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2009-2010 Regular Sessions

I N A S S E M B L Y

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2. THE TERM "APPROVED PROGRAM" MEANS A PROGRAM FOR THE EDUCATION OR CONTINUING PROFESSIONAL EDUCATION OF PERFUSIONISTS WHICH HAS BEEN APPROVED BY THE DEPARTMENT.

3. THE TERM "PERFUSION" MEANS THE FUNCTIONS NECESSARY FOR THE SUPPORT, TREATMENT, MEASUREMENT, OR SUPPLEMENTATION OF THE CARDIOVASCULAR, CIRCULATORY OR RESPIRATORY SYSTEM OR OTHER ORGANS, OR A COMBINATION OF THOSE ACTIVITIES, AND THE FUNCTIONS NECESSARY TO ENSURE THE SAFE MANAGEMENT OF PHYSIOLOGIC FUNCTIONS BY MONITORING AND ANALYZING THE PARAMETERS OF THE SYSTEMS UNDER AN ORDER AND UNDER THE SUPERVISION OF A LICENSED PHYSICIAN OR OTHER AUTHORIZED HEALTH CARE PRACTITIONER, INCLUDING:

A. THE USE OF EXTRACORPOREAL CIRCULATION, LONG-TERM CARDIOPULMONARY SUPPORT TECHNIQUES INCLUDING EXTRACORPOREAL CARBON DIOXIDE REMOVAL AND OXYGENATION, EXTRACORPOREAL MEMBRANE OXYGENATION (ECMO), AND ASSOCIATED THERAPEUTIC AND DIAGNOSTIC TECHNOLOGIES;

B. COUNTERPULSATION, VENTRICULAR ASSISTANCE, AUTOTRANSFUSION, BLOOD CONSERVATION TECHNIQUES, MYOCARDIAL AND ORGAN PRESERVATION, EXTRACORPOREAL LIFE SUPPORT, AND ISOLATED LIMB PERFUSION;

C. THE USE OF TECHNIQUES INVOLVING BLOOD MANAGEMENT, ADVANCED LIFE SUPPORT, AND OTHER RELATED FUNCTIONS;

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

E. THE PERFORMANCE AND USE OF ANTICOAGULATION MONITORING AND ANALYSIS, PHYSIOLOGIC MONITORING AND ANALYSIS, BLOOD GAS AND CHEMISTRY MONITORING AND ANALYSIS, HEMATOLOGIC MONITORING AND ANALYSIS, HYPOTHERMIA, HYPERTHERMIA, HEMOCONCENTRATION AND HEMODILUTION, HEMODIALYSIS; AND

F. THE OBSERVATION OF SIGNS AND SYMPTOMS RELATED TO PERFUSION SERVICES, THE DETERMINATION OF WHETHER THE SIGNS AND SYMPTOMS EXHIBIT ABNORMAL CHARACTERISTICS, AND THE IMPLEMENTATION OF APPROPRIATE REPORTING, PERFUSION PROTOCOLS, OR CHANGES IN OR THE INITIATION OF EMERGENCY PROCEDURES.

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

A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

B. EDUCATION: HAS SUCCESSFULLY COMPLETED A COURSE OF STUDY APPROVED BY THE BOARD OF REGENTS OR HAS PASSED AN EQUIVALENCY TEST. THE COMMISSIONER IS EMPOWERED TO DETERMINE WHETHER AN APPLICANT POSSESSES EQUIVALENT EDUCATION AND TRAINING IN LIEU OF ALL OR PART OF AN APPROVED PROGRAM; AND

C. EXAMINATION: HAS OBTAINED A PASSING SCORE ON EXAMINATION ACCEPTABLE TO THE DEPARTMENT OR IS ELIGIBLE FOR A WAIVER PURSUANT TO SUBDIVISION FOUR OF THIS SECTION;

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

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

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

2. THE DEPARTMENT SHALL FURNISH TO EACH PERSON APPLYING FOR LICENSURE PURSUANT TO THIS ARTICLE AN APPLICATION FORM CALLING FOR SUCH INFORMATION AS THE DEPARTMENT DEEMS NECESSARY AND SHALL ISSUE TO EACH APPLICANT WHO SATISFIES THE REQUIREMENTS OF SUBDIVISION ONE OR FOUR OF THIS SECTION A CERTIFICATE OF LICENSURE AS A PERFUSIONIST FOR THE PERIOD EXPIRING DECEMBER THIRTY-FIRST OF THE FIRST ODD-NUMBERED YEAR TERMINATING SUBSEQUENT TO SUCH LICENSURE. LICENSURE SHALL BE RENEWED ON A TRIENNIAL BASIS.

1 3. EVERY LICENSEE SHALL APPLY TO THE DEPARTMENT FOR A RENEWAL CERTIF-
2 ICATE OF LICENSURE. THE DEPARTMENT SHALL MAIL TO EVERY LICENSED PERFU-
3 SIONIST AN APPLICATION FORM FOR SUCH RENEWAL CERTIFICATE OF LICENSURE,
4 ADDRESSED TO THE LICENSEE'S POST OFFICE ADDRESS ON FILE WITH THE DEPART-
5 MENT. UPON RECEIPT OF SUCH APPLICATION PROPERLY EXECUTED, TOGETHER WITH
6 EVIDENCE OF SATISFACTORY COMPLETION OF SUCH CONTINUING EDUCATION
7 REQUIREMENTS AS MAY BE ESTABLISHED BY THE COMMITTEE PURSUANT TO SECTION
8 SIXTY-SIX HUNDRED THIRTY-THREE OF THIS ARTICLE, THE DEPARTMENT SHALL
9 ISSUE A RENEWAL CERTIFICATE OF LICENSURE. LICENSURE SHALL BE RENEWED ON
10 A TRIENNIAL BASIS.

11 4. APPLICANTS FOR LICENSURE MAY WAIVE THE EXAMINATION REQUIREMENT
12 PURSUANT TO SUBDIVISION ONE OF THIS SECTION, BUT NOT THE APPLICATION
13 FEE, IF, WITHIN FIVE YEARS PRIOR TO APPLICATION, SUCH APPLICANT HAS
14 PASSED THE AMERICAN BOARD OF CARDIOVASCULAR PERFUSION (ABCP) EXAMINATION
15 (PART I AND II) AND/OR IS A CLINICAL PERFUSIONIST CERTIFIED BY ABCP, OR
16 IF SUCH APPLICANT HAS BEEN GAINFULLY EMPLOYED AS A PERFUSIONIST IN A
17 CERTIFIED CARDIAC SURGICAL PROGRAM IN THE STATE OF NEW YORK. EFFECTIVE
18 FIVE YEARS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, APPLICANTS WHO HAVE
19 NEVER BEEN CERTIFIED BY ABCP AND WHO HAVE NOT APPLIED FOR LICENSURE
20 PURSUANT TO THIS ARTICLE SHALL NOT BE ELIGIBLE FOR A WAIVER; AND ANY
21 APPLICANT GAINFULLY EMPLOYED AS A PERFUSIONIST AND/OR CERTIFIED BY ABCP
22 MAY PETITION THE COMMISSIONER AND THE STATE COMMITTEE FOR PERFUSION FOR
23 A WAIVER.

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

27 S 6633. STATE COMMITTEE FOR PERFUSION. 1. A STATE COMMITTEE FOR
28 PERFUSION SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMEN-
29 DATION OF THE COMMISSIONER AND SHALL ASSIST ON MATTERS OF LICENSURE AND
30 PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-SIX HUNDRED THIR-
31 TY-FIVE OF THIS TITLE. THE COMMITTEE SHALL ASSIST THE BOARD OF REGENTS
32 FOR MEDICINE SOLELY IN MATTERS RELATING TO PERFUSION, WHICH BOARD OF
33 REGENTS SHALL ALSO FUNCTION AS THE STATE COMMITTEE FOR PERFUSION. THE
34 LICENSURE REQUIREMENTS FOR PROFESSIONAL PERFUSIONISTS SHALL BE WAIVED
35 FOR THE INITIAL COMMITTEE APPOINTEES, PROVIDED THAT SUCH APPOINTEES
36 SHALL HAVE RECEIVED NATIONAL CERTIFICATION IN THEIR SPECIALTY.

37 2. THE COMMITTEE SHALL CONSIST OF SEVEN INDIVIDUALS, TO BE COMPOSED OF
38 THE FOLLOWING:

39 A. FOUR LICENSED PERFUSIONISTS;

40 B. TWO LICENSED PHYSICIANS SPECIALIZING IN THORACIC SURGERY; AND

41 C. ONE EDUCATOR WHO HOLDS A DOCTORATE OR EQUIVALENT DEGREE IN EITHER
42 ANATOMY, PHYSIOLOGY, PATHOLOGY, CHEMISTRY, OR MICROBIOLOGY.

43 S 6634. LIMITED PERMITS. PERMITS LIMITED AS TO ELIGIBILITY, PRACTICE
44 AND DURATION, SHALL BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS,
45 AS FOLLOWS:

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

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

51 3. DURATION. A LIMITED PERMIT SHALL EXPIRE ONE YEAR FROM THE DATE OF
52 ISSUANCE OR UPON NOTICE TO THE PERMITTEE BY THE DEPARTMENT THAT THE
53 APPLICATION FOR REGISTRATION HAS BEEN DENIED. A LIMITED PERMIT SHALL BE
54 EXTENDED UPON APPLICATION FOR ONE ADDITIONAL YEAR, PROVIDED THAT THE
55 PERMITTEE'S REQUEST FOR SUCH EXTENSION IS ENDORSED BY A LICENSED PERFU-
56 SIONIST WHO EITHER HAS SUPERVISED OR WILL SUPERVISE THE PERMITTEE,

1 EXCEPT THAT SUCH EXTENSION MAY BE DENIED BY THE DEPARTMENT FOR CAUSE
2 WHICH SHALL BE STATED IN WRITING. IF THE PERMITTEE IS AWAITING THE
3 RESULTS OF A LICENSING EXAMINATION AT THE TIME SUCH LIMITED PERMIT
4 EXPIRES, SUCH PERMIT SHALL CONTINUE TO BE VALID UNTIL TEN DAYS AFTER
5 NOTIFICATION TO THE PERMITTEE OF THE RESULT OF SUCH EXAMINATION.

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

8 S 6635. CONTINUING PROFESSIONAL EDUCATION. 1. THE DEPARTMENT SHALL:

9 A. APPROVE ONLY CONTINUING PROFESSIONAL EDUCATION PROGRAMS AS ARE
10 AVAILABLE TO ALL PERFUSIONISTS IN THIS STATE ON A REASONABLE NONDISCRI-
11 MINATORY BASIS;

12 B. ESTABLISH STANDARDS FOR CONTINUING PROFESSIONAL EDUCATION PROGRAMS,
13 INCLUDING THE SPECIFIC SUBJECT MATTER AND CONTENTS OF COURSES OF STUDY;
14 AND

15 C. ESTABLISH THE NUMBER OF CREDITS OF CONTINUING PROFESSIONAL EDUCA-
16 TION REQUIRED BY EACH APPLICANT FOR LICENSE RENEWAL. EACH CREDIT SHALL
17 REPRESENT OR BE EQUIVALENT TO FIFTY MINUTES OF ACTUAL COURSE ATTENDANCE.

18 2. IF ANY APPLICANT FOR RENEWAL OF REGISTRATION COMPLETES A NUMBER OF
19 CREDIT HOURS IN EXCESS OF THE NUMBER ESTABLISHED PURSUANT TO PARAGRAPH C
20 OF SUBDIVISION ONE OF THIS SECTION, THE EXCESS CREDITS MAY, AT THE
21 DISCRETION OF THE DEPARTMENT, BE APPLICABLE TO THE CONTINUING EDUCATION
22 REQUIREMENT FOR THE FOLLOWING LICENSURE PERIOD, BUT NOT THEREAFTER.

23 S 6636. RECIPROCITY. RECIPROCITY SHALL BE GRANTED TO ANY CURRENTLY
24 LICENSED PERFUSIONIST FROM ANOTHER STATE, PROVIDING THE REQUIREMENTS FOR
25 LICENSURE IN SUCH OTHER STATE EQUAL OR EXCEED THE REQUIREMENTS FOR
26 LICENSURE PURSUANT TO THIS ARTICLE. REQUESTS FOR RECIPROCITY SHALL BE
27 REVIEWED BY THE COMMISSIONER AND THE STATE COMMITTEE FOR PERFUSION AND A
28 LIMITED PERMIT, PURSUANT TO SECTION SIXTY-SIX HUNDRED THIRTY-FOUR OF
29 THIS ARTICLE, SHALL BE ISSUED UPON APPROVAL OF THE COMMISSIONER AND THE
30 COMMITTEE.

31 S 3. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law; provided, however, that effective immediate-
33 ly, the addition, amendment and/or repeal of any rule or regulation
34 necessary for the implementation of this act on its effective date are
35 authorized and directed to be made and completed on or before such
36 effective date.