

**General Rules and Regulations Governing  
The Practice of Clinical Perfusionists**

Comment:

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**Definitions**

As used in these rules, the following terms and acronyms shall have the following meanings ascribed to them:

- (1) ABCP -American Board of Cardiovascular Perfusion or it successor organization.
- (2) ACPE -Accreditation Committee for Perfusion Education or it successor organization.
- (3) Administrative Office - The office assigned to the Board and Committee located at
- (4) Revocation - An administrative action taken when a license holder fails to timely renew his/her license and all other options available have been ignored. A license holder whose license has been administratively revoked has been provided an opportunity for a hearing and as such is officially unlicensed and cannot lawfully continue to practice as a clinical perfusionist in (STATE). Licenses administratively revoked may be reinstated upon meeting the conditions stated in (REGULATION CITATION)
- (5) Board - (STATE NAME) Board of Medical Examiners, OR STATE BOARD OF EXAMINERS OF PERFUSION
- (6) C.A.H.E.A. - The Committee on Allied Health Education and Accreditation of the American Medical Association or its successor accrediting agency.
- (7) Committee - The Committee for Clinical Perfusionists
- (8) Division - The Division of (FILL IN), (STATE NAME) Department of Health, from which the Committee receives administrative support.

**Scope of Practice**

The scope of practice of all clinical perfusionists is governed by (STATE CODE CITATION)

**Effective Date of Licensure**

This rule provides the time period for clinical perfusionists currently practicing in the state of (STATE NAME) to become licensed pursuant to sections (STATE CODE CITATION)

(1) Any clinical perfusionist practicing in the state of (STATE NAME) on the (FILL IN DATE OF LICENSING LAW ENACTMENT) shall obtain a license pursuant to this chapter within (FILL IN NUMBER) months of the effective date of this rule. Any currently practicing clinical perfusionist who does not obtain a license within (FILL IN NUMBER) months of the effective date of this rule shall cease practicing until such time as they obtain a certificate of licensure.

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#### **Professional Ethics**

This rule complies with (STATE STATUE CITATION) which authorizes the Committee through the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION ) to promulgate ethical principles to govern the practice of perfusion in the state of (STATE NAME).

- (1) A clinical perfusionist shall practice perfusion only when duly licensed to do so pursuant to the provisions of the (NAME OF STATE LICENSING ACT).
- (2) A licensed clinical perfusionist shall not procure or attempt to procure a license or renewal of a license to practice perfusion by fraud or deceit.
- (3) A licensed clinical perfusionist shall not practice perfusion after a license has expired or has been suspended, revoked or not renewed.
- (4) A licensed clinical perfusionist shall notify the Board of the suspension, probation, revocation or any final disciplinary action of any past or currently held permits, licenses, or certificates required to practice perfusion in this or any other jurisdiction of the United States, US territories, District of Columbia, or the province of Canada within (FILL IN NUMBER) days of final adjudication.
- (5) A licensed clinical perfusionist shall not practice perfusion under cover of any permit, license, or certificate illegally or fraudulently obtained or issued.
- (6) A licensed clinical perfusionist shall only employ licensed persons in the practice of perfusion in the capacity of a perfusionist.
- (7) A licensed clinical perfusionist shall not obtain or attempt to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation or willfully and continually overcharge or overtreat patients.

(8) A licensed clinical perfusionist shall not willfully and continually perform inappropriate or unnecessary treatment, diagnostic tests or perfusion services.

(9) A licensed clinical perfusionist shall not delegate licensed responsibilities to a person who is not qualified by licensure to perform such responsibilities.

(10) A licensed clinical perfusionist shall not violate or attempt to violate, directly or indirectly, or assist or enable any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter.

(11) A licensed perfusionist shall not be the subject of final disciplinary action by a professional perfusionist association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges license for cause or other final disciplinary action, if the

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action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter.

(12) A licensed clinical perfusionist shall report to the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) any alleged violation of statutes, rules and regulations governing the practice of perfusion in the state of (NAME OF STATE).

(13) A licensed clinical perfusionist shall at all times hold the well-being of the patient be paramount and shall not act in such a way as to bring the member's interests into conflict with the patient's interests. A licensed clinical perfusionist shall deliver health care services without regard to race, color, creed, national origin, sex, age, religion, sexual preference or physical and/or mental condition.

(14) A licensed clinical perfusionist shall conform to the professional Code of Ethics of the American Society of Extra-Corporeal Technology.

### **Licensure Processes**

The licensing process for all clinical perfusionists are governed by (FILL IN STATE STATUE CITATION). This rule does not apply to perfusion students in training at a perfusion program accredited by C.A.H.E.A. and operating in the state.

### **Applicants for Licensure by Grandfathering**

This rule provides requirements to applicants desiring a license in (NAME OF STATE) to practice as clinical perfusionists by the grandfather clause. This section shall sunset on (FILL IN EXPIRATION DATE).

The Board may issue a license without an examination to a person actively engaged in the practice of perfusion upon receipt of a properly completed application form and fee, provided that the person meets the following requirements. Satisfactory proof of meeting the requirements shall include:

- (1) Written job description(s) from employing facilities that cover the entire (FILL IN TIME) year period.
- (2) Letters from each of the following officials at the licensed health care facilities at which the applicant was employed attesting to the fact that the experience obtained was obtained as the person's primary functions in that health care facility.
  - (a) A cardiac surgeon(s)
  - (b) The applicant's immediate supervisor(s)

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- (c) A hospital administrator(s)
- (3) Primary function shall be defined as the person performing as the primary perfusionist in those actions as defined in (FILL IN STATE STATUE CITATION). The Committee (OR BOARD OF EXAMINERS OF PERFUSION) shall have the responsibility to determine whether these requirements have been fully satisfied.
- (4) All documents required to satisfy subsections (a)-(c) must be submitted directly from the employing facility or signatory to the Committee's administrative office.

**Applicants for Licensure by Examination**

An applicant for licensure by examination shall do the following:

- (a) Request an application packet from the Administrative Office.
- (b) Respond truthfully and completely to every question or request for information contained in the application form and submit it, along with all documentation and fees required by the form and rules, to the Administrative Office. It is the intent of this rule that activities necessary to

accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.

(c) Submit a clear, recognizable, recently taken bust photograph which shows the full head, face forward from at least the top of the shoulder up.

(d) Request that a graduate transcript from a perfusion education program, the educational standards of which have been established by the ACPE and approved by CAHEA or its successor, be submitted directly from the educational institution to the Administrative Office. The transcript must show that the program has been successfully completed and carry the official seal of the institution.

(e) Submit evidence of good moral character. Such evidence shall be two recent (within the preceding 12 months) original letters from medical professionals, attesting to the applicant's personal character and professional ethics on the signator's letterhead.

(f) Disclose the circumstances surrounding any of the following:

1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations.
2. The denial of professional licensure or state certification application by any other state or the discipline of licensure or certification in any state.
3. Loss or restriction of licensure or certification in any state.
4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory common or case law.

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5. Failure of any licensure or certification examination in any state.

(g) Cause to be submitted verification of licensure or state certification from each licensing board of each state or country in which the applicant holds or has ever held a license or certificate to practice any profession that indicates the applicant holds or held an active license or certificate and whether it is in good standing presently or was at the time it became inactive. It is the applicant's responsibility to request this information be sent directly from each such licensing board to the Administrative Office.

(h) Submit the fees required in (SECTION OF THE REGULATION).

(i) Cause to be submitted, directly from the examining agency to the Administrative Office, documentation of successful completion of the examination for licensure as governed by (SECTION OF THE REGULATION).

**Applicants for Licensure by Reciprocity**

PURPOSE: This rule provides information to those applicants applying for licensure as clinical perfusionists by reciprocity.

(1) Upon submission of a properly completed application and fee, the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) may issue a license without examination if the applicant is appropriately licensed or certified by another state, territory or possession of the United States, if the requirements of such state, territory or possession for the license or certificate are substantially equivalent to the requirements of sections (STATE STATUE CITATION)

(2) The applicant shall require each state in which she/he is or has ever been licensed, certified or registered as a clinical perfusionist to provide the Board (OR STATE BOARD OF EXAMINERS

OF PERFUSION) with a statement attesting to the applicant's licensure status on a form provided by the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION).

(3) In all instances where the board (OR STATE BOARD OF EXAMINERS OF PERFUSION), by rule or in the application form, has provided that it will accept copies in lieu of an original document the applicant shall provide copies notarized by a notary public to verify that those copies are true and correct copies of the original document The board (OR STATE BOARD OF EXAMINERS OF PERFUSION) will not accept foreign notaries. The board shall accept the notarization of the United States consul.

**Examination**

(1) With the exception of applicants qualified to practice perfusion pursuant to (FILL IN SECTION OF THE REGULATION PERTAINING TO PROVISIONAL LICENSE), all persons intending to apply for licensure must successfully complete the examination pursuant to this Rule as a prerequisite to licensure. Such examinations must be completed prior to application for

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licensure. Evidence of successful completion must be submitted by the examining agency directly to the Administrative Office as part of the application process contained in (SECTION OF THE REGULATION).

(2) Competency Examination

- (a) The Board adopts the ABCP examination and/or its successor examination as its licensure competency examination.
- (b) The Board adopts the ABCP's determination as to the passing score on its examination.
- (c) Application for the ABCP Examination, any fees, and all supporting documentation required by the ABCP must be directly submitted to the ABCP.

**License Application Process**

**Application Review, Approval, and Denial**

(1) Review of all applications to determine whether or not the application file is complete may be delegated to the Committee's administrator.

(2) A temporary authorization to practice, as described in (STATE STATUE CITATION IF APPLICABLE) may be issued to an applicant pursuant to an initial determination made by a Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) designee(s) who have both reviewed the completed application and determined that the applicant has met all the requirements for licensure, renewal or reinstatement. The temporary authorization to practice is valid for a period of (FILL IN) months from the date of issuance of the temporary authorization to practice and may not be extended or renewed. If the Committee or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) subsequently makes a good faith determination that the applicant has not met all the requirements for licensure, renewal or reinstatement and therefore denies, limits, conditions or restricts licensure, renewal or reinstatement, the applicant may not invoke the doctrine of estoppel in a legal action brought against the state based upon the issuance of the temporary authorization to practice and the subsequent denial, limitation conditioning or restricting of licensure.

(3) If an application is incomplete when received by the Administrative Office, or the reviewing Committee and/or Board member(s) Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) designee(s) or the Committee's/Board's designee(s) determine additional information is required from an applicant before an initial determination can be made, the Board administrator shall notify the applicant of the information required. The applicant shall cause the requested information to be received in the Administrative Office on or before the (FILL IN) day after receipt of the notification.



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- (a) Such notifications shall be sent certified mail, return receipt requested, from the Administrative Office.
- (b) If requested information is not timely received, the application file may be considered abandoned and may be closed by the administrator. If that occurs, the applicant shall be notified that the Committee and Board will not consider issuance of a license until a new application is received pursuant to the rules governing that process, including another payment of all fees applicable to the applicant's circumstances and submission of such new supporting documents as is required by the Committee Board.
- (4) If a reviewing Committee and/or Board member or Committee and/or Board designee initially determines that a completed application should be denied, limited, conditioned or restricted, a temporary authorization shall not be issued. The applicant shall be informed of the initial decision and that a final determination on the application will be made by the Committee and the Board at their next appropriate meeting. If the Committee and Board ratify the initial denial, limitation, condition or restriction, the action shall become final and the following shall occur:
  - (a) A notification of the denial, limitation, condition or restriction shall be sent by the Administrative Office by certified mail, return receipt requested, that contains the specific reasons for denial, limitation, condition or restriction, such as incomplete information, unofficial records, examination failure, or matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial, limitation, condition or restriction.
  - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the (STATE ADMINISTRATIVE PROCEDURES ACT CITATION) to contest the denial, limitation, condition or restriction and the procedure necessary to accomplish that action.
    - (i) An applicant has a right to a contested case hearing only if the licensure denial, limitation, condition or restriction is based on subjective or discretionary criteria.
    - (ii) An applicant may be granted a contested case hearing if the licensure denial, limitation, condition or restriction is based on an objective, clearly defined criteria only if after review and attempted resolution by the Committee's (OR STATE BOARD OF EXAMINERS OF PERFUSION) Administrative Staff, the application can not be approved and the reasons for continued denial, limitation, condition or restriction present

genuine issues of fact and/or law which are appropriate for appeal. Requests for a hearing must be made in writing to the Administrative Office within (FILL IN NUMBER) days of the receipt of the notice of denial, limitation, condition or restriction from the Committee and/or Board.

(5) The initial determination procedures of this rule will not apply if the Committee reviews and makes final determination on any application during its meetings.

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(6) If the Committee finds it has erred in the issuance of a license, it will give written notice by certified mail of its intent to revoke or cancel the license. The notice will allow the applicant the opportunity to meet the requirements for licensure within thirty (FILL IN NUMBER) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke or cancel the license, the applicant shall have the right to proceed according to paragraph (4) of this rule.

#### **License Renewal**

All licensed clinical perfusionists must renew their licenses to be able to legally continue in practice. License renewal is governed by the following:

(1) The due date for license renewal is the last day of the month in which a license holder's birthday falls pursuant to the Division of Health Related Boards "birth date renewal system" as contained on the expiration date on the renewal certificate.

(2) A renewal application form will be mailed to each individual licensed by the Committee to the last address provided to the Board. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal.

(3) A license issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:

(a) A completed and signed renewal application form.

(b) The renewal and state regulatory fees as provided in (SECTION OF THE REGULATION).

(c) Satisfactory evidence of compliance with the continuing education requirements of (SECTION OF THE REGULATION).

(4) Any renewal application received after the license expiration date must be accompanied by the Late Renewal Fee provided in (SECTION OF THE REGULATION).

(5) Any individual who fails to comply with the license renewal rules and/or notifications sent to them concerning failure to timely renew shall have their license processed for administrative revocation.

(6) Any license holder who receives notice of administrative revocation may, within thirty (30) days of receipt of the notice pursuant to (SECTION OF THE REGULATION), execute and file in the Administrative Office an affidavit retirement which will effectively retire the license as of the 30th day after the renewal due date.

(7) Reinstatement of Administratively Revoked License:

Reinstatement of a license administratively revoked pursuant to this rule may be accomplished upon meeting the following conditions:

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(a) For persons whose licenses have been administratively revoked for not more than two (2) years:

- (i) Submission of reinstatement application; and
- (ii) Payment of late renewal fee; and
- (iii) Submission of proof of the having completed all required continuing education.

(b) Persons whose licenses have been administratively revoked for two (2) years or more may not renew licensure but must apply for a new license pursuant to (SECTION OF THE REGULATION).

(c) For persons whose licenses have been administratively revoked and who have moved to, been licensed in, and have practiced in another state for the (2) years immediately preceding application for licensure renewal:

- (i) Submission of a completed reinstatement application; and
- (ii) Payment of late renewal fee; and
- (iii) Submission of proof that the licenses held in all other states are not subject to penalty or restriction.
- (iv) Submission of proof of the having completed all required continuing education.

(d) If derogatory information or communication is received during the renewal process, if requested by the Committee and/or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) or their duly authorized representative(s), appear before the Committee and/or Board, (OR STATE BOARD OF EXAMINERS OF PERFUSION) a duly constituted panel of the Board, a Committee and/or Board member, a screening panel of the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) when the individual is under investigation or the Committee and/or Board Designee for an interview and/or be prepared

to meet or accept other conditions or restrictions as the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) may deem necessary to protect the public.

(8) Renewal issuance decisions pursuant to this rule may be made administratively, or upon review by the Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) or their designees.

(9) As an alternative to the paper and mail renewal, licensees may utilize any electronic means made available by the Division for the purpose of renewal of licensure.

### **Replacement License**

A license holder whose "artistically designed" license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Administrative Office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the fee required pursuant to (SECTION OF THE REGULATION).

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### **Retirement and Reactivation of License**

(1) Licensees who wish to retain their licenses but not actively practice as a clinical perfusionist may avoid administrative revocation of licensure and/or compliance with the licensure renewal process by obtaining, completing and submitting, to the Administrative Office, an affidavit of retirement form along with any documentation required by the form.

(2) Upon successful application for retirement of licensure with completion and receipt of all proper documentation to the Committee's and Board's (OR STATE BOARD OF EXAMINERS OF PERFUSION) satisfaction, the license shall be registered as retired. Any person who has a retired license may not practice as a clinical perfusionist in (NAME OF STATE).

(3) Reactivation - Any licensee whose license has been retired may reenter active practice by doing the following:

- (a) Submit a written request for a Reactivation Application to the Board Administrative Office;  
and
- (b) Complete and submit the Reactivation Application along with the licensure renewal fee as provided in (SECTION OF THE REGULATION) to the Administrative Office. If reactivation

was requested prior to the expiration of one (1) year of the date of retirement, the Board may require payment of the licensure restoration fee and past due renewal fees as provided in (SECTION OF THE REGULATION), and

- (c) Submit any documentation which may be required by the form to the Board Administrative Office; and
  - (d) If requested, after review by the Committee and/or Board or a designated Committee and/or Board member, appear before either the Committee and/or Board, or a duly constituted panel of the Board, or another Committee or Board member, or the Committee and/or Board Designee for an interview regarding continued competence;
  - (e) In the event of licensure retirement or inactivity in excess of two (2) years or the receipt of derogatory information or communication during the reactivation process the applicant should be prepared to meet or accept other conditions or restrictions as the Committee and/or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) may deem necessary to protect the public;
  - (f) If licensure retirement was in excess of five (5) years, the licensee may be required to successfully complete whatever educational and/or testing requirements the Committee and/or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) feels necessary to establish current levels of competency.
- (4) License reactivation applications shall be treated as licensure applications and review decisions shall be governed by (SECTION OF THE REGULATION).

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#### **Provisional License**

This rule provides information to the applicant regarding the requirements for provisional licenses.

- (1) Upon submission of a properly completed application and fee, a provisional license may be issued to a graduate of a perfusion education program approved by the Accreditation Committee for Perfusion Education and approved by the Committee on Allied Health Education and Accreditation of the American Medical Association or their successors, who otherwise meets the qualifications of the board and who does not qualify for full licensure.

(2) Applicants are required to submit official certified transcripts of their perfusion education. Transcripts shall be sent to the board (OR STATE BOARD OF EXAMINERS OF PERFUSION) directly from the education program.

(3) The provisional licensee must submit an Agreement to Supervise form signed by the applicant's primary supervising clinical perfusionist prior to performing perfusion as defined in (STATE STATUE CITATION IF APPLICABLE) when a provisional license is first issued or subsequently reissued or renewed.

**Provisional License Period, Renewal And Relssuance**

(1) Upon submission of a properly completed application and fee, a provisional license is valid for (FILL IN ONE YEAR OR LENGTH OF TIME FOR VALID FULL LICENSE) from the date of issuance and may be reissued as often as is necessary during this period. A provisional license is eligible for renewal only once. A provisional license may be held by a licensee for no longer than (FILL IN TWO YEARS OR OTHER MAXIMUM LENGTH OF TIME BASED ON LENGTH OF TIME FOR VALID FULL LICENSE) from the date of issuance of the initial provisional license, but a provisional license may be reissued as often as is necessary during this period, or renewal or reissuance may be denied.

(2) If the provisional licensee passes the examination, the provisional license shall remain valid until a permanent license is issued or denied.

(3) In the event the provisional licensee fails any portion of the examination, the provisional licensee shall surrender the provisional license and provide to the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) a copy of the examination results. In such cases, the Board with or without individual licensee review, may reissue the license of a provisional licensee at any time during the (FILL IN TWO YEARS OR OTHER MAXIMUM LENGTH OF TIME BASED ON LENGTH OF TIME FOR VALID FULL LICENSE) period granted for holding a provisional license. In so doing, the Board may establish specified conditions pertaining to an individual provisional licensee taking actions to address examination area weaknesses.

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**Provisional License Extension Of Time**

(5) A provisional licensee who cannot complete the requirements for taking the examination because of personal illness, military service or other circumstances beyond the provisional licensee's control which the Board deems to be sufficient to impose insurmountable hardship may apply for an extension of the two year period granted for holding a provisional license. Any extension will be granted solely in the discretion of the Board. The Board shall determine if the situation described in the licensee's application for extension constitutes unforeseeable circumstances beyond the licensee's control which impose an unsurmountable hardship precluding the provisional licensee from meeting the requirements of this section or for taking the examination. The provisional licensee must make a written application for an extension prior to the date of expiration of the (FILL IN TWO YEARS OR OTHER MAXIMUM LENGTH OF TIME BASED ON LENGTH OF TIME FOR VALID FULL LICENSE) granted for holding a provisional license. The provisional licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought.

(6) A provisional licensee who requests and receives an extension shall not engage in the active practice of perfusion until the Board grants written authorization to engage in the practice of perfusion. The Board may establish specified conditions pertaining to a provisional licensee granted an extension for engaging in the practice of perfusion.

#### **Provisional Licensee Director, Delegation, Supervision**

All persons practicing clinical perfusion pursuant to a license issued by the Committee and Board (OR BOARD OF EXAMINERS OF PERFUSION) must be supervised according to the following:

(1) Licensed Clinical Perfusionists - Must be performing services under the order and supervision of a physician pursuant to (STATE CODE CITATION). Supervision may be provided through "perfusion protocols" as defined in (STATE STATUE CITATION - DEFINITION OF PERFUSION). Such protocols must be in writing, signed by the health care facility's authorized representative and a physician, regularly updated, maintained at the health care facility, and produced upon request by the duly authorized agents of the Committee andr Board (OR STATE BOARD OF EXAMINERS OF PERFUSION).

(2) A licensed clinical perfusionist shall direct and supervise a provisional licensed clinical perfusionist at all times. The primary supervising licensed clinical perfusionist shall determine which tasks require the expertise and decision making capacity of the licensed clinical perfusionist,

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and must be personally rendered by the licensed clinical perfusionist, and which tasks may be delegated to the provisional licensed perfusionist.

(3) A provisional licensee may have more than one (1) supervising licensed clinical perfusionist. If a provisional licensee has more than one (1) supervising licensed clinical perfusionist, then one (1) supervising licensed clinical perfusionist shall be designated as the primary supervising licensed clinical perfusionist and the others as secondary supervising licensed clinical perfusionists.

(4) The supervising licensed clinical perfusionist shall be accessible on-site or by telecommunications to the provisional licensed clinical perfusionist at all times while the provisional licensed clinical perfusionist is performing perfusion.

(5) The primary supervising licensed clinical perfusionist must submit written notification of termination of supervision to the board (OR STATE BOARD OF EXAMINERS OF PERFUSION) within ten (10) days of when supervision has ceased. The provisional licensed perfusionist shall cease practicing upon termination of supervision and also notify the board (OR STATE BOARD OF EXAMINERS OF PERFUSION) of the termination of supervision within ten (10) days of when supervision has ceased.

(6) If a provisional licensee changes supervisors, the provisional licensee must notify the board (OR STATE BOARD OF EXAMINERS OF PERFUSION) and submit a new verification of supervision form from the new primary supervising licensed clinical perfusionist.

(7) A primary supervising licensed clinical perfusionist shall not supervise more than two (2) provisional licensed perfusionists at any time.

**License Fees**

(1) Under the provisions of (PERFUSION LICENSING ACT CITATION) the board is directed to set by rule the amount of fees. The following fees are established by the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION)

- (A) Reciprocity License
- (B) Licensure by Examination
- (C) Licensure by Grandfather
- (D) Provisional License
- (E) Provisional License Renewal



- (F) Renewal Fee
- (G) Delinquency Fee
- (H) Continuing Education Extension Fee
- (2) All fees are nonrefundable.

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(3) The provisions of this rules are declared severable. If any fee fixes by this rule is held invalid by a court of competent jurisdiction or by (ANOTHER ADMINISTRATIVE HEARING COMMISSION), the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by (ANOTHER ADMINISTRATIVE HEARING COMMISSION).

**Continuing Professional Education**

All persons licensed as a clinical perfusionist must comply with the following continuing education rules as a prerequisite to licensure renewal.

- (1) Continuing Education - Hours Required
  - (a) All licensed clinical perfusionists must biennially complete (FILL IN NUMBER) hours of continuing education in courses approved by the Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION).
  - (b) The Committee and Board approve a course for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a calendar year toward the required hourly total regardless of the number of times the course is attended or completed by any individual.
  - (c) The Committee and/or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) may waive or otherwise modify the requirements of this rule in cases where there is retirement, or an illness, disability or other undue hardship that prevents a licensee from obtaining the requisite number of continuing education hours. Requests for waivers or modification must be sent in writing to the Administrative Office prior to the expiration of the renewal period in which the continuing education is due.
- (2) Continuing Education - Proof of Compliance

- (a) The due date for completion of the required continuing education is the expiration date of clinical perfusionists' license renewal.
- (b) All clinical perfusionists must, on the license renewal form, enter a signature, electronic or otherwise, which indicates completion of the required continuing education hours and that such hours were obtained during the renewal period.
- (c) All clinical perfusionists must retain independent documentation of completion of all continuing education hours. This documentation must be retained for a period of (FILL IN) years from the end of the renewal period in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Division during

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its verification process. Documentation verifying the licensed individual's completion of the continuing education program(s) may consist of any one or more of the following:

- (i) Certificates from the continuing education program's sponsor, indicating the date, length in minutes awarded (continuing education units must be converted to clock hours), program title, licensed individual's name, license number and social security number; or
  - (ii) An original letter on official stationery from the continuing education program's sponsor indicating date, length in minutes awarded (continuing education units must be converted to clock hours), program title, licensed individual's name, license number and social security number.
- (d) If a person submits documentation for continuing education that is not clearly identifiable as appropriate continuing education, the Committee and/or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) will request a written description of the education and how it applies to the practice as a clinical perfusionist.

(3) Acceptable continuing education

To be utilized for satisfaction of the continuing education requirements of this rule, the continuing education program must be approved in content, structure and format by either the ABCP, the A.M.A., or the (FILL IN STATE MEDICAL SOCIETY) or any other AMA recognized medical specialty certification organization. If the continuing education is not approved or

sponsored by the above referenced certification organizations, or their successors, the content and structure must be as strict as the standards utilized by the ABCP in approving continuing education.

(4) Violations

(a) Any clinical perfusionist who falsely attests to completion of the required hours of continuing education may be subject to disciplinary action pursuant to (SECTION OF THE REGULATION).

(b) Any clinical perfusionist who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to (SECTION OF THE REGULATION) and may not be allowed to renew licensure.

(c) Education hours obtained as a result of compliance with the terms of Committee and/or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) Orders in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.

**Disciplinary Grounds, Actions, and Civil Penalties**

(1) The Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) shall have the power to deny, limit, restrict or condition an application for a license to any applicant

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who applies for the same. The Committee and Board shall have the authority to suspend or revoke, place on probation, reprimand or otherwise discipline any person holding a license to practice as a clinical perfusionist. The grounds upon which the Committee and Board shall exercise such powers includes, but is not limited to, the following:

(a) Unprofessional conduct as set forth in (PERFUSION LICENSING ACT STATE STATUTE CITATION);

(b) Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the person's ability to practice as a clinical perfusionist;

(c) The advertising of a clinical perfusionists' business in which untrue or misleading statements are made, or causing the publication or circulation of fraudulent advertising relative to any disease, human ailment, or conditions;

- (d) Making or signing in one's professional capacity any certificate that is known to be false at the time one makes or signs such certificate;
  - (e) Giving or receiving, or aiding or abetting the giving or receiving of rebates, either directly or indirectly for referrals of business or patients;
  - (f) Engaging in the practice of clinical perfusion when mentally or physically unable to safely do so;
  - (g) Violation of the continuing education provisions in (SECTION OF THE REGULATION);
  - (h) Violation of the scope of practice statutes to (PERFUSION LICENSING ACT STATE STATUTE CITATION);
  - (i) Disciplinary action against a person licensed, certified, registered, or permitted to practice as a clinical perfusionist by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state.
- (2) Upon a finding by the Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) that a licensee has violated any provision of the (PERFUSION LICENSING ACT STATE STATUTE CITATION) or the rules promulgated pursuant thereto, the Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) may take any of the following actions separately or in any combination which is deemed appropriate to the offense;
- (a) Warning Letter - This is a written action issued for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.

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- (b) Reprimand - This is a written action issued for one time and less severe violations. It is a formal disciplinary action.
- (c) Probation - This is a formal disciplinary action which places a clinical perfusionist on close scrutiny for a fixed period of time. This action may be combined with conditions that must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.

- (d) License Suspension - This is a formal disciplinary action that suspends the right to practice for a fixed period of time. It contemplates the re-entry into practice under the license previously issued.
- (e) License Revocation
1. Administrative Revocation - An administrative action taken pursuant to (SECTION OF THE REGULATION) when a license holder fails to timely renew licensure and all other available options have been ignored. Licenses administratively revoked may be reinstated upon meeting the conditions stated in (SECTION OF THE REGULATION).
  2. Revocation For Cause -This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the licensure previously issued. The Committee and/or Board, in their discretion, may allow reinstatement of a revoked license upon conditions and after a period of time which they deem appropriate. No petition for reinstatement and no new application for licensure from a person whose license was revoked for cause shall be considered prior to the expiration of at least (FILL IN NUMBER) months from the effective date of the revocation order.
- (f) Conditions - Any action deemed appropriate by the Committee and/or Board to be required of a disciplined license holder during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked license.
- (g) Civil Penalty - A monetary disciplinary action assessed by the Committee and/or Board pursuant to the procedures and schedules contained in paragraph (3).
- (3) Civil Penalties
- (a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to (PERFUSION LICENSING ACT STATE STATUTE CITATION).
  - (b) Schedule of Civil Penalties
    1. A "Type A" Civil Penalty may be imposed whenever the Committee finds a person who is required to be licensed, certified, permitted, or authorized by the Committee, guilty of a willful and knowing violation of the Clinical Perfusionists Licensure Act, or regulations promulgated

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pursuant thereto, to such an extent that there is, or is likely to be, an imminent, substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, willfully and knowingly practicing as a clinical perfusionist without a permit, license, certificate, or other authorization from the Committee is one of the violations of the Clinical Perfusionists Act for which a "Type A" Civil Penalty is assessable.

2. A "Type B" Civil Penalty may be imposed whenever the Committee finds the person required to be licensed, certified, permitted, or authorized by the Committee is guilty of a violation of the Clinical Perfusionists Licensure Act or regulations promulgated pursuant thereto in such manner as to impact directly on the care of patients or the public.

3. A "Type C" Civil Penalty may be imposed whenever the Committee finds the person required to be licensed, certified, permitted, or authorized by the Committee is guilty of a violation of the Clinical Perfusionists Licensure Act or regulations promulgated pursuant thereto, which are neither directly detrimental to the patients or public, nor directly impact their care, but have only an indirect relationship to patient care or the public.

(c) Amount of Civil Penalties.

1. "Type A" Civil Penalties shall be assessed in the amount of not less than (FILL IN AMOUNT) nor more than (FILL IN AMOUNT).

2. "Type B" Civil Penalties may be assessed in the amount of not less than (FILL IN AMOUNT) and not more than (FILL IN AMOUNT).

3. "Type C" Civil Penalties may be assessed in the amount of not less than (FILL IN AMOUNT) and not more than (FILL IN AMOUNT).

(d) Procedures for Assessing Civil Penalties.

(1) The Division of (FILL IN), (STATE NAME) Department of Health, may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.

(2) Civil Penalties may also be initiated and assessed by the Committee during consideration of any Notice of Charges. In addition, the Committee may, upon good cause shown, assess a type and amount of civil penalty which was not recommended by the Division.

(3) In assessing the civil penalties pursuant to these rules the Committee may consider the following factors:

- (i) Whether the amount imposed will be substantial economic deterrent to the violator;

- (ii) The circumstances leading to the violation;

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- (iii) The severity of the violation and the risk of harm to the public;
- (iv) The economic benefits gained by the violator as a result of non-compliance; and
- (v) The interest of the public.

(4) All proceedings for the assessment of civil penalties shall be governed by the contested case provisions (STATE STATUTE CITATION)

**Complaints and Investigations**

(1) The Committee finds that the Division of (FILL IN), (STATE NAME) Complaint and Investigations procedures fully comply with the requirements of (STATE STATUTE CITATION) and adopts those procedures as its own. Copies of those procedures may be obtained by a written request addressed to the Administrative Office.

(2) The only circumstance in which the Committee would consider employing private investigators would be if a conflict of interest existed between the person being investigated and the Division's investigative staff, and then only if all other resources of that nature within state government were exhausted without effect. If that should ever occur, the process for employing a private investigator would be the competitive bid process used by the State of (NAME OF STATE) in employing all outside vendors.

**Committee Officers, Consultants, Records, and Declaratory Orders**

(1) The Committee shall annually elect from its members the following officers:

(a) Chair - who shall preside at all meetings of the Committee; and Vice Chair - who along with the Committee Administrator shall be responsible for correspondence from the Committee.

(2) The Committee has the authority to select a Committee consultant who shall serve as a consultant to the Division of (FILL IN), (STATE NAME) Department of Health and who is vested with the authority to do the following acts:

(a) Review complaints and recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Division.

(b) Recommend whether and upon what terms a complaint, case or disciplinary action might be settled. Any matter proposed for settlement must be subsequently reviewed, evaluated and

ratified by the Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) before it becomes effective.

(c) Undertake any other matter authorized by a majority vote of the Committee and/or Board (OR STATE BOARD OF EXAMINERS OF PERFUSION).

(3) Records and Complaints

(a) Minutes of the Committee meetings and all records, documents, applications and correspondence will be maintained in the Administrative Offices.

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(b) All requests, applications, notices, other communications and correspondence shall be directed to the Administrative Office. Any requests or inquiries requiring a Committee decision or official Committee action except documents relating to disciplinary actions, or hearing requests must be received (FILL IN NUMBER) days prior to a scheduled meeting and will be retained in the Administrative Office and presented to the Committee at the Committee meeting. Such documents not timely received shall be set over to the next Committee meeting.

(c) All records of the Committee, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division of (FILL IN), (STATE NAME) Department of Health at the Administrative Office during normal business hours.

(d) Copies of public records shall be provided to any person upon payment of a fee.

(e) All complaints should be directed to the Division's Investigations Section.

(4) The Committee members or the Consultant are individually vested with the authority to do the following acts:

(a) Review and make determination on licensure, renewal and reactivation of licensure applications subject to the rules governing those respective applications and subject to the subsequent ratification by the Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION).

(b) Serve as Consultant to the Division to decide the following:

1. Whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division of (FILL IN), (STATE NAME) Department of Health.



2. Whether and under what terms a complaint, case or disciplinary action might be settled.

Any proposed settlement must be subsequently ratified by the Committee and Board (OR STATE BOARD OF EXAMINERS OF PERFUSION).

(5) The Committee shall designate one (1) of its members or the Consultant to make determinations pursuant to (SECTION OF THE REGULATION).

(6) Requests for Verification of Licensure for Clinical Perfusionists desiring to practice in another state must be made in writing to the Administrative Office.

(7) Declaratory Orders - The Committee adopts, as if fully set out herein, rule (CITATION NUMBER), of the Division of (FILL IN), (STATE NAME) Department of Health and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory

order petitions involving statutes, rules or orders within the jurisdiction of the Committee shall be addressed by the Committee pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Committee's administrative office.

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#### **Change of Name and/or Address**

(1) The licensee shall notify the board (OR STATE BOARD OF EXAMINERS OF PERFUSION) of changes in name or business address within (FILL IN NUMBER) days of such change(s).

(2) Notification of address changes shall be made in writing including the name, mailing address and zip code and be mailed to the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION).

(3) Notification of name changes must be mailed to the Board (OR STATE BOARD OF EXAMINERS OF PERFUSION) and shall include a copy of a marriage certificate or court decree evidencing such name change.

#### **Advertising**

Fraudulent, misleading, or deceptive advertising is prohibited as defined in (STATE STATUTE CITATION).