

Chapter 44 of the Acts of 2000

AN ACT PROVIDING FOR THE LICENSING OF PERFUSIONISTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. [Chapter 13](#) of the General Laws is hereby amended by inserting after section 11D the following section:-

Section 11E. There shall be a board of registration of perfusionists, herein called the board, to consist of seven members who shall be residents of the commonwealth, to be appointed by the governor who, in his discretion, may seek advice from the Massachusetts Society of Perfusion, or its successor. Four members shall be perfusionists licensed for two years in accordance with the provisions of section 213 or section 217 of chapter 112. Two members shall be licensed physicians, one of whom shall be actively engaged as a cardiovascular surgeon and one of whom shall be an anesthesiologist actively engaged in the practice of cardiac anesthesia, and one member shall be a representative of the general public. No member shall be an employee of a trade association in the field of health care and no member who is a representative of the general public shall be engaged in the practice of any health care profession.

Members shall be appointed for terms of three years. No member shall be appointed to more than two consecutive full terms but a member appointed for less than a full term may serve two full terms in addition to such part of a full term and a former member shall again be eligible for appointment after a lapse of at least one year. A member may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after a written notice of the charges against him and an opportunity to be heard.

The board shall, at its first meeting and annually thereafter, elect from among its members a chairman, vice chairman and secretary. Officers shall serve until successors are elected and qualified. The board shall meet at the call of the chairman or upon request of four members of the board. The board shall meet at least two times annually. A quorum shall consist of four members present. Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.

SECTION 2. [Chapter 112](#) of the General Laws is hereby amended by adding the following nine sections:-

REGISTRATION AND LICENSING OF PERFUSIONISTS.

Section 211. As used in this section and sections 212 to 219, inclusive, the following words shall, unless the context otherwise requires, have the following meanings:-

"American Board of Cardiovascular Perfusion", the national agency for certification and recertification of clinical perfusionists.

"Board", the board of registration in perfusion established in section 11E of chapter 13.

"Extracorporeal circulation", the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidneys, liver or other organs.

"Licensed perfusionist", a person licensed under sections 212 to 219, inclusive.

"Perfusion", the functions necessary for the support, treatment, measurement or supplementation of the cardiovascular, circulatory or respiratory system or other organs or a combination of those activities and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a licensed physician including:

(1) the use of extracorporeal circulation, long-term cardiopulmonary support techniques including extracorporeal carbon dioxide removal and extracorporeal membrane oxygenation and associated therapeutic and diagnostic technologies;

(2) counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support and isolated limb perfusion;

(3) the use of techniques involving blood management, advanced life support and other related functions; and

(4) in the performance of the acts described in this clause:

(i) the administration of pharmacological and therapeutic agents or blood products through the extracorporeal circuit or through an intravenous line as ordered by a physician and the administration of anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by and under the supervision of an anesthesiologist;

(ii) the performance and use of anticoagulation monitoring and analysis, physiologic monitoring and analysis, blood gas and chemistry monitoring and analysis, hematological monitoring and analysis, hypothermia, hyperthermia, hemoconcentration, hemofiltration and hemodilution;

(iii) the observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics and the implementation of appropriate reporting, perfusion protocols or changes in or the initiation of emergency procedures.

"Perfusion protocols", perfusion-related policies and protocols developed or approved by a licensed health care facility or a physician through collaboration with administrators, licensed perfusionists and other health care professionals.

"Provisional licensed perfusionist", a person provisionally licensed under sections 213 to 219, inclusive.

Section 212. The board shall have the following powers and duties:

(a) to promulgate regulations and adopt such rules as are necessary to regulate the field and practice of perfusion and perfusionists;

(b) to receive, review, approve or disapprove applications for licensing and to issue licenses;

(c) to establish administrative procedures for processing applications for licenses and license renewals and to hire or appoint such agents as are appropriate for processing applications for licenses and license renewals;

(d) to retain records of its actions and proceedings in accordance with public records laws;

(e) to establish specifications for the licensing examination, which may be or may include the complete

certification examination given by the American Board of Cardiovascular Perfusion, or its successor, and to provide or procure appropriate examination questions and answers and to establish examination procedures;

(f) to define by regulation the appropriate standards for education and experience necessary to qualify for licensing, including, but not limited to, continuing professional education requirements for licensed perfusionists and provisional licensed perfusionists, which shall be no less stringent than those of the American Board of Cardiovascular Perfusion, or its successor, as defined in section 211; and for the conduct and ethics which shall govern the practice of perfusion;

(g) to fine, censure, revoke, suspend or deny a license, place on probation, reprimand or otherwise discipline licensees for violations of the code of ethics or the rules of the board in accordance with the provisions of section 215 but the board shall not have the power of subpoena as established pursuant to [section 12 of chapter 30A](#);

(h) to summarily suspend the license of a licensee who poses an imminent danger to the public but a hearing shall be afforded to the licensee within seven days of an action by the board to determine whether such summary action is warranted; and

(i) to perform such other functions and duties as may be required to carry out the provisions of this section and sections 213 to 219, inclusive.

Section 213. An application for original license, a license renewal or for the licensing examination shall be made on forms approved by the board and accompanied by the appropriate fee.

The fee for original license and renewal shall be determined by the secretary of administration and finance.

An application for original license shall be sworn and shall furnish satisfactory proof that an applicant is at least 18 years old, of good moral character and has met the educational and professional experience requirements prerequisite to sitting for the licensing examination.

Requirements for licensing shall include:

(1) successful completion of a perfusion education program approved by the board provided that the program has educational standards that are no less stringent than those established by the Accreditation Committee for Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs, or its successor, and provided also that the board shall require continuing education as a condition for license renewals;

(2) passing a written competency examination approved by the board. The examination shall test the applicant's knowledge of basic and clinical sciences as they relate to perfusion theory and practice and other subjects as the board may deem useful to determine the applicant's fitness to act as a perfusionist. The board may utilize a national examination that meets the requirements of this section; and

(3) completion of such experience as may be required by the board.

Section 214. Applicants approved by the board as having met the age, character, education and experience requirements for licensing may take the licensing examination upon filing an application with the board. The board may adopt a regulation requiring that upon attaining a passing score on the licensing examination, the applicant shall apply for a license within two years of the date of passing the examination by paying the required fee and filing the proper application with the board. The regulation may provide that failure to apply for a license within two years of taking the examination shall result in the application being denied and the applicant being reexamined at his own expense. An applicant who fails the licensing examination may be reexamined by filing a new examination application fee with the

board or its agent.

A person who meets the qualifications to be admitted to the approved examination for licensure as a perfusionist may, between the date of filing an application for licensure and the announcement of the results of the next succeeding examination, practice as a provisionally licensed perfusionist provided that he files an approved application with the board and pays a fee determined by the secretary of administration and finance. The board may grant a provisional license to a person who successfully completes a perfusion education program approved by the board and is qualified to be admitted to the examination. Such license shall be valid for one year from the date of its issue and may be renewed for an additional year and shall automatically expire at the end of such time if the applicant fails to pass the complete examination. An application for extension shall be signed by a supervising licensed perfusionist. A provisionally licensed perfusionist shall be under the supervision and direction of a licensed perfusionist at all times during which the provisionally licensed perfusionist performs perfusion. The board shall adopt rules governing such supervision and direction which may not require the immediate physical presence of the supervising licensed perfusionist.

Section 215. The board may deny or refuse to renew a license or, after a hearing pursuant to chapter 30A, revoke, suspend or cancel the license or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that the person:

- (a) has obtained or attempted to obtain a license by fraud or deception;
- (b) has been convicted of a felony under state or federal law, or committed any other offense involving moral turpitude;
- (c) has been adjudged mentally ill or incompetent by a court of competent jurisdiction;
- (d) has used drugs or intoxicating liquors to the extent which adversely affects his practice;
- (e) has engaged in unethical or unprofessional conduct including, but not limited to, willful acts, negligence or incompetence in the course of professional practice;
- (f) has violated any lawful order, rule or regulation rendered or adopted by the board; or
- (g) has been refused issuance or been disciplined in connection with a license issued by any other state or country.

Section 216. No person shall hold himself out as a perfusionist or as being able to practice perfusion services in the commonwealth unless he is licensed in accordance with sections 213 to 219, inclusive. No person who is not so licensed may use the letters LP or PLP or any other words or abbreviations indicating he is a licensed perfusionist or provisionally licensed perfusionist.

Nothing in this section shall be construed to prevent or restrict the practice, service or activities of:

- (a) any person licensed in the commonwealth by any other statute from engaging in activities within the scope of practice of the profession or occupation for which he is licensed provided that he does not represent to the public, directly or indirectly, that he is licensed under sections 213 to 219, inclusive, and that he does not use any name, title or designation indicating that the person is licensed under said sections 213 to 219, inclusive;
- (b) any person employed as a perfusionist by the federal government or an agency thereof if such person provides perfusion services solely under the direction and control of the organization by which he is employed;
- (c) a student enrolled in an accredited perfusion education program if perfusion services performed by

the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed perfusionist assigned to supervise the student and who is on duty and immediately available in the assigned patient care area and if the person is designated by a title which clearly indicates his status as a student or trainee;

(d) any person performing perfusion services in the commonwealth and who is certified by the American Board of Cardiovascular Perfusion if the activities are performed for not more than 14 days per calendar year in association with a perfusionist licensed under this section; or

(e) any person performing autotransfusion who possesses appropriate training and practices within the American Association of Blood Banks' guidelines under the supervision of a licensed physician.

Section 217. The board may, without examination, license as a perfusionist any applicant who is duly licensed or certified under the laws of another state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico if such applicant substantially meets the requirements for licensing as a perfusionist as set forth in section 213 or holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, or its successor. At the time of making such application, the applicant shall pay a fee determined by the secretary of administration and finance to the board.

Section 218. Nothing in sections 212 to 219, inclusive, shall be construed to authorize a perfusionist to practice medicine or any other form or method of healing not specified in said sections 212 to 219, inclusive.

Section 219. The board shall adopt reasonable rules and regulations to carry into effect sections 212 to 219, inclusive, and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all persons licensed or provisionally licensed by it under sections 213 to 219, inclusive. The roster shall include the licensee name, last known business and residential address, date of licensing and license number.

SECTION 3. Notwithstanding the provisions of section 11E of chapter 13 of the General Laws, the initial appointment of perfusionists to the board of registration of perfusionists, in accordance with section 1, shall consist of persons eligible for licensing as perfusionists who shall apply for and receive such licenses as perfusionists within 90 days after said board has issued its first license. The initial appointment to said board of one perfusionist, one surgeon and the member who represents the general public shall be for terms of two years.

SECTION 4. Notwithstanding the provisions of sections 211 to 219, inclusive, of chapter 112 of the General Laws, a person shall be eligible until September 1, 2000 to make application to the board and to receive a license if the person is actively engaged in the practice of perfusion consistent with said sections 211 to 219, inclusive, and if the person has at least five years of experience operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function provided that the five years of experience shall have occurred between September 1, 1991 and September 1, 1999.

Approved March 16, 2000.

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