

ANNOTATED CODE OF MARYLAND
§ 14-5E-01 - § 14-5E-25 (2012)
HEALTH OCCUPATIONS
TITLE 14. PHYSICIANS

SUBTITLE 5E. PERFUSIONISTS (SUBTITLE EFFECTIVE OCTOBER 1, 2012.)

§ 14-5E-01. Definitions

- (a) In general. -- In this subtitle the following words have the meanings indicated.
- (b) Board. -- "Board" means the State Board of Physicians.
- (c) Committee. -- "Committee" means the Perfusion Advisory Committee established under § 14-5E-05 of this subtitle.
- (d) License. -- "License" means a license issued by the Board to practice perfusion.
- (e) Licensed perfusionist. -- "Licensed perfusionist" means a perfusionist who is licensed by the Board under this subtitle to practice perfusion.
- (f) Practice perfusion. --

(1) "Practice perfusion" means to perform the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, or respiratory systems, or other organs to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and the supervision of a licensed physician.

(2) "Practice perfusion" includes:

- (i) Cardiopulmonary bypass for adult, pediatric, and neonatal patients;
- (ii) Extracorporeal circulatory support for renal, neurological, hepatic, and vascular surgery;
- (iii) Extracorporeal resuscitation;
- (iv) Extracorporeal circulation for long-term support of failing respiratory or cardiac function;
- (v) Extracorporeal membrane oxygenation;
- (vi) Extracorporeal carbon dioxide removal;
- (vii) Myocardial protection;
- (viii) Perfusion-assisted direct coronary artery bypass;
- (ix) Hemofiltration and hemodialysis;
- (x) Anticoagulation and hemostasis monitoring, analysis, and intervention;
- (xi) Thermal regulation;
- (xii) Blood gas and blood chemistry monitoring, analysis, and intervention;
- (xiii) Physiological monitoring, analysis, and intervention;
- (xiv) Administration of blood components and pharmaceuticals;
- (xv) Administration of anesthetic agents through a heart lung machine at the direction of an anesthesiologist;
- (xvi) Ventricular assist device and mechanical circulatory support management;
- (xvii) Intra-aortic balloon counterpulsation;
- (xviii) Temporary pacemaker management;
- (xix) Periodic flow augmentation therapy;
- (xx) Autotransfusion;
- (xxi) Platelet gel production, autologous hemocyte tissue matrix production;
- (xxii) Nondifferentiated progenitor cell harvest bone marrow aspirate concentrate;
- (xxiii) Acute normovolemic hemodilution;

- (xxiv) Isolated limb or organ delivery of chemotherapeutics, progenitor cells, gene therapy vectors, and other items;
- (xxv) Organ procurement and preservation;
- (xxvi) Thermogenic lavage;
- (xxvii) Electrophysiological analysis;
- (xxviii) Therapeutic hyperthermia;
- (xxix) Intravascular membrane oxygenation; and
- (xxx) Renal perfusion.

(g) Student. -- "Student" means an individual who, in accordance with § 14-5E-09(c) of this subtitle, is:

- (1) Enrolled in an accredited educational program to qualify for a license under this subtitle; and
- (2) Performing perfusion services within the accredited program under the supervision of a licensed perfusionist and without compensation.

(h) Supervision. -- "Supervision" means the responsibility of a licensed physician to exercise on site or immediately available direction for a licensed perfusionist to ensure the safety and welfare of patients during the course of perfusion.

§ 14-5E-02. No limitation on right to practice health occupation

This subtitle does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

§ 14-5E-03. Regulations

The Board shall adopt regulations for the licensure and practice of perfusion.

§ 14-5E-04. Fees

(a) Board to set fees. --

- (1) The Board shall set reasonable fees for the issuance and renewal of licenses and other services it provides to perfusionists.
- (2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the licensure program and the other services provided to perfusionists.

(b) Payment of fees to Comptroller. --

- (1) The Board shall pay all fees collected under the provisions of this subtitle to the Comptroller.
- (2) The Comptroller shall distribute all fees to the Board.

(c) Use. -- The fees shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this subtitle.

§ 14-5E-05. Perfusion Advisory Committee

There is a Perfusion Advisory Committee within the Board.

§ 14-5E-06. Perfusion Advisory Committee -- Composition; consumer member; term; chair

(a) Composition. -- The Committee consists of seven members, appointed by the Board as follows:

(1) (i) On or before September 30, 2013, three individuals who practice perfusion and who:

1. Are certified by a national certifying board; and
2. Have a minimum of 2 years experience; and

(ii) On or after October 1, 2013, three licensed perfusionists;

(2) Three physicians, at least one of whom performs cardiac or cardio-thoracic surgery; and

3) One consumer member.

(b) Consumer member. -- The consumer member of the Committee:

(1) Shall be a member of the general public;

(2) May not practice or ever have practiced perfusion or any health care profession;

(3) May not be or ever have been in training to practice perfusion or any other health care profession;

(4) May not have a household member who is a health care professional or is in training to be a health care professional; and

(5) May not:

(i) Participate or ever have participated in a commercial or professional field related to perfusion;

(ii) Have a household member who participates in a commercial or professional field related to perfusion;

(iii) Have had within 2 years before appointment a financial interest in a person regulated by the Board; or

(iv) Have had within 2 years before appointment a financial interest in the provision of goods or services to perfusionists or to the field of perfusion.

(c) Term. --

(1) The term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the Committee on October 1, 2012.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) Chair. -- From among its members, the Committee shall elect a chair every 2 years.

§ 14-5E-07. Powers

In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

(1) Develop and recommend to the Board:

- (i) Regulations to carry out the provisions of this subtitle;
- (ii) A code of ethics for the practice of perfusion for adoption by the Board;
- (iii) Recommendations concerning the practice of perfusion, including standards of care for the practice of perfusion; and
- (iv) Continuing education requirements for license renewal; and

(2) Keep a record of its proceedings.

§ 14-5E-08. License required

(a) In general. -- Except as otherwise provided in this subtitle, on or after October 1, 2013, an individual shall be licensed by the Board before the individual may practice perfusion in this State.

(b) Scope. -- This section does not apply to a student enrolled in an education program under § 14-5E-09(c)(2) of this subtitle while practicing perfusion in that program.

§ 14-5E-09. Qualification for license

(a) In general. -- To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) Requirements. -- The applicant shall:

- (1) Be of good moral character; and
- (2) Be at least 18 years old.

(c) Educational and clinical requirements. -- An applicant for a license to practice perfusion shall:

- (1) (i) Submit to the Board satisfactory evidence of certification as a certified perfusionist or other national certification approved by the Board; and
- (ii) Meet any other educational or clinical requirements established by the Committee and approved by the Board; or

- (2) (i) Submit to the Board satisfactory evidence of graduation from a perfusion educational program that is accredited by the Committee on Accreditation of Allied Health Education Programs, or the Committee's predecessor or successor; and

- (ii) Meet any other educational or clinical requirements established by the Committee and approved by the Board.

§ 14-5E-10. Term of license before taking exam

An applicant who otherwise qualifies for a license under § 14-5E-09(c)(2) of this subtitle is entitled to be licensed for a single 2-year term before taking the national certifying examination given by the American Board of Cardiovascular Perfusion or its successor organization or another examination given or approved by the Board.

§ 14-5E-11. Application for license

(a) In general. -- To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that the Board requires; and
- (2) Pay to the Board the application fee set by the Board.

(b) Issuance. -- The Board shall issue a license to an applicant who meets the requirements of this subtitle.

§ 14-5E-12. Authority granted by license

A license authorizes an individual to practice perfusion in this State while the license is effective.

§ 14-5E-13. Expiration and renewal of license

(a) In general. --

- (1) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.
- (2) A license may not be renewed for a term longer than 2 years.

(b) Renewal notice. -- At least 1 month before a license expires, the Board shall send to the licensed perfusionist a renewal notice that states:

- (1) The date on which the current license expires;
- (2) The date by which the renewal application must be received by the Board for the renewal to be issued and sent before the license expires;
- (3) The amount of the renewal fee; and
- (4) For licensees who qualified for an initial license under § 14-5E-09(c)(2) of this subtitle, that the licensee must submit satisfactory evidence of a passing score on the examination as required under subsection (c)(2) of this section.

(c) Periodic renewal. --

(1) Except as otherwise provided in this subtitle, before a license expires, the licensed perfusionist periodically may renew it for an additional term, if the licensee:

- (i) Otherwise is entitled to be licensed;
- (ii) Pays to the Board a renewal fee set by the Board; and

- (iii) Except as provided in paragraph (2) of this subsection, submits to the Board:
1. A renewal application on the form that the Board requires; and
 2. Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal.

(2) A licensee who qualified for an initial license under § 14-5E-09(c)(2) of this subtitle shall submit to the Board satisfactory evidence of a passing score on the national certifying examination given by the American Board of Cardiovascular Perfusion or its successor organization or another examination given or approved by the Board.

(d) Continuing education. -- In addition to any other qualifications and requirements established by the Board, the Board shall establish continuing education or competency requirements as a condition of the renewal of a license under this section.

(e) Mandatory renewal. --

(1) The Board shall renew the license of each licensee who meets the requirements of this section.

(2) The Board may not renew the license of a licensee who fails to submit satisfactory evidence of a passing score on the examination as required under subsection (c)(2) of this section.

(f) Reinstatement. -- The Board shall reinstate the license of an individual who has not been placed on inactive status but has failed to renew the license for any reason if the individual:

(1) Applies for reinstatement within 30 days after the date the license expires;

(2) Meets the renewal requirements of this section; and

(3) Pays to the Board the reinstatement fee set by the Board.

§ 14-5E-14. Notification of change in name or address; display

(a) Notification of change in name or address. --

(1) A licensed perfusionist shall notify the Board in writing of a change in name or address within 60 days after the change.

(2) A licensed perfusionist who fails to comply with the requirements of paragraph (1) of this subsection is subject to an administrative penalty of \$ 100.

(b) Display. -- Each licensed perfusionist shall display the license conspicuously in the office or place of employment of the licensee.

§ 14-5E-15. Surrender of license

Unless the Board agrees to accept the surrender of a license, a licensed perfusionist may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.

§ 14-5E-16. License -- Denial, suspension, revocation; reprimand or probation of licensee

(a) In general. -- Subject to the hearing provisions of § 14-405 of this title, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (3) Is guilty of unprofessional or immoral conduct in the practice of perfusion;
- (4) Is professionally, physically, or mentally incompetent;
- (5) Abandons a patient;
- (6) Is habitually intoxicated;
- (7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;
- (8) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;
- (9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (10) Willfully makes or files a false report or record in the practice of perfusion;
- (11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;
- (12) Breaches patient confidentiality;
- (13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;
- (14) Knowingly makes a misrepresentation while practicing perfusion;
- (15) Knowingly practices perfusion with an unauthorized individual or aids an unauthorized individual in the practice of perfusion;
- (16) Knowingly delegates a perfusion duty to an unlicensed individual;
- (17) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;
- (18) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the U.S. Department of Veterans Affairs for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (19) Fails to meet appropriate standards for the delivery of perfusion services;
- (20) Knowingly submits false statements to collect fees for which services are not provided;
- (21) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and
 - (ii) Has:
 1. Surrendered the license, if any, issued by the state or country; or
 2. Allowed the license, if any, issued by the state or country to expire or lapse;

- (22) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article;
- (23) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;
- (24) Practices or attempts to practice beyond the authorized scope of practice;
- (25) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (26) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;
- (27) Practices or attempts to practice a perfusion procedure or uses or attempts to use perfusion equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment; or
- (28) Fails to cooperate with a lawful investigation of the Board.

(b) Hearing. -- Except as otherwise provided in Title 10, Subtitle 2 of the State Government Article, before the Board takes any action under subsection (a) of this section, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board in accordance with the hearing requirements of § 14-405 of this title.

(c) Suspension. --

(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, the Board shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, the Board shall order the revocation of a license on the certification by the Office of the Attorney General.

§ 14-5E-17. Judicial appeals

(a) In general. --

(1) Any person aggrieved by a final decision of the Board under this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in Title 10, Subtitle 2 of the State Government Article.

(b) Order not stayed pending review. -- An order of the Board may not be stayed pending review.

(c) Appeals by Board. -- The Board may appeal from any decision that reverses or modifies its order.

§ 14-5E-18. Report of performance issues; exception for perfusionist in treatment programs; penalties.

(a) In general. -- Except as provided in subsections (b) and (d) of this section, hospitals, related institutions, alternative health systems as defined in § 1-401 of this article, and employers shall file with the Board a report that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensed perfusionist for any reason that might be grounds for disciplinary action under § 14-5E-16 of this subtitle.

(b) Exception. -- A hospital, related institution, alternative health system, or employer that has reason to know that a licensed perfusionist has committed an act or has a condition that might be grounds for reprimand or probation of the licensed perfusionist or suspension or revocation of the license because the licensed perfusionist is alcohol-impaired or drug-impaired is not required to report the licensed perfusionist to the Board if:

(1) The hospital, related institution, alternative health system, or employer knows that the licensed perfusionist is:

(i) In an alcohol or drug treatment program that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with alcoholism and drug abuse; and

(2) (i) The hospital, related institution, alternative health system, or employer is able to verify that the licensed perfusionist remains in the treatment program until discharge; and

(ii) The action or condition of the licensed perfusionist has not caused injury to any person while the perfusionist is practicing as a licensed perfusionist.

(c) Notice. --

(1) If the licensed perfusionist enters, or is considering entering, an alcohol or drug treatment program that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified by the Department, the licensed perfusionist shall notify the hospital, related institution, alternative health system, or employer of the licensed perfusionist's decision to enter the treatment program.

(2) If the licensed perfusionist fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the licensed perfusionist has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the licensed perfusionist has entered a treatment program and has failed to provide the required notice.

(3) If the licensed perfusionist is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the licensed perfusionist's noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or employer of the licensed perfusionist shall report the licensed perfusionist's noncompliance to the Board.

(d) Confidentiality. -- A person is not required under this section to make any report that would be in violation of any federal or state law, rule, or regulation concerning the confidentiality of alcohol- and drug abuse-related patient records.

(e) Time for filing report. -- The hospital, related institution, alternative health system, or employer shall submit the report within 10 days of any action described in this section.

(f) Subpoena. -- A report made under this section is not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board under this title.

(g) Penalties. --

(1) The Board may impose a civil penalty of up to \$ 1,000 for failure to report under this section.

(2) The Board shall remit any penalty collected under this subsection into the General Fund of the State.

§ 14-5E-19. Reinstatement

On the application of an individual whose license has been revoked, the Board, on the affirmative vote of a majority of its full authorized membership, may reinstate a revoked license.

§ 14-5E-20. Unlicensed practice prohibited

Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice perfusion in this State unless licensed to practice perfusion by the Board.

§ 14-5E-21. Unauthorized practice -- Representation to public

(a) In general. -- Unless authorized to practice perfusion under this subtitle, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice perfusion in this State.

(b) Use of titles. -- Unless authorized to practice perfusion under this subtitle, a person may not use the titles "certified clinical perfusionist", "licensed perfusionist", or "licensed clinical perfusionist", the abbreviations "C.C.P.", "L.P.", or "L.C.P.", or any other words, letters, or symbols with the intent to represent that the person practices perfusion, holds a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion or its successor entity, or holds a license as a licensed perfusionist issued by the Board.

§ 14-5E-22. Attempt or offer to provide unauthorized services prohibited

A person may not provide, attempt to provide, offer to provide, or represent that the person provides perfusion services unless the perfusion is provided by an individual who is authorized to practice perfusion under this subtitle.

§ 14-5E-23. Penalties

(a) Criminal penalties. -- Except as provided in subsection (b) of this section, a person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 1 year or both.

(b) Civil penalties. -- A person who violates § 14-5E-20 of this subtitle is subject to a civil fine of not more than \$ 5,000 to be levied by the Board.

(c) Remittance to Board of Physicians Fund. -- The Board shall pay any penalty collected under this section into the Board of Physicians Fund.

§ 14-5E-24. Short title

This subtitle may be cited as the Maryland Perfusion Act.

§ 14-5E-25. Termination of subtitle

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, 2022.

HISTORY: 2011, ch. 588, § 2.