

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 perfu-
sionists; 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 ASSEM-
BLY, 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. SPECIAL PROVISIONS.

14 6633. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFU-
15 SIONIST".

16 6634. STATE COMMITTEE FOR PERFUSION.

17 6635. LIMITED PERMITS.

18 6636. ENDORSEMENT AND EXEMPTIONS.

19 6637. EXEMPT PERSONS.

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

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

LBD11084-02-3

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 PROVISION OF EXTRACORPOREAL OR
5 INTRACORPOREAL PATIENT CARE SERVICES TO SUPPORT OR REPLACE THE CIRCULA-
6 TORY OR RESPIRATORY FUNCTION OF A PATIENT, INCLUDING THE ADMINISTRATION
7 OF PHARMACOLOGICAL AND THERAPEUTIC AGENTS, ANESTHETIC AGENTS AND BLOOD
8 PRODUCTS, AND THE MANAGEMENT, TREATMENT AND MONITORING OF THE PHYSIOLOG-
9 ICAL STATUS OF A PATIENT DURING THE OPERATION OF EXTRACORPOREAL CIRCUL-
10 ATION EQUIPMENT OR INTRACORPOREAL EQUIPMENT THAT REPLACES OR SUPPORT
11 CIRCULATORY OR RESPIRATORY FUNCTIONS.

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

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

18 S 6631. LICENSURE. 1. TO QUALIFY FOR LICENSURE AS A "LICENSED PERFU-
19 SIONIST", AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

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

21 B. EDUCATION:

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

25 (II) HAS COMPLETED A BACCALAUREATE OR HIGHER DEGREE AND A CREDIT BEAR-
26 ING CERTIFICATE PROGRAM IN PERFUSION ACCEPTABLE TO THE DEPARTMENT; OR

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

31 C. EXAMINATION: HAS OBTAINED A PASSING SCORE ON AN EXAMINATION ACCEPT-
32 ABLE TO THE DEPARTMENT;

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

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

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

39 S 6632. SPECIAL PROVISIONS. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS
40 FOR A LICENSE AS A LICENSED PERFUSIONIST EXCEPT FOR EXAMINATION, EXPERI-
41 ENCE AND EDUCATION AND WHO MEETS THE REQUIREMENTS ENUMERATED UNDER
42 SUBDIVISIONS ONE OR TWO OF THIS SECTION MAY BE LICENSED WITHOUT MEETING
43 ADDITIONAL REQUIREMENTS PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLI-
44 CATION TO THE DEPARTMENT WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS
45 SECTION:

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

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

1 S 6633. PRACTICE OF PERFUSION AND USE OF TITLE "LICENSED PERFUSION-
2 IST". ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRAC-
3 TICE PERFUSION. ONLY PERSONS LICENSED AS PERFUSIONISTS MAY USE THE TITLE
4 "LICENSED PERFUSIONIST".

5 S 6634. STATE COMMITTEE FOR PERFUSION. 1. A STATE COMMITTEE FOR PERFU-
6 SION SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION
7 OF THE COMMISSIONER AS A COMMITTEE OF THE BOARD FOR MEDICINE TO ADVISE
8 SOLELY IN MATTERS RELATING TO PERFUSION AND SHALL ASSIST ON MATTERS OF
9 LICENSURE AND PROFESSIONAL CONDUCT.

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

12 A. FOUR LICENSED PERFUSIONISTS;

13 B. TWO LICENSED PHYSICIANS AND

14 C. TWO REPRESENTATIVES OF THE PUBLIC AT LARGE.

15 S 6635. LIMITED PERMITS. 1. ELIGIBILITY. A PERSON WHO FULFILLS ALL
16 REQUIREMENTS FOR LICENSURE AS A PERFUSIONIST EXCEPT THAT RELATING TO THE
17 EXAMINATION SHALL BE ELIGIBLE FOR A LIMITED PERMIT.

18 2. LIMIT OF PRACTICE. A PERMITTEE SHALL BE AUTHORIZED TO PRACTICE AS A
19 PERFUSIONIST ONLY UNDER THE SUPERVISION OF A LICENSED PERFUSIONIST AND
20 PURSUANT TO THE ORDER AND DIRECTION OF A PHYSICIAN.

21 3. DURATION. A LIMITED PERMIT SHALL EXPIRE ONE YEAR FROM THE DATE OF
22 ISSUANCE. A LIMITED PERMIT MAY BE EXTENDED FOR ONE ADDITIONAL YEAR FOR
23 GOOD CAUSE AS DETERMINED BY THE DEPARTMENT.

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

26 S 6636. ENDORSEMENT AND EXEMPTIONS. ON RECEIPT OF AN APPLICATION AND
27 FEE PURSUANT TO SECTION SIXTY-SIX HUNDRED THIRTY-FIVE OF THIS ARTICLE,
28 THE DEPARTMENT MAY ISSUE A LICENSE TO PRACTICE PERFUSION TO A PERSON
29 CURRENTLY LICENSED IN ANOTHER STATE, TERRITORY OR JURISDICTION THAT HAS
30 REQUIREMENTS FOR LICENSURE OF PERFUSION WHICH THE DEPARTMENT DETERMINES
31 TO BE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS ARTICLE.

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

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

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

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

51 S 3. Section 2 of chapter 479 of the laws of 2012 amending the educa-
52 tion law relating to licensure of perfusionists, is amended to read as
53 follows:

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

1 OF THE LAWS OF 2013 ENTITLED "AN ACT TO AMEND THE EDUCATION LAW, IN
2 RELATION TO LICENSURE OF PERFUSIONISTS; AND TO AMEND CHAPTER 479 OF THE
3 LAWS OF 2012 AMENDING THE EDUCATION LAW RELATING TO LICENSURE OF PERFU-
4 SIOINISTS, IN RELATION TO EXTENDING THE PROVISIONS OF SUCH CHAPTER",
5 TAKES EFFECT.

6 S 4. This act shall take effect immediately provided that sections one
7 and two of this act shall take effect three years after it shall have
8 become a law; provided, further, that effective immediately, the addi-
9 tion, amendment and/or repeal of any rule or regulation necessary for
10 the implementation of this act on its effective date is authorized and
11 directed to be made and completed on or before such effective date.