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

5353

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to licensure of perfusionists; and to amend chapter 479 of the laws of 2012 amending the education law relating to licensure of perfusionists, in relation to extending the provisions of such chapter

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. SPECIAL PROVISIONS.
6633. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFUSIONIST".
6634. STATE COMMITTEE FOR PERFUSION.
6635. LIMITED PERMITS.
6636. ENDORSEMENT AND EXEMPTIONS.
6637. EXEMPT PERSONS.

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.

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

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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 PROVISION OF EXTRACORPOREAL OR INTRACORPOREAL PATIENT CARE SERVICES TO SUPPORT OR REPLACE THE CIRCULATORY OR RESPIRATORY FUNCTION OF A PATIENT, INCLUDING THE ADMINISTRATION OF PHARMACOLOGICAL AND THERAPEUTIC AGENTS, ANESTHETIC AGENTS AND BLOOD PRODUCTS, AND THE MANAGEMENT, TREATMENT AND MONITORING OF THE PHYSIOLOGICAL STATUS OF A PATIENT DURING THE OPERATION OF EXTRACORPOREAL CIRCULATION EQUIPMENT OR INTRACORPOREAL EQUIPMENT THAT REPLACES OR SUPPORT CIRCULATORY OR RESPIRATORY FUNCTIONS.

ALL PERFUSION SERVICES SHALL BE OF A PHYSICIAN. PERFUSION SERVICES MAY BE PERFORMED IN A GENERAL HOSPITAL LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW OR DURING THE TRANSPORT OF PATIENTS OR ORGANS SUPPORTED BY EXTRACORPOREAL OR INTRACORPOREAL EQUIPMENT.

4. THE TERM "COMMITTEE" MEANS THE STATE COMMITTEE FOR PERFUSION CREATED BY SECTION SIXTY-SIX HUNDRED THIRTY-FOUR 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:

(I) HAS SUCCESSFULLY COMPLETED A BACCALAUREATE OR HIGHER DEGREE IN PERFUSION REGISTERED BY THE DEPARTMENT, OR THE SUBSTANTIAL EQUIVALENT AS DETERMINED BY THE DEPARTMENT; OR

(II) HAS COMPLETED A BACCALAUREATE OR HIGHER DEGREE AND A CREDIT BEARING CERTIFICATE PROGRAM IN PERFUSION ACCEPTABLE TO THE DEPARTMENT; OR

(III) UNTIL TWO YEARS FROM THE EFFECTIVE DATE OF THIS ARTICLE, HAS COMPLETED A BACCALAUREATE OR HIGHER DEGREE AND AN ACCREDITED TRAINING PROGRAM IN PERFUSION ACCEPTABLE TO THE DEPARTMENT PURSUANT TO REGULATIONS.

C. EXAMINATION: HAS OBTAINED A PASSING SCORE ON AN 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.

S 6632. SPECIAL PROVISIONS. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS FOR A LICENSE AS A LICENSED PERFUSIONIST EXCEPT FOR EXAMINATION, EXPERIENCE AND EDUCATION AND WHO MEETS THE REQUIREMENTS ENUMERATED UNDER SUBDIVISIONS ONE OR TWO OF THIS SECTION MAY BE LICENSED WITHOUT MEETING ADDITIONAL REQUIREMENTS PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLICATION TO THE DEPARTMENT WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SECTION:

1. APPLICANTS MAY BE LICENSED IF THEY HAVE BEEN PRACTICING AS A PERFUSIONIST FOR FIVE YEARS IN THE PAST TEN YEARS IN AN INPATIENT UNIT THAT PROVIDES CARDIAC SURGERY SERVICES IN A HOSPITAL APPROVED BY THE DEPARTMENT OF HEALTH OR A SUBSTANTIALLY EQUIVALENT ACCREDITING BODY ACCEPTABLE TO THE COMMITTEE AND THE DEPARTMENT AT LEAST THREE OF SUCH YEARS OF EXPERIENCE HAVING OCCURRED DURING THE PAST FIVE YEARS;

2. APPLICANTS WHO POSSESS CERTIFICATION FROM A NATIONAL CERTIFICATION ORGANIZATION ACCEPTABLE TO THE COMMITTEE AND THE DEPARTMENT MAY BE LICENSED IF THEY HAVE BEEN EMPLOYED AS A PERFUSIONIST FOR THREE OF THE PAST FIVE YEARS.

S 6633. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFUSIONIST". ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE PERFUSION. ONLY PERSONS LICENSED AS PERFUSIONISTS MAY USE THE TITLE "LICENSED PERFUSIONIST".

S 6634. 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.

2. THE COMMITTEE SHALL CONSIST OF NO FEWER THAN EIGHT INDIVIDUALS, TO BE COMPOSED OF A MINIMUM OF THE FOLLOWING:

A. FOUR LICENSED PERFUSIONISTS;

B. TWO LICENSED PHYSICIANS AND

C. TWO REPRESENTATIVES OF THE PUBLIC AT LARGE.

S 6635. 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 AND PURSUANT TO THE ORDER AND DIRECTION OF A PHYSICIAN.

3. DURATION. A LIMITED PERMIT SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE. A LIMITED PERMIT MAY 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 6636. ENDORSEMENT AND EXEMPTIONS. ON RECEIPT OF AN APPLICATION AND FEE PURSUANT TO SECTION SIXTY-SIX HUNDRED THIRTY-FIVE 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 EQUIVALENT TO THE REQUIREMENTS OF THIS ARTICLE.

S 6637. EXEMPT PERSONS. THIS ARTICLE SHALL NOT PROHIBIT:

1. THE PRACTICE OF PERFUSION BY ANY STUDENT WHO IS ENGAGED IN CLINICAL TRAINING IN A GENERAL HOSPITAL LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW OR DURING THE TRANSPORT OF PATIENTS OR ORGANS SUPPORTED BY EXTRACORPOREAL OR INTRACORPOREAL EQUIPMENT AND WHO IS ENROLLED IN A PERFUSION PROGRAM APPROVED BY THE DEPARTMENT, PROVIDED SUCH PRACTICE IS LIMITED TO SUCH CLINICAL TRAINING WHICH SHALL BE CARRIED OUT UNDER THE DIRECT SUPERVISION OF A LICENSED PERFUSIONIST AND PURSUANT TO THE ORDER AND DIRECTION OF A PHYSICIAN; OR

2. THE PERFORMANCE OF ANY OF THE TASKS OR RESPONSIBILITIES INCLUDED IN THE DEFINITION OF PERFUSION BY ANY OTHER PERSON LICENSED UNDER THIS TITLE, PROVIDED THAT SUCH TASKS OR RESPONSIBILITIES ARE AUTHORIZED BY THE ARTICLE GOVERNING THE PROFESSION PURSUANT TO WHICH SAID PERSON IS LICENSED; OR

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

S 3. Section 2 of chapter 479 of the laws of 2012 amending the education law relating to licensure of perfusionists, is amended to read as follows:

S 2. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed [July 1, 2014] TWO YEARS AFTER ARTICLE 134 OF THE EDUCATION LAW, AS ADDED BY A CHAPTER

OF THE LAWS OF 2013 ENTITLED "AN ACT TO AMEND THE EDUCATION LAW, IN RELATION TO LICENSURE OF PERFUSIONISTS; AND TO AMEND CHAPTER 479 OF THE LAWS OF 2012 AMENDING THE EDUCATION LAW RELATING TO LICENSURE OF PERFUSIOINISTS, IN RELATION TO EXTENDING THE PROVISIONS OF SUCH CHAPTER", TAKES EFFECT.

S 4. This act shall take effect immediately provided that sections one and two of this act shall take effect three years after it shall have become a law; provided, further, 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 is authorized and directed to be made and completed on or before such effective date.