HUNDRED THIRTY-FOUR OF THIS ARTICLE, THE DEPARTMENT MAY ISSUE A LICENSE TO PRACTICE PERFUSION TO A PERSON CURRENTLY LICENSED IN ANOTHER STATE, TERRITORY OR JURISDICTION THAT HAS REQUIREMENTS FOR LICENSURE OF PERFUSION WHICH THE DEPARTMENT DETERMINES TO BE SUBSTANTIALLY THE SAME AS THE REQUIREMENTS OF THIS ARTICLE.

2. EXEMPTIONS. LICENSEES IN PROFESSIONS REGULATED UNDER THIS TITLE ARE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE TO THE EXTENT THAT THE ACTIVITIES AND SERVICES ALSO FALL WITHIN THE SCOPE OF PRACTICE OF SUCH PROFESSIONS.

S 3. This act shall take effect three years after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.