

Bill No. CS for SB 1180

Barcode 841980

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following amendment:

**Senate Amendment (with title amendment)**

On page 4, lines 27 and 28, delete those lines

and insert:

Section 5. Effective January 1, 2006, section  
458.3476, Florida Statutes, is created to read:

458.3476 Clinical perfusionist.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Approved program" means a program for the  
education and training of clinical perfusion which has been  
approved by the boards as provided in subsection (5).

(b) "Boards" means the Board of Medicine and the Board  
of Osteopathic Medicine.

(c) "Clinical perfusionist" means a person who has  
graduated from an approved program, who is licensed to perform  
medical services, and who is prescribed, delegated, or  
supervised by a licensed physician.

(d) "Clinical perfusion" means the functions necessary  
for the support, treatment, measurement, or supplementation of

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1 the cardiovascular, circulatory, or respiratory systems or  
 2 other organs, or a combination of those activities, and the  
 3 safe management of physiologic functions by monitoring and  
 4 analyzing the parameters of the systems under an order and the  
 5 supervision of a licensed physician, through extracorporeal  
 6 circulation, long-term clinical support techniques, including  
 7 extracorporeal carbon-dioxide removal and extracorporeal  
 8 membrane oxygenation, and associated therapeutic and  
 9 diagnostic technologies, such as counter-pulsation,  
 10 ventricular assistance, autotransfusion, blood conservation  
 11 techniques, myocardial and organ preservation, extracorporeal  
 12 life support, isolated limb perfusion, therapeutic aphaeresis,  
 13 and platelet-rich plasma sequestration.

14 (e) "Clinical perfusionists' licensing committee"  
 15 means the clinical perfusion licensing committee appointed by  
 16 the board.

17 (f) "Continuing medical education" means courses  
 18 recognized and approved by the boards, the American Academy of  
 19 Physician Assistants, the American Medical Association, the  
 20 American Osteopathic Association, the American Board of  
 21 Cardiovascular Perfusion, or the Accreditation Council on  
 22 Continuing Medical Education.

23 (g) "Direct supervision" means on-site, personal  
 24 supervision by a licensed clinical perfusionist who is present  
 25 when a procedure is being performed and who is in all  
 26 instances immediately available to provide assistance and  
 27 direction to the clinical perfusionist while clinical  
 28 perfusion services are being performed.

29 (h) "Extracorporeal circulation" means the diversion  
 30 of a patient's blood through a heart-lung machine or a similar  
 31 device that assumes the functions of the patient's heart,

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1 lungs, kidney, liver, or other organs.

2 (i) "Trainee" means a person who is currently enrolled  
3 in an approved program.

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

9 (k) "Proficiency examination" means an entry-level  
10 examination approved by the boards, including examinations  
11 administered by the American Board of Cardiovascular Perfusion  
12 (ABCP).

13 (l) "Provisional licensed perfusionist" means a person  
14 provisionally licensed under this section.

15 (m) "Supervising physician" means an allopathic  
16 physician who holds an active license.

17 (n) "Temporarily licensed perfusionist" means a person  
18 granted a temporary license under this section.

19 (2) PERFORMANCE OF A SUPERVISING PHYSICIAN.--A  
20 physician who supervises a clinical perfusionist must be  
21 qualified in the medical areas in which the clinical  
22 perfusionist performs.

23 (3)(a) PERFORMANCE OF CLINICAL PERFUSIONISTS.--A  
24 clinical perfusionist may perform duties established by rule  
25 by the board, including the following duties that are included  
26 in the clinical perfusionist's protocol, while prescribed by a  
27 physician or under the supervision of a physician:

28 1. Perform extracorporeal circulation/clinical  
29 support;

30 2. Perform or administer counter-pulsation;

31 3. Perform circulatory support and ventricular

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1 assistance;

2       4. Perform extracorporeal membrane oxygenation (ECMO)  
3 and extracorporeal life support (ECLS);

4       5. Perform blood conservation techniques,  
5 autotransfusion, and blood component sequestration;

6       6. Perform myocardial preservation;

7       7. Perform coagulation and hemotologic monitoring;

8       8. Perform physiological monitoring;

9       9. Perform blood gas and blood chemistry monitoring;

10       10. Perform induction of hypothermia or hyperthermia  
11 with reversal;

12       11. Perform hemodilution;

13       12. Perform hemofiltration;

14       13. Administer blood, blood products, supportive  
15 fluids, and anesthetic agents via the extracorporeal circuit;

16       14. Complete documentation associated with described  
17 duties;

18       15. Perform isolated limb and organ perfusion;

19       16. Provide surgical assistance;

20       17. Perform organ preservation;

21       18. Perform dialysis while the patient is on clinical  
22 bypass;

23       19. Perform therapeutic apheresis;

24       20. Administer blood, blood products and supportive  
25 fluids via the therapeutic apheresis circuit; and

26       21. Perform pacemaker lead and battery analysis.

27       (b) This section or chapter does not prevent  
28 third-party payors from reimbursing employers of clinical  
29 perfusionists for covered services rendered by such clinical  
30 perfusionists.

31       (c) A clinical perfusionist shall clearly convey to a

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1 patient that he or she is a clinical perfusionist.

2 (d) A clinical perfusionist may perform medical tasks  
3 and services within the framework of a written practice  
4 protocol developed between the supervising physician and the  
5 clinical perfusionist.

6 (e) A clinical perfusionist may not prescribe, order,  
7 compound, or dispense any controlled substance, legend drug,  
8 or medical device to any patient. This paragraph does not  
9 prohibit a clinical perfusionist from administering legend  
10 drugs, controlled substances, intravenous drugs, fluids, or  
11 blood products that are ordered by the physician and  
12 administered to a patient while under the orders of such  
13 physician.

14 (4) PERFORMANCE BY TRAINEES.--The practice of a  
15 trainee is exempt from the requirements of this chapter while  
16 the trainee is performing assigned tasks as a trainee in  
17 conjunction with an approved program. Before providing  
18 clinical perfusion in conjunction with the requirements of an  
19 approved program, the trainee shall clearly convey to the  
20 patient that he or she is a trainee and is under direct  
21 supervision.

22 (5) PROGRAM APPROVAL.--The boards shall approve  
23 programs for the education and training of clinical  
24 perfusionists which meet standards established by board rules.  
25 The boards may recommend only those programs for clinical  
26 perfusionist training which hold full accreditation or  
27 provisional accreditation from the Commission on Accreditation  
28 of Allied Health Education Programs.

29 (6) CLINICAL PERFUSIONIST LICENSURE.--

30 (a) Any person seeking to be licensed as a clinical  
31 perfusionist must apply to the department. The department

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1 shall issue a license to any person certified by the board to:

2 1. Be at least 18 years of age.

3 2. Have satisfactorily passed a proficiency

4 examination established by the American Board of

5 Cardiovascular Perfusion (ABCP). The board, on receipt of an

6 application and application fee, shall waive the examination

7 requirement for an applicant who at the time of application:

8 a. Is appropriately licensed or certified by another

9 state, territory, or possession of the United States if the

10 requirements of that state, territory, or possession for the

11 license or certificate are the substantial equivalent of the

12 requirements of this section determined by the board; or

13 b. Holds a current certificate as a certified clinical

14 perfusionist issued by the American Board of Cardiovascular

15 Perfusion (ABCP) or its successor before July 1, 2005.

16 3. Be certified in basic cardiac life support.

17 4. Have completed the application form and remitted an

18 application fee, not to exceed \$1,500, as set by the board. An

19 application must include:

20 a. A certificate of completion of an approved program;

21 b. A sworn statement of any prior felony convictions;

22 c. A sworn statement of any prior discipline or denial

23 of licensure or certification in any state; and

24 d. Two letters of recommendation, one from a physician

25 and one from a certified or licensed clinical perfusionist.

26

27 Before January 1, 2006, a person is eligible to apply to the

28 board and receive a license notwithstanding the requirements

29 of this subsection if the person was actively engaged in the

30 practice of perfusion consistent with applicable law, and if

31 the person was operating cardiopulmonary bypass systems during

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1 cardiac surgical cases in a licensed health care facility as  
2 the person's primary function and had been operating the  
3 system for 10 of the 12 years preceding application for  
4 licensure.

5 (b) A license must be renewed biennially. Each renewal  
6 must include:

7 1. A renewal fee, not to exceed \$1,500, as set by the  
8 board; and

9 2. A sworn statement of no felony convictions in the  
10 immediately preceding 2 years.

11 (c) Each licensed clinical perfusionist shall  
12 biennially complete continuing medical education as required  
13 by the board.

14 (d)1. A license as a provisionally licensed  
15 perfusionist may be issued by the board to a person who has  
16 successfully completed an approved perfusion education program  
17 and the filing of an application, payment of an application  
18 fee, and the submission of evidence satisfactory to the board  
19 of the successful completion of the requisite education  
20 requirements.

21 2. A provisionally licensed perfusionist must be under  
22 the supervision and direction of a licensed perfusionist at  
23 all times during which the provisional licensed perfusionist  
24 performs perfusion. Rules adopted by the board governing such  
25 supervision and direction may not require the immediate  
26 physical presence of the supervising licensed perfusionist.

27 3. A provisional license is valid for 2 years from the  
28 date it is issued and may be extended subject to rule by the  
29 board. The application for extension must be signed by a  
30 supervising licensed perfusionist. Upon notification by the  
31 approved testing service, or the board, that any portion of

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1 the licensing examination has been failed after the 2-year  
2 provisional license term, the provisional license must be  
3 surrendered to the board.

4 (e) A license as a temporarily licensed perfusionist  
5 may be issued by the department to a person who has  
6 successfully completed the perfusion licensure application.

7 (f) The Board of Medicine may impose upon a clinical  
8 perfusionist any penalty specified in s. 456.072 or s.  
9 458.331(2) if the clinical perfusionist is found guilty of or  
10 is investigated for an act that constitutes a violation of  
11 this chapter or chapter 456.

12 (7) CARDIOVASCULAR SURGEON AND CLINICAL PERFUSIONIST  
13 TO ADVISE THE BOARD.--

14 (a) The chairperson of the board may appoint a  
15 cardiovascular surgeon and a certified clinical perfusionist  
16 to advise the board as to the adoption of rules for the  
17 licensure of clinical perfusionists. The board may use a  
18 committee structure that is most practicable in order to  
19 receive any recommendations to the board regarding rules and  
20 all matters relating to clinical perfusionists, including, but  
21 not limited to, recommendations to improve safety in the  
22 clinical practices of licensed clinical perfusionists.

23 (b) In addition to its other duties and  
24 responsibilities as prescribed by law, the board shall:

25 1. Recommend to the department the licensure of  
26 clinical perfusionists.

27 2. Develop rules regulating the use of clinical  
28 perfusionists under this chapter and chapter 459, except for  
29 rules relating to the formulary developed under s. 458.347(4).  
30 The board shall also develop rules to ensure that the  
31 continuity of supervision is maintained in each practice



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1 setting. The boards shall consider adopting a proposed rule at  
 2 the regularly scheduled meeting immediately following the  
 3 submission of the proposed rule. A proposed rule may not be  
 4 adopted by either board unless both boards have accepted and  
 5 approved the identical language contained in the proposed  
 6 rule. The language of all proposed rules must be approved by  
 7 both boards pursuant to each respective board's guidelines and  
 8 standards regarding the adoption of proposed rules.

9       3. Address concerns and problems of clinical  
 10 perfusionists to improve safety in the clinical practices of  
 11 licensed clinical perfusionists.

12       (c) When the board finds that an applicant for  
 13 licensure has failed to meet, to the board's satisfaction,  
 14 each of the requirements for licensure set forth in this  
 15 section, the board may enter an order to:

- 16           1. Refuse to certify the applicant for licensure;  
 17           2. Approve the applicant for licensure with  
 18 restrictions on the scope of practice or license; or  
 19           3. Approve the applicant for conditional licensure.

20 Such conditions may include placement of the applicant on  
 21 probation for a period of time and subject to such conditions  
 22 as the board specifies, including, but not limited to,  
 23 requiring the applicant to undergo treatment, to attend  
 24 continuing education courses, or to take corrective action.

25       (8) PENALTY.--A person who falsely holds himself or  
 26 herself out as a clinical perfusionist commits a felony of the  
 27 third degree, punishable as provided in s. 775.082, s.  
 28 775.083, or s. 775.084.

29       (9) DENIAL, SUSPENSION, OR REVOCATION OF  
 30 LICENSURE.--The boards may deny, suspend, or revoke the  
 31 license of a clinical perfusionist whom one of the boards

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1 determines has violated any provision of this section,  
2 chapter, or any rule adopted pursuant thereto.

3 (10) RULES.--The boards shall adopt rules to  
4 administer this section.

5 (11) FEES.--The department shall allocate the fees  
6 collected under this section to the boards.

7 (12) EXEMPTIONS.--

8 (a) This section may not be construed to limit the  
9 practice of a physician licensed under this chapter or a  
10 respiratory therapist licensed under chapter 468, so long as  
11 that person does not hold himself or herself out to the public  
12 as possessing a license, provisional license, registration, or  
13 certificate issued under this section or use a professional  
14 title protected by this section.

15 (b) This section may not be construed to limit the  
16 practice of nursing or to prevent qualified members of other  
17 professions from doing work of a nature consistent with their  
18 training and licensure so long as those persons do not hold  
19 themselves out to the public as possessing a license,  
20 provisional license, registration, or certificate issued under  
21 this section or use a professional title protected by this  
22 section.

23 (c) A person need not be licensed under this section  
24 who:

25 1. Is licensed in this state under any other law and  
26 is engaging in the profession or occupation for which he or  
27 she is licensed.

28 2. Is a qualified person in this state or another  
29 state or territory who is employed by the United States  
30 Government or an agency thereof while discharging his or her  
31 official duties.

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1           3. Is a student providing services regulated under  
2 this chapter who is:

3           a. Pursuing a course of study that leads to a degree  
4 in a profession regulated by this chapter;

5           b. Providing services in a training setting, as long  
6 as such services and associated activities constitute part of  
7 a supervised course of study; and

8           c. Designated by the title "trainee."

9           4. Is not a resident of this state but offers services  
10 in this state, provided that:

11           a. Such services are performed in this state for no  
12 more than 15 days in any calendar year; and

13           b. Such nonresident is licensed or certified by a  
14 state or territory of the United States or by a foreign  
15 country or province.

16           (d) Except as stipulated by the board, the exemptions  
17 in this subsection do not apply to any person licensed under  
18 this section whose license has been revoked or suspended by  
19 the board or whose license or certification in another  
20 jurisdiction has been revoked or suspended by the licensing or  
21 certifying authority in that jurisdiction.

22           (e) This subsection may not be construed to exempt a  
23 person from meeting the minimum standards of performance in  
24 professional activities when measured against generally  
25 prevailing peer performance, including the undertaking of  
26 activities for which the person is not qualified by training  
27 or experience.

28           (13) PAYMENT OR REIMBURSEMENT BY HOSPITALS OF COSTS OF  
29 COMPLIANCE WITH PART.--A hospital is not required to pay for,  
30 or reimburse any person for, the costs of compliance with any  
31 requirement of this part, including costs of continuing

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1 education.

2 Section 6. Effective January 1, 2006, section 456.048,  
3 Florida Statutes, is amended to read:

4 456.048 Financial responsibility requirements for  
5 certain health care practitioners.--

6 (1) As a prerequisite for licensure or license  
7 renewal, the Board of Acupuncture, the Board of Chiropractic  
8 Medicine, the Board of Podiatric Medicine, and the Board of  
9 Dentistry shall, by rule, require that all health care  
10 practitioners licensed under the respective board, and the  
11 Board of Medicine and the Board of Osteopathic Medicine shall,  
12 by rule, require that all anesthesiologist assistants licensed  
13 pursuant to s. 458.3475 or s. 459.023 and clinical  
14 perfusionists licensed pursuant to s. 458.3476 or s. 459.025,  
15 and the Board of Nursing shall, by rule, require that advanced  
16 registered nurse practitioners certified under s. 464.012, and  
17 the department shall, by rule, require that midwives maintain  
18 medical malpractice insurance or provide proof of financial  
19 responsibility in an amount and in a manner determined by the  
20 board or department to be sufficient to cover claims arising  
21 out of the rendering of or failure to render professional care  
22 and services in this state.

23 (2) The board or department may grant exemptions upon  
24 application by practitioners meeting any of the following  
25 criteria:

26 (a) Any person licensed under chapter 457, s.  
27 458.3475, s. 458.3476, s. 459.023, s. 459.025, chapter 460,  
28 chapter 461, s. 464.012, chapter 466, or chapter 467 who  
29 practices exclusively as an officer, employee, or agent of the  
30 Federal Government or of the state or its agencies or its  
31 subdivisions. For the purposes of this subsection, an agent

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1 of the state, its agencies, or its subdivisions is a person  
 2 who is eligible for coverage under any self-insurance or  
 3 insurance program authorized by the provisions of s.  
 4 768.28(16) or who is a volunteer under s. 110.501(1).

5 (b) Any person whose license or certification has  
 6 become inactive under chapter 457, s. 458.3475, s. 458.3476,  
 7 s. 459.023, s. 459.025, chapter 460, chapter 461, part I of  
 8 chapter 464, chapter 466, or chapter 467 and who is not  
 9 practicing in this state. Any person applying for  
 10 reactivation of a license must show either that such licensee  
 11 maintained tail insurance coverage which provided liability  
 12 coverage for incidents that occurred on or after October 1,  
 13 1993, or the initial date of licensure in this state,  
 14 whichever is later, and incidents that occurred before the  
 15 date on which the license became inactive; or such licensee  
 16 must submit an affidavit stating that such licensee has no  
 17 unsatisfied medical malpractice judgments or settlements at  
 18 the time of application for reactivation.

19 (c) Any person holding a limited license pursuant to  
 20 s. 456.015, and practicing under the scope of such limited  
 21 license.

22 (d) Any person licensed or certified under chapter  
 23 457, s. 458.3475, s. 458.3476, s. 459.023, s. 459.025, chapter  
 24 460, chapter 461, s. 464.012, chapter 466, or chapter 467 who  
 25 practices only in conjunction with his or her teaching duties  
 26 at an accredited school or in its main teaching hospitals.  
 27 Such person may engage in the practice of medicine to the  
 28 extent that such practice is incidental to and a necessary  
 29 part of duties in connection with the teaching position in the  
 30 school.

31 (e) Any person holding an active license or

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1 certification under chapter 457, s. 458.3475, s. 458.3476, s.  
 2 459.023, s. 459.025, chapter 460, chapter 461, s. 464.012,  
 3 chapter 466, or chapter 467 who is not practicing in this  
 4 state. If such person initiates or resumes practice in this  
 5 state, he or she must notify the department of such activity.

6 (f) Any person who can demonstrate to the board or  
 7 department that he or she has no malpractice exposure in the  
 8 state.

9 (3) Notwithstanding the provisions of this section,  
 10 the financial responsibility requirements of ss. 458.320 and  
 11 459.0085 shall continue to apply to practitioners licensed  
 12 under those chapters, except for clinical perfusionists  
 13 licensed pursuant to s. 458.3476 or s. 459.025 and  
 14 anesthesiologist assistants licensed pursuant to s. 458.3475  
 15 or s. 459.023 who must meet the requirements of this section.

16 Section 7. Effective January 1, 2006, section 459.025,  
 17 Florida Statutes, is created to read:

18 459.025 Clinical perfusionist.--

19 (1) DEFINITIONS.--As used in this section, the term:

20 (a) "Approved program" means a program for the  
 21 education and training of clinical perfusion which has been  
 22 approved by the boards as provided in subsection (5).

23 (b) "Boards" means the Board of Medicine and the Board  
 24 of Osteopathic Medicine.

25 (c) "Clinical perfusionist" means a person who has  
 26 graduated from an approved program, who is licensed to perform  
 27 medical services, and who is prescribed, delegated, or  
 28 supervised by a licensed physician.

29 (d) "Clinical perfusion" means the functions necessary  
 30 for the support, treatment, measurement, or supplementation of  
 31 the cardiovascular, circulatory, or respiratory systems or

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1 other organs, or a combination of those activities, and the  
2 safe management of physiologic functions by monitoring and  
3 analyzing the parameters of the systems under an order and the  
4 supervision of a licensed osteopathic physician, through  
5 extracorporeal circulation, long-term clinical support  
6 techniques, including extracorporeal carbon-dioxide removal  
7 and extracorporeal membrane oxygenation, and associated  
8 therapeutic and diagnostic technologies, such as counter  
9 pulsation, ventricular assistance, autotransfusion, blood  
10 conservation techniques, myocardial and organ preservation,  
11 extracorporeal life support, isolated limb perfusion,  
12 therapeutic aphaeresis, and platelet-rich plasma  
13 sequestration.

14 (e) "Clinical perfusionists' licensing committee"  
15 means the clinical perfusion licensing committee appointed by  
16 the board.

17 (f) "Continuing medical education" means courses  
18 recognized and approved by the boards, the American Academy of  
19 Physician Assistants, the American Medical Association, the  
20 American Osteopathic Association, the American Board of  
21 Cardiovascular Perfusion, or the Accreditation Council on  
22 Continuing Medical Education.

23 (g) "Direct supervision" means on-site, personal  
24 supervision by a licensed clinical perfusionist who is present  
25 when a procedure is being performed and who is in all  
26 instances immediately available to provide assistance and  
27 direction to the clinical perfusionist while clinical  
28 perfusion services are being performed.

29 (h) "Extracorporeal circulation" means the diversion  
30 of a patient's blood through a heart-lung machine or a similar  
31 device that assumes the functions of the patient's heart,

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1 lungs, kidneys, liver, or other organs.

2 (i) "Trainee" means a person who is currently enrolled  
3 in an approved program.

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5 policies and protocols developed or approved by a licensed  
6 health facility or a physician through collaboration with  
7 administrators, licensed clinical perfusionists, and other  
8 health care professionals.

9 (k) "Proficiency examination" means an entry-level  
10 examination approved by the boards, including examinations  
11 administered by the American Board of Cardiovascular Perfusion  
12 (ABCP).

13 (l) "Provisional licensed perfusionist" means a person  
14 provisionally licensed under this section.

15 (m) "Supervising physician" means an osteopathic  
16 physician who holds an active license.

17 (n) "Temporarily licensed perfusionist" means a person  
18 granted a temporary license under this section.

19 (2) PERFORMANCE OF A SUPERVISING PHYSICIAN.--A  
20 physician who supervises a clinical perfusionist must be  
21 qualified in the medical areas in which the clinical  
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28 physician:

29 1. Perform extracorporeal circulation/clinical  
30 support;

31 2. Perform or administer counter-pulsation;



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- 1           3. Perform circulatory support and ventricular
- 2 assistance;
- 3           4. Perform extracorporeal membrane oxygenation (ECMO)
- 4 and extracorporeal life support (ECLS);
- 5           5. Perform blood conservation techniques,
- 6 autotransfusion, and blood component sequestration;
- 7           6. Perform myocardial preservation;
- 8           7. Perform coagulation and hemotologic monitoring;
- 9           8. Perform physiological monitoring;
- 10          9. Perform blood gas and blood chemistry monitoring;
- 11          10. Perform induction of hypothermia or hyperthermia
- 12 with reversal;
- 13          11. Perform hemodilution;
- 14          12. Perform hemofiltration;
- 15          13. Administer blood, blood products, supportive
- 16 fluids, and anesthetic agents via the extracorporeal circuit;
- 17          14. Complete documentation associated with described
- 18 duties;
- 19          15. Perform isolated limb and organ perfusion;
- 20          16. Provide surgical assistance;
- 21          17. Perform organ preservation;
- 22          18. Perform dialysis while the patient is on clinical
- 23 bypass;
- 24          19. Perform therapeutic apheresis;
- 25          20. Administer blood, blood products and supportive
- 26 fluids via the therapeutic apheresis circuit; and
- 27          21. Perform pacemaker lead and battery analysis.
- 28          (b) This section or chapter does not prevent
- 29 third-party payors from reimbursing employers of clinical
- 30 perfusionists for covered services rendered by such clinical
- 31 perfusionists.

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1       (c) A clinical perfusionist shall clearly convey to a  
2 patient that he or she is a clinical perfusionist.

3       (d) A clinical perfusionist may perform medical tasks  
4 and services within the framework of a written practice  
5 protocol developed between the supervising physician and the  
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9 or medical device to any patient. This paragraph does not  
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13 administered to a patient while under the orders of such  
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15       (4) PERFORMANCE BY TRAINEES.--The practice of a  
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17 the trainee is performing assigned tasks as a trainee in  
18 conjunction with an approved program. Before providing  
19 clinical perfusion in conjunction with the requirements of an  
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21 patient that he or she is a trainee and is under direct  
22 supervision.

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25 perfusionists which meet standards established by board rules.  
26 The boards may recommend only those programs for clinical  
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28 provisional accreditation from the Commission on Accreditation  
29 of Allied Health Education Programs.

30       (6) CLINICAL PERFUSIONIST LICENSURE.--

31       (a) Any person seeking to be licensed as a clinical

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1 perfusionist must apply to the department. The department  
2 shall issue a license to any person certified by the board to:

- 3 1. Be at least 18 years of age.
- 4 2. Have satisfactorily passed a proficiency

5 examination established by the American Board of  
6 Cardiovascular Perfusion (ABCP). The board, on receipt of an  
7 application and application fee, shall waive the examination  
8 requirement for an applicant who at the time of application:

- 9 a. Is appropriately licensed or certified by another  
10 state, territory, or possession of the United States if the  
11 requirements of that state, territory, or possession for the  
12 license or certificate are the substantial equivalent of the  
13 requirements of this section determined by the board; or

- 14 b. Holds a current certificate as a certified clinical  
15 perfusionist issued by the American Board of Cardiovascular  
16 Perfusion (ABCP) or its successor before July 1, 2005.

- 17 3. Be certified in basic cardiac life support.

- 18 4. Have completed the application form and remitted an  
19 application fee, not to exceed \$1,500, as set by the board. An  
20 application must include:

- 21 a. A certificate of completion of an approved program;

- 22 b. A sworn statement of any prior felony convictions;

- 23 c. A sworn statement of any prior discipline or denial  
24 of licensure or certification in any state; and

- 25 d. Two letters of recommendation, one from a physician  
26 and one from a certified or licensed clinical perfusionist.

27  
28 Before January 1, 2006, a person is eligible to apply to the  
29 board and receive a license notwithstanding the requirements  
30 of this subsection if the person was actively engaged in the  
31 practice of perfusion consistent with applicable law, and if

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1 the person was operating cardiopulmonary bypass systems during  
2 cardiac surgical cases in a licensed health care facility as  
3 the person's primary function and had been operating the  
4 system for 10 of the 12 years preceding application for  
5 licensure.

6 (b) A license must be renewed biennially. Each renewal  
7 must include:

8 1. A renewal fee, not to exceed \$1,500, as set by the  
9 board; and

10 2. A sworn statement of no felony convictions in the  
11 immediately preceding 2 years.

12 (c) Each licensed clinical perfusionist shall  
13 biennially complete continuing medical education as required  
14 by the board.

15 (d)1. A license as a provisional licensed perfusionist  
16 may be issued by the board to a person who has successfully  
17 completed an approved perfusion education program and the  
18 filing of an application, payment of an application fee, and  
19 the submission of evidence satisfactory to the board of the  
20 successful completion of the requisite education requirements.

21 2. A provisionally licensed perfusionist must be under  
22 the supervision and direction of a licensed perfusionist at  
23 all times during which the provisional licensed perfusionist  
24 performs perfusion. Rules adopted by the board governing such  
25 supervision and direction may not require the immediate  
26 physical presence of the supervising licensed perfusionist.

27 3. A provisional license is valid for 2 years from the  
28 date it is issued and may be extended subject to rule by the  
29 board. The application for extension must be signed by a  
30 supervising licensed perfusionist. Upon notification by the  
31 approved testing service, or the board, that any portion of

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1 the licensing examination has been failed after the 2-year  
2 provisional license term, the provisional license must be  
3 surrendered to the board.

4 (e) A license as a temporarily licensed perfusionist  
5 may be issued by the department to a person who has  
6 successfully completed the perfusion licensure application.

7 (f) The Board of Osteopathic Medicine may impose upon  
8 a clinical perfusionist any penalty specified in s. 456.072 or  
9 s. 458.331(2) if the clinical perfusionist is found guilty of  
10 or is investigated for an act that constitutes a violation of  
11 this chapter or chapter 456.

12 (7) CARDIOVASCULAR SURGEON AND CLINICAL PERFUSIONIST  
13 TO ADVISE THE BOARD.--

14 (a) The chairperson of the board may appoint a  
15 cardiovascular surgeon and a certified clinical perfusionist  
16 to advise the board as to the adoption of rules for the  
17 licensure of clinical perfusionists. The board may use a  
18 committee structure that is most practicable in order to  
19 receive any recommendations to the board regarding rules and  
20 all matters relating to clinical perfusionists, including, but  
21 not limited to, recommendations to improve safety in the  
22 clinical practices of licensed clinical perfusionists.

23 (b) In addition to its other duties and  
24 responsibilities as prescribed by law, the board shall:

25 1. Recommend to the department the licensure of  
26 clinical perfusionists.

27 2. Develop rules regulating the use of clinical  
28 perfusionists under this chapter and chapter 458, except for  
29 rules relating to the formulary developed under s. 458.347(4).  
30 The board shall also develop rules to ensure that the  
31 continuity of supervision is maintained in each practice

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1 setting. The boards shall consider adopting a proposed rule at  
 2 the regularly scheduled meeting immediately following the  
 3 submission of the proposed rule. A proposed rule may not be  
 4 adopted by either board unless both boards have accepted and  
 5 approved the identical language contained in the proposed  
 6 rule. The language of all proposed rules must be approved by  
 7 both boards pursuant to each respective board's guidelines and  
 8 standards regarding the adoption of proposed rules.

9       3. Address concerns and problems of clinical  
 10 perfusionists to improve safety in the clinical practices of  
 11 licensed clinical perfusionists.

12       (c) When the board finds that an applicant for  
 13 licensure has failed to meet, to the board's satisfaction,  
 14 each of the requirements for licensure set forth in this  
 15 section, the board may enter an order to:

- 16           1. Refuse to certify the applicant for licensure;  
 17           2. Approve the applicant for licensure with  
 18 restrictions on the scope of practice or license; or  
 19           3. Approve the applicant for conditional licensure.

20 Such conditions may include placement of the applicant on  
 21 probation for a period of time and subject to such conditions  
 22 as the board specifies, including, but not limited to,  
 23 requiring the applicant to undergo treatment, to attend  
 24 continuing education courses, or to take corrective action.

25       (8) PENALTY.--A person who falsely holds himself or  
 26 herself out as a clinical perfusionist commits:

27           (a) For the first offense, a misdemeanor of the first  
 28 degree, punishable as provided in s. 775.082, s. 775.083, or  
 29 s. 775.084.

30           (b) For the second or subsequent offense, a felony of  
 31 the third degree, punishable as provided in s. 775.082, s.

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1 775.083, or s. 775.084.

2 (9) DENIAL, SUSPENSION, OR REVOCATION OF

3 LICENSURE.--The boards may deny, suspend, or revoke the  
4 license of a clinical perfusionist whom one of the boards  
5 determines has violated any provision of this section,  
6 chapter, or any rule adopted pursuant thereto.

7 (10) RULES.--The boards shall adopt rules to  
8 administer this section.

9 (11) FEES.--The department shall allocate the fees  
10 collected under this section to the boards.

11 (12) EXEMPTIONS.--

12 (a) This section may not be construed to limit the  
13 practice of an osteopathic physician licensed under this  
14 chapter or a respiratory therapist licensed under chapter 468,  
15 so long as that person does not hold himself or herself out to  
16 the public as possessing a license, provisional license,  
17 registration, or certificate issued under this section or use  
18 a professional title protected by this section.

19 (b) This section may not be construed to limit the  
20 practice of nursing or to prevent qualified members of other  
21 professions from doing work of a nature consistent with their  
22 training and licensure so long as those persons do not hold  
23 themselves out to the public as possessing a license,  
24 provisional license, registration, or certificate issued under  
25 this section or use a professional title protected by this  
26 section.

27 (c) A person need not be licensed under this section  
28 who:

29 1. Is licensed in this state under any other law and  
30 is engaging in the profession or occupation for which he or  
31 she is licensed.

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1           2. Is a qualified person in this state or another  
 2 state or territory who is employed by the United States  
 3 Government or an agency thereof while discharging his or her  
 4 official duties.

5           3. Is a student providing services regulated under  
 6 this chapter who is:

7           a. Pursuing a course of study that leads to a degree  
 8 in a profession regulated by this chapter;

9           b. Providing services in a training setting, as long  
 10 as such services and associated activities constitute part of  
 11 a supervised course of study; and

12           c. Designated by the title "trainee."

13           4. Is not a resident of this state but offers services  
 14 in this state, provided that:

15           a. Such services are performed in this state for no  
 16 more than 15 days in any calendar year; and

17           b. Such nonresident is licensed or certified by a  
 18 state or territory of the United States or by a foreign  
 19 country or province.

20           (d) Except as stipulated by the board, the exemptions  
 21 in this subsection do not apply to any person licensed under  
 22 this section whose license has been revoked or suspended by  
 23 the board or whose license or certification in another  
 24 jurisdiction has been revoked or suspended by the licensing or  
 25 certifying authority in that jurisdiction.

26           (e) This subsection may not be construed to exempt a  
 27 person from meeting the minimum standards of performance in  
 28 professional activities when measured against generally  
 29 prevailing peer performance, including the undertaking of  
 30 activities for which the person is not qualified by training  
 31 or experience.



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1           (13) PAYMENT OR REIMBURSEMENT BY HOSPITALS OF COSTS OF  
2 COMPLIANCE WITH PART.--A hospital is not required to pay for,  
3 or reimburse any person for, the costs of compliance with any  
4 requirement of this part, including costs of continuing  
5 education.

6           Section 8. Except as otherwise expressly provided in  
7 this act, this act shall take effect January 1, 2006.

8  
9

10 ===== T I T L E   A M E N D M E N T =====

11 And the title is amended as follows:

12           On page 1, line 11, delete that line

13

14 and insert:

15           creating ss. 458.3476 and 459.025, F.S.;

16           providing definitions; requiring a supervising

17           physician to be qualified in the medical area

18           in which the clinical perfusionist performs;

19           prescribing duties of a clinical perfusionist;

20           requiring a clinical perfusionist to convey

21           that he or she is a clinical perfusionist to a

22           patient; authorizing a clinical perfusionist to

23           perform medical tasks and services within a

24           certain protocol; prohibiting a clinical

25           perfusionist from prescribing, ordering,

26           compounding, or dispensing certain drugs or a

27           medical device; providing that a clinical

28           perfusionist may administer certain drugs,

29           fluids, and blood products under the

30           supervision of a physician; exempting a trainee

31           from requirements of a clinical perfusionist;

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1 requiring board approval of training programs  
2 for clinical perfusionists; providing licensure  
3 requirements; providing provisional licensing  
4 requirements; providing for a temporary license  
5 as a clinical perfusionist; authorizing the  
6 Board of Medicine and the Board of Osteopathic  
7 Medicine to impose a penalty against a clinical  
8 perfusionist found guilty of or investigated  
9 for violating ch. 456, ch. 458, or ch. 459,  
10 F.S.; authorizing the chair of each board to  
11 appoint certain persons to advise the board  
12 regarding rules for the licensure of clinical  
13 perfusionists; providing duties of each board;  
14 providing a penalty for any person who falsely  
15 holds himself or herself out as a clinical  
16 perfusionist; providing for the denial,  
17 suspension, or revocation of a license;  
18 requiring each board to adopt rules; requiring  
19 the Department of Health to allocate collected  
20 fees to each board; providing exemptions from  
21 clinical perfusionist licensure requirements;  
22 providing that hospitals are not obligated to  
23 pay certain costs; amending s. 456.048, F.S.;  
24 specifying financial responsibility  
25 requirements for clinical perfusionists;  
26 providing effective dates.

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