

4640--B

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2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

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 -- amended and ordered reprinted, 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:

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

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

ARTICLE 134

LICENSED PERFUSIONISTS

SECTION 6630. DEFINITIONS.

6631. LICENSURE.

6632. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFUSIONIST".

6633. STATE COMMITTEE FOR PERFUSION.

6634. LIMITED PERMITS.

6635. ENDORSEMENT AND EXEMPTIONS.

6636. EXEMPT PERSONS.

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

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

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

7 3. THE TERM "PERFUSION" MEANS THE PROVISION OF EXTRACORPOREAL OR
8 INTRACORPOREAL PATIENT CARE SERVICES TO SUPPORT OR REPLACE THE CIRCULA-
9 TORY OR RESPIRATORY FUNCTION OF A PATIENT, INCLUDING THE ADMINISTRATION
10 OF PHARMACOLOGICAL AND THERAPEUTIC AGENTS, ANESTHETIC AGENTS AND BLOOD
11 PRODUCTS, AND THE MANAGEMENT, TREATMENT AND MONITORING OF THE PHYSIOLOG-
12 ICAL STATUS OF A PATIENT DURING THE OPERATION OF EXTRACORPOREAL CIRCUL-
13 LATION EQUIPMENT OR INTRACORPOREAL EQUIPMENT THAT REPLACES OR SUPPORT
14 CIRCULATORY OR RESPIRATORY FUNCTIONS. NOTWITHSTANDING ANY OTHER
15 PROVISION OF LAW, THE PERFORMANCE AND USE, AND ANALYSIS OF THE RESULTS
16 OF POINT OF CARE TEST AND INSTRUMENTS USED TO MONITOR COAGULATION, BLOOD
17 GAS, BLOOD CHEMISTRY, HEMOGLOBIN AND HEMATOCRIT WHILE ENGAGED IN THE
18 PRACTICE OF PERFUSION ARE ALLOWED. ALL PERFUSION SERVICES SHALL BE
19 PERFORMED PURSUANT TO THE ORDER AND UNDER THE DIRECT SUPERVISION OF A
20 PHYSICIAN.

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

23 S 6631. LENSURE. 1. TO QUALIFY FOR LENSURE AS A "LICENSED PERFU-
24 SIONIST", AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

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

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

30 C. EXAMINATION: HAS OBTAINED A PASSING SCORE ON EXAMINATION ACCEPTABLE
31 TO THE DEPARTMENT;

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

34 E. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
35 MENT;

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

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

39 A. APPLICANTS MAY BE LICENSED IF THEY HAVE PRACTICED FOR FIVE YEARS IN
40 THE PAST TEN YEARS, AT LEAST TWO OF SUCH YEARS HAVING OCCURRED DURING
41 THE PAST FIVE YEARS WITH NO DISCIPLINARY HISTORY AND HAVE PASSED A
42 NATIONAL CERTIFICATION EXAMINATION ACCEPTABLE TO THE COMMITTEE AND THE
43 DEPARTMENT;

44 B. APPLICANTS MAY BE LICENSED IF THEY HAVE BEEN PRACTICING AS A PERFU-
45 SIONIST WITH NO DISCIPLINARY HISTORY FOR FIVE YEARS IN THE PAST TEN
46 YEARS IN A CARDIAC SURGICAL PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH
47 ACCEPTABLE TO THE COMMITTEE AND THE DEPARTMENT AT LEAST TWO OF SUCH
48 YEARS OF EXPERIENCE HAVING OCCURRED DURING THE PAST FIVE YEARS;

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

53 S 6632. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFUSION-
54 IST". ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRAC-
55 TICE PERFUSION OR USE THE TITLE "LICENSED PERFUSIONIST".

1 S 6633. STATE COMMITTEE FOR PERFUSION. 1. A STATE COMMITTEE FOR
2 PERFUSION SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMEN-
3 DATION OF THE COMMISSIONER AS A COMMITTEE OF THE BOARD FOR MEDICINE TO
4 ADVISE SOLELY IN MATTERS RELATING TO PERFUSION AND SHALL ASSIST ON
5 MATTERS OF LICENSURE AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH PARA-
6 GRAPH E OF SUBDIVISION ONE OF SECTION SIXTY-SIX HUNDRED THIRTY-ONE OF
7 THIS ARTICLE. THE LICENSURE REQUIREMENTS FOR PERFUSIONISTS SHALL BE
8 WAIVED FOR THE INITIAL COMMITTEE APPOINTEES, PROVIDED THAT SUCH APPOINT-
9 EES SHALL BE LICENSED WITHIN ONE YEAR OF FOLLOWING THE EFFECTIVE DATE OF
10 THIS ARTICLE.

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

13 A. FOUR LICENSED PERFUSIONISTS;

14 B. TWO LICENSED PHYSICIANS WITH KNOWLEDGE AND INTEREST IN THE PRACTICE
15 OF PERFUSION; AND

16 C. TWO REPRESENTATIVES OF THE PUBLIC AT LARGE.

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

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

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

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

29 S 6635. ENDORSEMENT AND EXEMPTIONS. ON RECEIPT OF AN APPLICATION AND
30 FEE PURSUANT TO SECTION SIX HUNDRED THIRTY-FOUR OF THIS ARTICLE, THE
31 DEPARTMENT MAY ISSUE A LICENSE TO PRACTICE PERFUSION TO A PERSON
32 CURRENTLY LICENSED IN ANOTHER STATE, TERRITORY OR JURISDICTION THAT HAS
33 REQUIREMENTS FOR LICENSURE OF PERFUSION WHICH THE DEPARTMENT DETERMINES
34 TO BE SUBSTANTIALLY THE SAME AS THE REQUIREMENTS OF THIS ARTICLE.

35 S 6636. EXEMPT PERSONS. THIS ARTICLE SHALL NOT PROHIBIT:

36 1. A STUDENT OF PERFUSION FROM ENGAGING IN THE PRACTICE OF PERFUSION
37 UNDER THIS SUBDIVISION OF A LICENSED PERFUSIONIST OR A LICENSED PHYSI-
38 CIAN AS AN INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN
39 AN APPROVED PERFUSION PROGRAM; OR

40 2. THE PERFORMANCE OF ANY OF THE TASKS OR RESPONSIBILITIES INCLUDED IN
41 THE DEFINITION OF PERFUSION BY ANY OTHER DULY LICENSED, CERTIFIED OR
42 REGISTERED HEALTH CARE PROVIDER, PROVIDED THAT SUCH TASKS OR RESPONSI-
43 BILITIES ARE WITHIN THE SCOPE OF HIS OR HER PRACTICE; OR

44 3. THE PRACTICE OF PERFUSION BY ANY LEGALLY QUALIFIED PERFUSIONIST OF
45 ANY OTHER STATE OR TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE
46 PUBLIC HEALTH SERVICE OF THE UNITED STATES OR WHO IS EMPLOYED BY THE
47 VETERANS ADMINISTRATION, WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER
48 DUTIES.

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