



## Georgia General Assembly

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House Bill 69 (COMMITTEE SUBSTITUTE)

By: Representatives Graves of the 125<sup>th</sup>, Lanier of the 145<sup>th</sup>, Brown of the 130<sup>th</sup>, West of the 101<sup>st</sup>, Childers of the 13<sup>th</sup> and others

### A BILL TO BE ENTITLED AN ACT

To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician's assistants, and respiratory care, so as to provide for the licensing of clinical perfusionists; to provide for a short title and definitions; to provide for powers and responsibilities of the Composite State Board of Medical Examiners; to provide for licensing standards and requirements; to provide for licenses and their duration, renewal, display, filing, and surrender; to provide for notices; to provide for licensing of provisional licensed clinical perfusionists and standards and requirements relating thereto; to provide for waiver of certain requirements; to prohibit certain conduct and representations and provide for penalties therefor; to provide for exemptions; to provide for sanctions; to provide for an advisory committee; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician's assistants, and respiratory care, is amended by adding at the end a new article to read as follows:

#### "ARTICLE 7

43-34-170.

This article shall be known and may be cited as the 'Clinical Perfusionist Licensure Act.'

43-34-171.

As used in this article, the term:

- (1) 'Advisory committee' means the committee appointed pursuant to Code Section 43-34-180.
- (2) 'Board' means the Composite State Board of Medical Examiners created by Code Section 43-34-21.
- (3) 'Extracorporeal circulation' means the diversion of a patient's blood through a

heart-lung machine or a similar device that assumes the function of the patient's heart, lungs, kidneys, liver, or other organ.

(4) 'License' means a license to practice as a licensed clinical perfusionist or provisional licensed clinical perfusionist.

(5) 'Licensed clinical perfusionist' means a person licensed as such pursuant to this article.

(6) 'Perfusion' means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, or respiratory system or other organ, or a combination of such activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under the order and supervision of a physician, including, but not limited to:

(A) 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;

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

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

(D) In the performance of the acts described in subparagraphs (A) through (C) of this paragraph:

(i) The administration of:

(I) Pharmacological and therapeutic agents; or

(II) Blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician; or

(ii) The performance and use of:

(I) Coagulation monitoring and analysis;

(II) Physiologic monitoring and analysis;

(III) Blood gas and chemistry monitoring and analysis;

(IV) Hematological monitoring and analysis;

(V) Hypothermia and hyperthermia;

(VI) Hemoconcentration and hemodilution; and

(VII) Hemodialysis; and

(E) 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, clinical perfusion protocols, or changes in, or the initiation of, emergency procedures.

(7) 'Perfusion protocols' means perfusion related policies and protocols developed or approved by a licensed health care facility or a physician through collaboration with administrators, licensed clinical perfusionists, and other health care professionals.

(8) 'Physician' means a person licensed to practice medicine under Article 2 of this chapter.

(9) 'Provisional licensed clinical perfusionist' means a person provisionally licensed pursuant to this article.

43-34-172.

The board, in consultation with the advisory committee, shall have the power and

responsibility to:

- (1) Determine the qualifications and fitness of applicants for licensure and renewal of licensure;
- (2) Adopt and revise rules consistent with the laws of this state that are necessary to conduct its business, carry out its duties, and administer this article;
- (3) Examine for, approve, issue, deny, revoke, suspend, sanction, and renew the licenses of board applicants for licensure as licensed clinical perfusionists and provisional licensed clinical perfusionists under this article and conduct hearings in connection with these actions;
- (4) Conduct hearings on complaints concerning violations of this article and the rules adopted under this article and cause the prosecution and enjoinder of the violations;
- (5) Establish application, examination, and licensure fees;
- (6) Request and receive the assistance of state educational institutions or other state agencies and prepare information of consumer interest describing the regulatory functions of the board and the procedures by which consumer complaints are filed with and resolved by the board. The board shall make the information available to the public and appropriate state agencies; and
- (7) Establish education, examination, and continuing education requirements.

43-34-173.

(a) Except as otherwise provided in subsection (b) of this Code section, each applicant for a license to practice as a licensed clinical perfusionist shall meet the following requirements:

- (1) Be at least 21 years of age;
- (2) Submit a completed application required by the board;
- (3) Submit any fees required by the board;
- (4) Have successfully completed a perfusion education program approved by the board, which program has educational standards at least as stringent as programs approved by the Committee on Allied Health Education and Accreditation (CAHEA) prior to 1994 or the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or its successor;
- (5) Pass a competency examination prepared or approved by the board and administered to qualified applicants at least once each calendar year, which examination may be or may include the complete examination given by the American Board of Cardiovascular Perfusion (ABCP) or its successor; and
- (6) Have met such other requirements as may be prescribed by the board.

(b) Notwithstanding the provisions of subsection (a) of this Code section, a person may apply to the board before January 1, 2003, and be granted a license as a licensed clinical perfusionist upon satisfactory proof that the person was operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function for at least six of those eight years immediately preceding the date of application.

43-34-174.

(a) A license is not the property of the holder but is the property of the board. A license to practice perfusion is valid for two years. The board may provide that licenses expire on various dates. A person may renew an unexpired license by

submitting proof of compliance with the continuing professional education requirements prescribed by the board and paying the required renewal fee to the board before the expiration date of the license.

(b) The license holder must:

(1) Display the license in an appropriate and public manner; or

(2) Maintain on file at all times during which the license holder provides services in a health care facility a true and correct copy of the license certificate in the appropriate records of the facility and keep the board informed of any change of address.

(c) A license issued by the board is the property of the board and shall be surrendered on demand.

(d) Each person licensed under this article shall be responsible for renewing his or her license before the expiration date.

(e) If a person's license has been expired for not more than two years, the person may renew the license by submitting proof, satisfactory to the board, of compliance with the continuing professional education requirements prescribed by the board and any penalty fee prescribed by the board.

(f) If a person's license has been expired for more than two years, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the current requirements and procedures for obtaining a license.

(g) The board may renew without reexamination an expired license of a person who was licensed in this state, moved to another state or states, is currently licensed or certified, and has been in practice in another state or states for two years immediately preceding the person's application to renew a license. The person shall pay the required fee as established by the board.

43-34-175.

(a) A license as a provisional licensed clinical perfusionist may be issued by the board to a person who submits to the board evidence of having successfully completed an approved perfusion education program required for licensure under Code Section 43-34-173 and upon the filing of an application and payment of the application fee.

(b) A provisional licensed clinical perfusionist shall be under the supervision and direction of a licensed clinical perfusionist at all times during which the provisional licensed clinical perfusionist performs perfusion. The board may promulgate rules governing such supervision and direction but shall not require the immediate physical presence of the supervising licensed clinical perfusionist.

(c) A provisional license shall be valid for one year from the date it is issued and may be renewed no more than one time by the same procedures established for the renewal of licenses pursuant to this article, if the application for renewal is signed by a supervising licensed clinical perfusionist.

(d) If a person fails any portion of the licensure examination, such person's provisional license shall be automatically revoked and surrendered to the board.

43-34-176.

On receipt of an application and application fee, the board may waive the examination and educational requirements for an applicant who at the time of application:

(1) Is appropriately licensed or certified in another state, territory, or possession whose

requirements for the license or certificate are substantially equal to the requirements of this article; or

(2) Holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion (ABCP) or its successor.

43-34-177.

(a) A person may not engage or offer to engage in perfusion or use the title or represent or imply that the person has the title of 'licensed clinical perfusionist' or 'provisional licensed clinical perfusionist' or use the letters 'LCP' or 'PLCP' and may not use any facsimile of such titles in any manner to indicate or imply that the person is a licensed clinical perfusionist or provisional licensed clinical perfusionist unless the person holds an appropriate license issued pursuant to this article or is exempted under the provisions of Code Section 43-34-178.

(b) A person may not use the title or represent or imply that such person has the title 'certified clinical perfusionist' or use the letters 'CCP' and may not use any facsimile of such title in any manner to indicate or imply that such person is a certified clinical perfusionist by the American Board of Cardiovascular Perfusion (ABCP) unless the person holds a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion (ABCP).

(c) Any person who violates the provisions of subsection (a) or (b) of this Code section shall be guilty of a misdemeanor.

43-34-178.

(a) The provisions of Code Section 43-34-177 shall not apply to:

(1) A person licensed as a physician pursuant to Article 2 of this chapter;

(2) A person licensed under this title as a registered professional nurse or a licensed physician's assistant or certified as a respiratory care professional under this title if:

(A) The person does not represent to the public, directly or indirectly, that the person is licensed pursuant to this article and does not use any name, title, or designation indicating that he or she is licensed pursuant to this article; and

(B) The person limits his or her acts or practice to the scope of practice authorized by the appropriate licensing agency;

(3) Any person performing autotransfusion who possesses appropriate training and practices within the guidelines of the American Association of Blood Banks under the supervision of a perfusionist licensed under this article or a physician licensed under this chapter.

(4) A student enrolled in an accredited perfusion education program if the perfusion services performed are:

(A) An integral part of the student's course of study; and

(B) Performed under the direct supervision of a licensed clinical perfusionist who is assigned to supervise the student and is on duty and immediately available in the assigned patient care area;

(5) The practice of any legally qualified perfusionist employed by the United States government while in the discharge of his or her official duties; or

(6) A person working as a dialysis care technician in an end stage renal disease facility licensed pursuant to Chapter 44 of Title 31 or a licensed hospital.

(b) Any person violating the prohibition of subsection (a) of this Code section shall be

guilty of a felony.

43-34-179.

(a) The board, in consultation with the advisory committee, may:

- (1) Refuse to grant or renew licensure to an applicant;
- (2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the license holder;
- (3) Suspend the license of any license holder for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of such license;
- (4) Limit or restrict any license as the board deems necessary for the protection of the public;
- (5) Revoke any license;
- (6) Levy a fine; and
- (7) Condition any penalty or withhold formal disposition of any matter pending the applicant's or license holder's submission to such care, counseling, or treatment as the board may direct.

(b) The board may take any action specified in subsection (a) of this Code section upon a finding by the board that the license holder or applicant has:

- (1) Failed to demonstrate the qualifications or standards for licensure contained in this article or under the laws, rules, or regulations under which licensure is sought or held. The applicant shall demonstrate to the satisfaction of the board that he or she meets all the requirements for licensure, and, if the board is not satisfied as to the applicant's qualifications, it may deny licensure without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he or she so desires;
- (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this title or on any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining licensure to practice a licensed business or profession; or made a false statement or deceptive registration with the board;
- (3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States. As used in this paragraph and paragraph (4) of this subsection, the term 'felony' shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and as used in this paragraph, the term 'conviction' shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;
- (4) Been arrested, charged, and sentenced for the commission of any felony or any crime involving moral turpitude where:
  - (A) A plea of nolo contendere was entered to the charge;
  - (B) First offender treatment without adjudication of guilt pursuant to the charge was granted; or
  - (C) An adjudication or sentence was otherwise withheld or not entered on the charge.The plea of nolo contendere or the order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime;

- (5) Had his or her license under this article revoked, suspended, or annulled by any lawful authority other than the board; had other disciplinary action taken against him or her by any such lawful authority other than the board; or was refused the renewal of licensure by any such lawful authority other than the board, pursuant to disciplinary proceedings;
- (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the license holder or applicant to practice a business or profession licensed under this article, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of the licensed business or profession but shows that the license holder or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness. Unprofessional conduct shall include any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing practice of the business or profession licensed under this article;
- (7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any license holder whose license has been suspended or revoked by the board to engage in any practice outside the scope of any disciplinary limitation placed upon the license holder by the board;
- (8) Violated, without regard to whether the violation is criminally punishable, a statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the business or profession licensed under this title, the United States, or any other lawful authority, which statute, law, or rule or regulation related to or in part regulates the practice of a business or profession licensed under this article, when the license holder or applicant knows or should know that such action is in violation of such statute, law, or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or licensure reinstatement;
- (9) Been adjudged mentally incompetent by a court of competent jurisdiction inside or outside this state. Any such adjudication shall automatically suspend the license of any such person and shall prevent the reissuance or renewal of any license so suspended for as long as the adjudication of incompetence is in effect; or
- (10) Displayed an inability to practice a business or profession licensed under this article with reasonable skill and safety to the public or has become unable to practice the licensed business or profession with reasonable skill and safety to the public by reason of illness or the use of alcohol, drugs, narcotics, chemicals, or any other type of material.

43-34-180.

The board shall appoint an advisory committee. The advisory committee shall be representative of a cross section of the cultural backgrounds of the clinical perfusionists licensed under this article and such members as the board in its discretion may determine. Members shall receive no compensation for service on the committee. The committee shall have such advisory duties and responsibilities as the board may determine. The initial members of the advisory committee may include persons eligible for licensing under this article. Subsequent advisory committee members must be licensed pursuant to this article."

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.