

House Bill 69

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

A BILL TO BE ENTITLED
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

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

16 style="text-align:center">"ARTICLE 7

17 43-34-170.

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

19 43-34-171.

20 As used in this article, the term:

21 (1) 'Advisory committee' means the committee appointed pursuant to Code Section
22 43-34-180.

1 (2) 'Board' means the Composite State Board of Medical Examiners created by Code
2 Section 43-34-21.

3 (3) 'Extracorporeal circulation' means the diversion of a patient's blood through a
4 heart-lung machine or a similar device that assumes the function of the patient's heart,
5 lungs, kidneys, liver, or other organ.

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

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

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

15 (A) The use of extracorporeal circulation; long-term cardiopulmonary support
16 techniques, including extracorporeal carbon dioxide removal and extracorporeal
17 membrane oxygenation; and associated therapeutic and diagnostic technologies;

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

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

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

25 (i) The administration of:

26 (I) Pharmacological and therapeutic agents; or

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

29 (ii) The performance and use of:

30 (I) Coagulation monitoring and analysis;

31 (II) Physiologic monitoring and analysis;

32 (III) Blood gas and chemistry monitoring and analysis;

33 (IV) Hematological monitoring and analysis;

34 (V) Hypothermia and hyperthermia;

35 (VI) Hemoconcentration and hemodilution; and

36 (VII) Hemodialysis; and

1 (E) The observation of signs and symptoms related to perfusion services, the
2 determination of whether the signs and symptoms exhibit abnormal characteristics, and
3 the implementation of appropriate reporting, clinical perfusion protocols, or changes
4 in, or the initiation of, emergency procedures.

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

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

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

12 43-34-172.

13 The board, in consultation with the advisory committee, shall have the power and
14 responsibility to:

15 (1) Determine the qualifications and fitness of applicants for licensure and renewal of
16 licensure;

17 (2) Adopt and revise rules consistent with the laws of this state that are necessary to
18 conduct its business, carry out its duties, and administer this article;

19 (3) Examine for, approve, issue, deny, revoke, suspend, sanction, and renew the licenses
20 of board applicants for licensure as licensed clinical perfusionists and provisional
21 licensed clinical perfusionists under this article and conduct hearings in connection with
22 these actions;

23 (4) Conduct hearings on complaints concerning violations of this article and the rules
24 adopted under this article and cause the prosecution and enjoinder of the violations;

25 (5) Establish application, examination, and licensure fees;

26 (6) Request and receive the assistance of state educational institutions or other state
27 agencies and prepare information of consumer interest describing the regulatory functions
28 of the board and the procedures by which consumer complaints are filed with and
29 resolved by the board. The board shall make the information available to the public and
30 appropriate state agencies; and

31 (7) Establish education, examination, and continuing education requirements.

32 43-34-173.

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

- 1 (1) Be at least 21 years of age;
 - 2 (2) Submit a completed application required by the board;
 - 3 (3) Submit any fees required by the board;
 - 4 (4) Have successfully completed a perfusion education program approved by the board,
 - 5 which program has educational standards at least as stringent as programs approved by
 - 6 the Committee on Allied Health Education and Accreditation (CAHEA) prior to 1994,
 - 7 the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or
 - 8 its successor; and
 - 9 (5) Pass a competency examination prepared or approved by the board and administered
 - 10 to qualified applicants at least once each calendar year, which examination may be or
 - 11 may include the complete examination given by the American Board of Cardiovascular
 - 12 Perfusion (ABCP) or its successor.
- 13 (b) Notwithstanding the provisions of subsection (a) of this Code section, a person may
- 14 apply to the board before January 1, 2002, and be granted a license as a licensed clinical
- 15 perfusionist upon satisfactory proof that the person was operating cardiopulmonary bypass
- 16 systems during cardiac surgical cases in a licensed health care facility as the person's
- 17 primary function for at least six of those eight years immediately preceding the date of
- 18 application.
- 19 43-34-174.
- 20 (a) A license is not the property of the holder but is the property of the state. A license to
- 21 practice perfusion is valid for two years. The board may provide that licenses expire on
- 22 various dates. A person may renew an unexpired license by submitting proof of
- 23 compliance with the continuing professional education requirements prescribed by the
- 24 board and paying the required renewal fee to the board before the expiration date of the
- 25 license.
- 26 (b) The license holder must:
- 27 (1) Display the license in an appropriate and public manner; or
 - 28 (2) Maintain on file at all times during which the license holder provides services in a
 - 29 health care facility a true and correct copy of the license certificate in the appropriate
 - 30 records of the facility and keep the board informed of any change of address.
- 31 (c) A license issued by the board is the property of the board and shall be surrendered on
- 32 demand.
- 33 (d) If a person's license has been expired for not more than two years, the person may
- 34 renew the license by submitting proof, satisfactory to the board, of compliance with the
- 35 continuing professional education requirements prescribed by the board and any penalty
- 36 fee prescribed by the board.

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

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

9 (g) The board shall notify each license holder in writing of the license expiration date
10 before the thirtieth day before such date by notice to the license holder at the license
11 holder's last known address according to the records of the board.

12 43-34-175.

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

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

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

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

28 43-34-176.

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

- 31 (1) Is appropriately licensed or certified in another state, territory, or possession whose
32 requirements for the license or certificate are substantially equivalent to the requirements
33 of this article; or
34 (2) Holds a current certificate as a certified clinical perfusionist issued by the American
35 Board of Cardiovascular Perfusion or its successor.

1 43-34-177.

2 (a) A person may not engage or offer to engage in perfusion or use the title or represent
3 or imply that the person has the title of 'licensed clinical perfusionist' or 'provisional
4 licensed clinical perfusionist' or use the letters 'LCP' or 'PLCP' and may not use any
5 facsimile of such titles in any manner to indicate or imply that the person is a licensed
6 clinical perfusionist or provisional licensed clinical perfusionist unless the person holds an
7 appropriate license issued pursuant to this article.

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

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

16 43-34-178.

17 The provisions of Code Section 43-34-97 shall not apply to:

18 (1) A person licensed as a physician;

19 (2) A registered professional nurse licensed in this state if:

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

23 (B) The person limits the person's acts or practice to the scope of practice authorized
24 by the appropriate licensing agency;

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

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

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

31 (4) The practice of any legally qualified perfusionist employed by the United States
32 government while in the discharge of the person's official duties.

1 43-34-179.

2 The board, in consultation with the advisory committee, may impose any sanction
3 authorized under subsection (d) of Code Section 43-1-19 upon a finding of any conduct
4 specified in subsection (a) of Code Section 43-1-19.

5 43-34-180.

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

14 **SECTION 2.**

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