S T A T E O F N E W Y O R K

353--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. MAGNARELLI, CHRISTENSEN, CYMBROWITZ, DelMONTE, ESPAILLAT, FIELDS, HOOPER, MARKEY, KOON -- Multi-Sponsored by -- M. of A. ABBATE, BING, COLTON, CONTE, COOK, DESTITO, GABRYSZAK, GALEF, GUNTHER, JOHN, LAVINE, MAISEL, McDONOUGH, MILLMAN, NOLAN, ORTIZ, RAIA, ROBINSON, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. CONTINUING PROFESSIONAL EDUCATION.

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

LBD00518-03-0

6636. ENDORSEMENT AND EXEMPTIONS.

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

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

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 DURING AND WITHIN THE PERFUSION PROCEDURES, 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 OR OTHER AUTHORIZED HEALTH CARE PRACTITIONER;

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 UNDER THE SUPERVISION OF A PHYSICIAN OR AUTHORIZED HEALTH CARE PRACTITIONER, UNLESS THE PATIENT IS IN IMMINENT DANGER AND SUCH CONSULTATION WOULD LEAD TO SERIOUS HEALTH IMPAIRMENT OR DEATH.

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

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

A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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. UNTIL TWO YEARS FROM THE IMPLEMENTATION OF THIS ARTICLE:

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

(II) APPLICANTS MAY BE LICENSED IF THEY HAVE BEEN EMPLOYED WITH NO DISCIPLINARY HISTORY FOR FIVE YEARS IN THE PAST TEN YEARS IN A CARDIAC SURGICAL PROGRAM IN THE STATE ACCEPTABLE TO THE COMMITTEE AND THE 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 SEVEN INDIVIDUALS, TO BE COMPOSED OF THE FOLLOWING:

A. FOUR LICENSED PERFUSIONISTS;

B. TWO LICENSED PHYSICIANS SPECIALIZING IN THORACIC SURGERY; AND

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

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. PERFUSIONISTS CURRENTLY LICENSED IN ANOTHER STATE MAY BE LICENSED BY ENDORSEMENT, PROVIDING THE REQUIREMENTS FOR LICENSURE IN SUCH OTHER STATE EQUAL OR EXCEED THE REQUIREMENTS FOR LICENSURE PURSUANT TO 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.