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A bill to be entitled
 An act relating to cardiopulmonary perfusionists; amending
 s. 456.048, F.S.; requiring the Board of Medicine and the
 Board of Osteopathic Medicine to require medical
 malpractice insurance or proof of financial responsibility
 as a condition of licensure or licensure renewal for
 licensed cardiopulmonary perfusionists; amending ss.
 458.331 and 459.015, F.S.; revising grounds for which a
 physician or osteopathic physician may be disciplined for
 failing to provide adequate supervision; providing
 penalties; creating ss. 458.3476 and 459.024, F.S.;
 providing definitions; providing performance standards for
 cardiopulmonary perfusionists and supervising physicians
 or osteopathic physicians; providing for the approval of
 training programs and for services authorized to be
 performed by trainees; providing licensing procedures;
 providing for fees; providing for additional membership,
 powers, and duties of the Board of Medicine and the Board
 of Osteopathic Medicine; providing penalties; providing
 for disciplinary actions; providing for the adoption of
 rules; providing liability; providing for the allocation
 of fees; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 456.048, Florida Statutes, is amended
 to read:

28 456.048 Financial responsibility requirements for certain
 29 health care practitioners.--

30 (1) As a prerequisite for licensure or license renewal,
 31 the Board of Acupuncture, the Board of Chiropractic Medicine,
 32 the Board of Podiatric Medicine, and the Board of Dentistry
 33 shall, by rule, require that all health care practitioners
 34 licensed under the respective board, and the Board of Medicine
 35 and the Board of Osteopathic Medicine shall, by rule, require
 36 that all anesthesiologist assistants licensed pursuant to s.
 37 458.3475 or s. 459.023 and cardiopulmonary perfusionists
 38 licensed pursuant to s. 458.3476 or s. 459.024, and the Board of
 39 Nursing shall, by rule, require that advanced registered nurse
 40 practitioners certified under s. 464.012, and the department
 41 shall, by rule, require that midwives maintain medical
 42 malpractice insurance or provide proof of financial
 43 responsibility in an amount and in a manner determined by the
 44 board or department to be sufficient to cover claims arising out
 45 of the rendering of or failure to render professional care and
 46 services in this state.

47 (2) The board or department may grant exemptions upon
 48 application by practitioners meeting any of the following
 49 criteria:

50 (a) Any person licensed under chapter 457, s. 458.3475, s.
 51 459.023, s. 458.3476, s. 459.024, chapter 460, chapter 461, s.
 52 464.012, chapter 466, or chapter 467 who practices exclusively
 53 as an officer, employee, or agent of the Federal Government or
 54 of the state or its agencies or its subdivisions. For the
 55 purposes of this subsection, an agent of the state, its

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

60 (b) Any person whose license or certification has become
61 inactive under chapter 457, s. 458.3475, s. 459.023, s.
62 458.3476, s. 459.024, chapter 460, chapter 461, part I of
63 chapter 464, chapter 466, or chapter 467 and who is not
64 practicing in this state. Any person applying for reactivation
65 of a license must show either that such licensee maintained tail
66 insurance coverage which provided liability coverage for
67 incidents that occurred on or after October 1, 1993, or the
68 initial date of licensure in this state, whichever is later, and
69 incidents that occurred before the date on which the license
70 became inactive; or such licensee must submit an affidavit
71 stating that such licensee has no unsatisfied medical
72 malpractice judgments or settlements at the time of application
73 for reactivation.

74 (c) Any person holding a limited license pursuant to s.
75 456.015, and practicing under the scope of such limited license.

76 (d) Any person licensed or certified under chapter 457, s.
77 458.3475, s. 459.023, s. 458.3476, s. 459.024, chapter 460,
78 chapter 461, s. 464.012, chapter 466, or chapter 467 who
79 practices only in conjunction with his or her teaching duties at
80 an accredited school or in its main teaching hospitals. Such
81 person may engage in the practice of medicine to the extent that
82 such practice is incidental to and a necessary part of duties in
83 connection with the teaching position in the school.

84 (e) Any person holding an active license or certification
 85 under chapter 457, s. 458.3475, s. 459.023, s. 458.3476, s.
 86 459.024, chapter 460, chapter 461, s. 464.012, chapter 466, or
 87 chapter 467 who is not practicing in this state. If such person
 88 initiates or resumes practice in this state, he or she must
 89 notify the department of such activity.

90 (f) Any person who can demonstrate to the board or
 91 department that he or she has no malpractice exposure in the
 92 state.

93 (3) Notwithstanding the provisions of this section, the
 94 financial responsibility requirements of ss. 458.320 and
 95 459.0085 shall continue to apply to practitioners licensed under
 96 those chapters, except for cardiopulmonary perfusionists
 97 licensed pursuant to s. 458.3476 or s. 459.024 and
 98 anesthesiologist assistants licensed pursuant to s. 458.3475 or
 99 s. 459.023 who must meet the requirements of this section.

100 Section 2. Paragraph (dd) of subsection (1) of section
 101 458.331, Florida Statutes, is amended to read:

102 458.331 Grounds for disciplinary action; action by the
 103 board and department.--

104 (1) The following acts constitute grounds for denial of a
 105 license or disciplinary action, as specified in s. 456.072(2):

106 (dd) Failing to supervise adequately the activities of
 107 those physician assistants, paramedics, emergency medical
 108 technicians, advanced registered nurse practitioners, ~~or~~
 109 anesthesiologist assistants, or cardiopulmonary perfusionists
 110 acting under the supervision of the physician.

111 Section 3. Section 458.3476, Florida Statutes, is created
 112 to read:

113 458.3476 Cardiopulmonary perfusionists.--

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

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

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

120 (c) "Cardiopulmonary perfusionist" means a graduate of an
 121 approved program who is licensed to perform medical services
 122 delegated and directly supervised by a licensed physician.

123 (d) "Cardiopulmonary perfusion" means the functions
 124 necessary for the support, treatment, measurement, or
 125 supplementation of the cardiovascular, circulatory, and
 126 respiratory systems or other organs, or a combination of those
 127 activities, and to ensure the safe management of physiologic
 128 functions by monitoring and analyzing the parameters of the
 129 systems under an order and the supervision of a licensed
 130 physician, including:

131 1. The use of extracorporeal circulation, long-term
 132 cardiopulmonary support techniques including extracorporeal
 133 carbon dioxide removal and extracorporeal membrane oxygenation
 134 and associated therapeutic and diagnostic technologies.

135 2. The use of counter pulsation, ventricular assistance,
 136 auto transfusion, blood conservation techniques, myocardial and
 137 organ preservation, extracorporeal life support, isolated limb

138 perfusion, therapeutic aphaeresis, and platelet rich plasma
 139 sequestration.

140 3. The use of techniques involving blood management,
 141 advanced life support, and other related functions.

142 4. The performance of the following acts described in this
 143 subsection:

144 a. The administration of:

145 (I) Pharmacological and therapeutic agents.

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

149 b. The performance and use of:

150 (I) Coagulation monitoring and analysis.

151 (II) Physiologic monitoring and analysis.

152 (III) Blood gas and chemistry monitoring and analysis.

153 (IV) Hematologic monitoring and analysis.

154 (V) Hypothermia.

155 (VI) Hyperthermia.

156 (VII) Hemoconcentration and hemodilution.

157 (VIII) Hemodialysis.

158 c. The observation of signs and symptoms related to
 159 perfusion services, the determination of whether the signs and
 160 symptoms exhibit abnormal characteristics and the implementation
 161 of appropriate reporting, perfusion protocols, or changes in or
 162 the initiation of emergency procedures.

163 (e) "Cardiopulmonary perfusionists licensing committee"
 164 means the cardiopulmonary perfusion licensing committee
 165 appointed by the board.

166 (f) "Continuing medical education" means courses
 167 recognized and approved by the boards, the American Academy of
 168 Physician Assistants, the American Medical Association, the
 169 American Osteopathic Association, the American Board of
 170 Cardiopulmonary Perfusion, or the Accreditation Council on
 171 Continuing Medical Education.

172 (g) "Direct supervision" means the on-site, personal
 173 supervision by a physician who is present in the surgical suite
 174 when the procedure is being performed in that surgical suite and
 175 who is in all instances immediately available to provide
 176 assistance and direction to the cardiovascular perfusionist
 177 while cardiac perfusion services are being performed.

178 (h) "Extracorporeal circulation" means the diversion of a
 179 patient's blood through a heart-lung machine or a similar device
 180 that assumes the functions of the patient's heart, lungs,
 181 kidney, liver, or other organs.

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

184 (j) "Perfusion protocols" means perfusion-related policies
 185 and protocols developed or approved by a licensed health
 186 facility or a physician through collaboration with
 187 administrators, licensed cardiovascular perfusionists, and other
 188 health care professionals.

189 (k) "Proficiency examination" means an entry-level
 190 examination approved by the boards, including examinations
 191 administered by the American Board of Cardiovascular Perfusion
 192 (ABCP).

193 (l) "Provisional licensed perfusionist" means a person
 194 granted a provisional license under this section.

195 (m) "Supervising physician" means an allopathic physician
 196 who holds an active and unrestricted license and who has
 197 successfully completed a training program approved by the
 198 Accreditation Council for Graduate Medical Education or its
 199 equivalent.

200 (n) "Temporary perfusionist licensee" means a person
 201 granted a temporary license under this section.

202 (2) PERFORMANCE OF SUPERVISING PHYSICIAN.--A physician who
 203 directly supervises a cardiopulmonary perfusionist must be
 204 qualified in the medical areas in which the cardiopulmonary
 205 perfusionist performs and is liable for the performance of the
 206 cardiopulmonary perfusionist. A physician may only supervise two
 207 cardiopulmonary perfusionists at the same time.

208 (3) PERFORMANCE OF CARDIOPULMONARY PERFUSIONISTS.--

209 (a) A cardiopulmonary perfusionist may perform duties
 210 established by rule by the board in any of the following
 211 functions that are included in the cardiopulmonary
 212 perfusionist's protocol while prescribed by a physician or under
 213 the supervision of a physician:

214 1. Perform extracorporeal circulation/cardiopulmonary
 215 support.

216 2. Perform or administer counter pulsation.

217 3. Perform circulatory support and ventricular assistance.

218 4. Perform extracorporeal membrane oxygenation (ECMO) and
 219 extracorporeal life support (ECLS).

- 220 5. Perform blood conservation techniques, auto
- 221 transfusion, and blood component sequestration.
- 222 6. Perform myocardial preservation.
- 223 7. Perform coagulation and hemotologic
- 224 monitoring/analysis.
- 225 8 . Perform physiological analysis and monitoring.
- 226 9. Perform blood gas and blood chemistry analysis and
- 227 monitoring.
- 228 10. Perform induction of hypothermia or hyperthermia with
- 229 reversal.
- 230 11. Perform hemodilution.
- 231 12. Perform hemofiltration.
- 232 13. Administer blood, blood products, supportive fluids,
- 233 and anesthetic agents via the extracorporeal circuit.
- 234 14. Documentation associated with described duties.
- 235 15. Perform isolated limb and organ perfusion.
- 236 16. Provide surgical assistance.
- 237 17. Perform organ preservation.
- 238 18. Perform dialysis while on cardiopulmonary bypass.
- 239 19. Perform therapeutic aphaeresis.
- 240 (b) Nothing in this section or chapter prevents third-
- 241 party payors from reimbursing employers of cardiopulmonary
- 242 perfusionists for covered services rendered by such
- 243 cardiopulmonary perfusionists.
- 244 (c) A cardiopulmonary perfusionist shall clearly convey to
- 245 the patient that he or she is a cardiopulmonary perfusionist.
- 246 (d) A cardiopulmonary perfusionist may perform medical
- 247 tasks and services within the framework of a written practice

248 protocol developed between the supervising physician and the
 249 cardiopulmonary perfusionist.

250 (e) A cardiopulmonary perfusionist may not prescribe,
 251 order, or compound any controlled substance, legend drug, or
 252 medical device nor may a cardiopulmonary perfusionist dispense
 253 sample drugs to patients. Nothing in this paragraph prohibits a
 254 cardiopulmonary perfusionist from administering legend drugs or
 255 controlled substances, intravenous drugs, fluids, or blood
 256 products to patients which are ordered by the supervising
 257 physician and administered while under the supervision of the
 258 supervising physician.

259 (4) PERFORMANCE BY TRAINEES.--The practice of a trainee
 260 is exempt from the requirements of this chapter while the
 261 trainee is performing assigned tasks as a trainee in conjunction
 262 with an approved program. Before providing cardiopulmonary
 263 perfusion services in conjunction with the requirements of an
 264 approved program, the trainee must clearly convey to the patient
 265 that he or she is a trainee.

266 (5) PROGRAM APPROVAL.--The boards shall approve programs
 267 for the education and training of cardiopulmonary perfusionists
 268 that meet standards established by board rules. The boards may
 269 recommend only those cardiopulmonary perfusionist training
 270 programs that hold full accreditation or provisional
 271 accreditation from the Commission on Accreditation of Allied
 272 Health Education Programs.

273 (6) CARDIOPULMONARY PERFUSIONIST LICENSURE.--

274 (a) Any person desiring to be licensed as a
 275 cardiopulmonary perfusionist shall apply to the department. The

276 department shall issue a license to any person certified by the
 277 board to:

- 278 1. Be 18 years of age or older.
- 279 2. Have satisfactorily passed proficiency examination with
 280 a score established by the American Board of Cardiovascular
 281 Perfusion (ABCP). The board, on receipt of an application and
 282 application fee, shall waive the examination requirement for an
 283 applicant who at the time of application:

- 284 a. Is appropriately licensed or certified by another
 285 state, territory, or possession of the United States if the
 286 requirements of that state, territory, or possession for the
 287 license or certificate are the substantial equivalent of the
 288 requirements of this section as determined by the board; or

- 289 b. Holds a current certificate as a certified clinical
 290 perfusionist issued by the American Board of Cardiovascular
 291 Perfusion (ABCP) or its successor prior to July 1, 2005.

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

- 293 4. Have completed the application form and remitted an
 294 application fee, not to exceed \$1,000, as set by the boards. An
 295 application must include:

- 296 a. A certificate of completion of an approved program.

- 297 b. A sworn statement of any prior felony convictions.

- 298 c. A sworn statement of any prior discipline or denial of
 299 licensure or certification in any state.

- 300 d. One letter of recommendation from a physician and one
 301 letter of recommendation from a cardiopulmonary perfusionist.

- 302 (b) A license must be renewed biennially. Each renewal
 303 must include:

304 1. A renewal fee, not to exceed \$1,000, as set by the
 305 boards.

306 2. A sworn statement of no felony convictions in the
 307 immediately preceding 2 years.

308 (c) Each licensed cardiopulmonary perfusionist must
 309 biennially complete 40 hours of continuing medical education or
 310 hold a current certificate issued by the American Board of
 311 Cardiovascular Perfusion or its successor.

312 1. A provisional license may be issued by the board to a
 313 person who has successfully completed an approved perfusion
 314 education program and the filing of an application, payment of
 315 an application fee, and the submission of evidence satisfactory
 316 to the board of the successful completion of the education
 317 requirement set forth in this section. A provisional licensee
 318 shall be under the supervision and direction of a licensed
 319 perfusionist at all times during which the provisional licensee
 320 performs perfusion. Rules adopted by the board governing such
 321 supervision and direction may not require the immediate physical
 322 presence of the supervising licensed perfusionist. A provisional
 323 license is valid for 2 years from the date it is issued and may
 324 be extended subject to rule by the board. The application for
 325 extension must be signed by a supervising licensed perfusionist.
 326 Upon notification by the approved testing service or the board
 327 that any portion of the licensing examination has been failed
 328 after the 2-year provisional license term, the provisional
 329 license will be surrendered to the board.

330 2. A temporary license may be issued by the department to
 331 a person who has successfully completed the perfusion licensure
 332 application.

333 (d) The board may impose upon a cardiopulmonary
 334 perfusionist any penalty specified in s. 456.072 or s.
 335 458.331(2) if the cardiopulmonary perfusionist or the
 336 supervising physician is found guilty of or is investigated for
 337 an act that constitutes a violation of this chapter or chapter
 338 456.

339 (7) CARDIOVASCULAR SURGEON AND CARDIOPULMONARY
 340 PERFUSIONIST TO ADVISE THE BOARD.--

341 (a) The chairperson of the board may appoint a
 342 cardiovascular surgeon and a cardiopulmonary perfusionist to
 343 advise the board as to the adoption of rules for the licensure
 344 of cardiopulmonary perfusionists. The board may use a committee
 345 structure that is most practicable in order to receive any
 346 recommendations to the board regarding rules and all matters
 347 relating to cardiopulmonary perfusionists, including, but not
 348 limited to, recommendations to improve safety in the clinical
 349 practices of licensed cardiopulmonary perfusionists.

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

352 1. Recommend to the department the licensure of
 353 cardiopulmonary perfusionists.

354 2. Develop all rules regulating the use of cardiopulmonary
 355 perfusionists under this chapter and chapter 459, except for
 356 rules relating to the formulary developed under s.
 357 458.347(4)(f). The board shall also develop rules to ensure that

358 the continuity of supervision is maintained in each practice
 359 setting. The boards shall consider adopting a proposed rule at
 360 the regularly scheduled meeting immediately following the
 361 submission of the proposed rule. A proposed rule may not be
 362 adopted by either board unless both boards have accepted and
 363 approved the identical language contained in the proposed rule.
 364 The language of all proposed rules must be approved by both
 365 boards pursuant to each respective board's guidelines and
 366 standards regarding the adoption of proposed rules.

367 3. Address concerns and problems of practicing
 368 cardiopulmonary perfusionists to improve safety in the clinical
 369 practices of licensed cardiopulmonary perfusionists.

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

374 1. Refuse to certify the applicant for licensure;
 375 2. Approve the applicant for licensure with restrictions
 376 on the scope of practice or license; or

377 3. Approve the applicant for conditional licensure. Such
 378 conditions may include placement of the licensee on probation
 379 for a period of time and subject to such conditions as the board
 380 specifies, including, but not limited to, requiring the licensee
 381 to undergo treatment, to attend continuing education courses, or
 382 to take corrective action.

383 (8) PENALTY.--A person who falsely holds himself or
 384 herself out as a cardiopulmonary perfusionist commits a felony

385 of the third degree, punishable as provided in s. 775.082, s.
 386 775.083, or s. 775.084.

387 (9) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.--The
 388 boards may deny, suspend, or revoke the license of a
 389 cardiopulmonary perfusionist who the board determines has
 390 violated any provision of this section or chapter or any rule
 391 adopted pursuant thereto.

392 (10) RULES.--The boards shall adopt rules to administer
 393 this section.

394 (11) LIABILITY.--A supervising physician is liable for any
 395 act or omission of a cardiopulmonary perfusionist acting under
 396 the physician's supervision and control and shall comply with
 397 the financial responsibility requirements of this chapter and
 398 chapter 456, as applicable.

399 (12) FEES.--The department shall allocate the fees
 400 collected under this section to the board.

401 Section 4. Paragraph (hh) of subsection (1) of section
 402 459.015, Florida Statutes, is amended to read:

403 459.015 Grounds for disciplinary action; action by the
 404 board and department.--

405 (1) The following acts constitute grounds for denial of a
 406 license or disciplinary action, as specified in s. 456.072(2):

407 (hh) Failing to supervise adequately the activities of
 408 those physician assistants, paramedics, emergency medical
 409 technicians, advanced registered nurse practitioners,
 410 anesthesiologist assistants, cardiopulmonary perfusionists, or
 411 other persons acting under the supervision of the osteopathic
 412 physician.

413 Section 5. Section 459.025, Florida Statutes, is created
 414 to read:

415 459.025 Cardiopulmonary perfusionists.--

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

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

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

422 (c) "Cardiopulmonary perfusionist" means a graduate of an
 423 approved program who is licensed to perform medical services
 424 delegated and directly supervised by a licensed osteopathic
 425 physician.

426 (d) "Cardiopulmonary perfusion" means the functions
 427 necessary for the support, treatment, measurement, or
 428 supplementation of the cardiovascular, circulatory, and
 429 respiratory systems or other organs, or a combination of those
 430 activities, and to ensure the safe management of physiologic
 431 functions by monitoring and analyzing the parameters of the
 432 systems under an order and the supervision of a licensed
 433 osteopathic physician, including:

434 1. The use of extracorporeal circulation, long-term
 435 cardiopulmonary support techniques including extracorporeal
 436 carbon dioxide removal and extracorporeal membrane oxygenation,
 437 and associated therapeutic and diagnostic technologies.

438 2. The use of counter pulsation, ventricular assistance,
 439 auto transfusion, blood conservation techniques, myocardial and
 440 organ preservation, extracorporeal life support, isolated limb

441 perfusion, therapeutic aphaeresis, and platelet rich plasma
 442 sequestration.

443 3. The use of techniques involving blood management,
 444 advanced life support, and other related functions.

445 4. The performance of the following acts described in this
 446 subsection:

447 a. The administration of:

448 (I) Pharmacological and therapeutic agents.

449 (II) Blood products or anesthetic agents through the
 450 extracorporeal circuit or through an intravenous line as ordered
 451 by an osteopathic physician.

452 b. The performance and use of:

453 (I) Coagulation monitoring and analysis.

454 (II) Physiologic monitoring and analysis.

455 (III) Blood gas and chemistry monitoring and analysis.

456 (IV) Hematologic monitoring and analysis.

457 (V) Hypothermia.

458 (VI) Hyperthermia.

459 (VII) Hemoconcentration and hemodilution.

460 (VIII) Hemodialysis.

461 c. The observation of signs and symptoms related to
 462 perfusion services, the determination of whether the signs and
 463 symptoms exhibit abnormal characteristics, and the
 464 implementation of appropriate reporting, perfusion protocols, or
 465 changes in or the initiation of emergency procedures.

466 (e) "Cardiopulmonary perfusionists licensing committee"
 467 means the cardiopulmonary perfusion licensing committee
 468 appointed by the board.

469 (f) "Continuing medical education" means courses
470 recognized and approved by the boards, the American Academy of
471 Physician Assistants, the American Medical Association, the
472 American Osteopathic Association, the American Board of
473 Cardiopulmonary Perfusion, or the Accreditation Council on
474 Continuing Medical Education.

475 (g) "Direct supervision" means the on-site, personal
476 supervision by an osteopathic physician who is present in the
477 surgical suite when the procedure is being performed in that
478 surgical suite and who is in all instances immediately available
479 to provide assistance and direction to the cardiovascular
480 perfusionist while cardiac perfusion services are being
481 performed.

482 (h) "Extracorporeal circulation" means the diversion of a
483 patient's blood through a heart-lung machine or a similar device
484 that assumes the functions of the patient's heart, lungs,
485 kidney, liver, or other organs.

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

488 (j) "Perfusion protocols" means perfusion-related policies
489 and protocols developed or approved by a licensed health
490 facility or an osteopathic physician through collaboration with
491 administrators, licensed cardiovascular perfusionists, and other
492 health care professionals.

493 (k) "Proficiency examination" means an entry-level
494 examination approved by the boards, including examinations
495 administered by the American Board of Cardiovascular Perfusion
496 (ABCP).

497 (1) "Provisional licensed perfusionist" means a person
 498 granted a provisional license under this section.

499 (m) "Supervising osteopathic physician" means an
 500 osteopathic physician who holds an active and unrestricted
 501 license and who has successfully completed a training program
 502 approved by the Accreditation Council for Graduate Medical
 503 Education or its equivalent.

504 (n) "Temporary perfusionist licensee" means a person
 505 granted a temporary license under this section.

506 (2) PERFORMANCE OF SUPERVISING OSTEOPATHIC PHYSICIAN.--An
 507 osteopathic physician who directly supervises a cardiopulmonary
 508 perfusionist must be qualified in the medical areas in which the
 509 cardiopulmonary perfusionist performs and is liable for the
 510 performance of the cardiopulmonary perfusionist. An osteopathic
 511 physician may only supervise two cardiopulmonary perfusionists
 512 at the same time.

513 (3) PERFORMANCE OF CARDIOPULMONARY PERFUSIONISTS.--

514 (a) A cardiopulmonary perfusionist may perform duties
 515 established by rule by the board in any of the following
 516 functions that are included in the cardiopulmonary
 517 perfusionist's protocol while prescribed by an osteopathic
 518 physician or under the supervision of an osteopathic physician:

- 519 1. Perform extracorporeal circulation/cardiopulmonary
 520 support.
- 521 2. Perform or administer counter pulsation.
- 522 3. Perform circulatory support and ventricular assistance.
- 523 4. Perform extracorporeal membrane oxygenation (ECMO) and
 524 extracorporeal life support (ECLS).

- 525 5. Perform blood conservation techniques, auto
526 transfusion, and blood component sequestration.
- 527 6. Perform myocardial preservation.
- 528 7. Perform anticoagulation and hemotologic
529 monitoring/analysis.
- 530 8. Perform physiological analysis and monitoring.
- 531 9. Perform blood gas and blood chemistry analysis and
532 monitoring.
- 533 10. Perform induction of hypothermia or hyperthermia with
534 reversal.
- 535 11. Perform hemodilution.
- 536 12. Perform hemofiltration.
- 537 13. Administer blood, blood products, supportive fluids,
538 and anesthetic agents via the extracorporeal circuit.
- 539 14. Documentation associated with described duties.
- 540 15. Perform isolated limb and organ perfusion.
- 541 16. Provide surgical assistance.
- 542 17. Perform organ preservation.
- 543 18. Perform dialysis while on cardiopulmonary bypass.
- 544 19. Perform therapeutic aphaeresis.
- 545 (b) Nothing in this section or chapter prevents third-
546 party payors from reimbursing employers of cardiopulmonary
547 perfusionists for covered services rendered by such
548 cardiopulmonary perfusionists.
- 549 (c) A cardiopulmonary perfusionist shall clearly convey to
550 the patient that he or she is a cardiopulmonary perfusionist.
- 551 (d) A cardiopulmonary perfusionist may perform medical
552 tasks and services within the framework of a written practice

553 protocol developed between the supervising osteopathic physician
 554 and the cardiopulmonary perfusionist.

555 (e) A cardiopulmonary perfusionist may not prescribe,
 556 order, or compound any controlled substance, legend drug, or
 557 medical device, nor may a cardiopulmonary perfusionist dispense
 558 sample drugs to patients. Nothing in this paragraph prohibits a
 559 cardiopulmonary perfusionist from administering legend drugs or
 560 controlled substances, intravenous drugs, fluids, or blood
 561 products to patients which are ordered by the supervising
 562 osteopathic physician and administered while under the
 563 supervision of the supervising osteopathic physician.

564 (4) PERFORMANCE BY TRAINEES.--The practice of a trainee is
 565 exempt from the requirements of this chapter while the trainee
 566 is performing assigned tasks as a trainee in conjunction with an
 567 approved program. Before providing cardiopulmonary perfusion
 568 services in conjunction with the requirements of an approved
 569 program, the trainee must clearly convey to the patient that he
 570 or she is a trainee.

571 (5) PROGRAM APPROVAL.--The boards shall approve programs
 572 for the education and training of cardiopulmonary perfusionists,
 573 which meet standards established by board rules. The boards may
 574 recommend only those cardiopulmonary perfusionist training
 575 programs that hold full accreditation or provisional
 576 accreditation from the Commission on Accreditation of Allied
 577 Health Education Programs.

578 (6) CARDIOPULMONARY PERFUSIONIST LICENSURE.--

579 (a) Any person desiring to be licensed as a
 580 cardiopulmonary perfusionist shall apply to the department. The

581 department shall issue a license to any person certified by the
 582 board to:

583 1. Be 18 years of age or older.

584 2. Have satisfactorily passed proficiency examination with
 585 a score established by the American Board of Cardiovascular
 586 Perfusion (ABCP). The board, on receipt of an application and
 587 application fee, shall waive the examination requirement for an
 588 applicant who at the time of application:

589 a. Is appropriately licensed or certified by another
 590 state, territory, or possession of the United States if the
 591 requirements of that state, territory, or possession for the
 592 license or certificate are the substantial equivalent of the
 593 requirements of this section as determined by the board; or

594 b. Holds a current certificate as a certified clinical
 595 perfusionist issued by the American Board of Cardiovascular
 596 Perfusion (ABCP) or its successor prior to July 1, 2005.

597 3. Be certified in basic cardiac life support.

598 4. Have completed the application form and remitted an
 599 application fee, not to exceed \$1,000, as set by the boards. An
 600 application must include:

601 a. A certificate of completion of an approved program.

602 b. A sworn statement of any prior felony convictions.

603 c. A sworn statement of any prior discipline or denial of
 604 licensure or certification in any state.

605 d. One letter of recommendation from an osteopathic
 606 physician and one letter of recommendation from a
 607 cardiopulmonary perfusionist.

608 (b) A license must be renewed biennially. Each renewal
 609 must include:

610 1. A renewal fee, not to exceed \$1,000, as set by the
 611 boards.

612 2. A sworn statement of no felony convictions in the
 613 immediately preceding 2 years.

614 (c) Each licensed cardiopulmonary perfusionist must
 615 biennially complete 40 hours of continuing medical education or
 616 hold a current certificate issued by the American Board of
 617 Cardiovascular Perfusion or its successor.

618 1. A provisional license may be issued by the board to a
 619 person who has successfully completed an approved perfusion
 620 education program and the filing of an application, payment of
 621 an application fee, and the submission of evidence satisfactory
 622 to the board of the successful completion of the education
 623 requirement set forth in this section. A provisional licensee
 624 shall be under the supervision and direction of a licensed
 625 perfusionist at all times during which the provisional licensee
 626 performs perfusion. Rules adopted by the board governing such
 627 supervision and direction may not require the immediate physical
 628 presence of the supervising licensed perfusionist. A provisional
 629 license is valid for 2 years from the date it is issued and may
 630 be extended subject to rule by the board. The application for
 631 extension must be signed by a supervising licensed perfusionist.
 632 Upon notification by the approved testing service or the board
 633 that any portion of the licensing examination has been failed
 634 after the 2-year provisional license term, the provisional
 635 license will be surrendered to the board.

636 2. A temporary license may be issued by the department to
637 a person who has successfully completed the perfusion licensure
638 application.

639 (d) The board may impose upon a cardiopulmonary
640 perfusionist any penalty specified in s. 456.072 or s.
641 459.015(2) if the cardiopulmonary perfusionist or the
642 supervising osteopathic physician is found guilty of or is
643 investigated for an act that constitutes a violation of this
644 chapter or chapter 456.

645 (7) CARDIOVASCULAR SURGEON AND CARDIOPULMONARY
646 PERFUSIONIST TO ADVISE THE BOARD.--

647 (a) The chairperson of the board may appoint a
648 cardiovascular surgeon and a cardiopulmonary perfusionist to
649 advise the board as to the adoption of rules for the licensure
650 of cardiopulmonary perfusionists. The board may use a committee
651 structure that is most practicable in order to receive any
652 recommendations to the board regarding rules and all matters
653 relating to cardiopulmonary perfusionists, including, but not
654 limited to, recommendations to improve safety in the clinical
655 practices of licensed cardiopulmonary perfusionists.

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

658 1. Recommend to the department the licensure of
659 cardiopulmonary perfusionists.

660 2. Develop all rules regulating the use of cardiopulmonary
661 perfusionists under this chapter and chapter 458, except for
662 rules relating to the formulary developed under s.
663 458.347(4)(f). The board shall also develop rules to ensure that

664 the continuity of supervision is maintained in each practice
 665 setting. The boards shall consider adopting a proposed rule at
 666 the regularly scheduled meeting immediately following the
 667 submission of the proposed rule. A proposed rule may not be
 668 adopted by either board unless both boards have accepted and
 669 approved the identical language contained in the proposed rule.
 670 The language of all proposed rules must be approved by both
 671 boards pursuant to each respective board's guidelines and
 672 standards regarding the adoption of proposed rules.

673 3. Address concerns and problems of practicing
 674 cardiopulmonary perfusionists to improve safety in the clinical
 675 practices of licensed cardiopulmonary perfusionists.

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

- 680 1. Refuse to certify the applicant for licensure;
 681 2. Approve the applicant for licensure with restrictions
 682 on the scope of practice or license; or
 683 3. Approve the applicant for conditional licensure. Such
 684 conditions may include placement of the licensee on probation
 685 for a period of time and subject to such conditions as the board
 686 specifies, including, but not limited to, requiring the licensee
 687 to undergo treatment, to attend continuing education courses, or
 688 to take corrective action.

689 (8) PENALTY.--A person who falsely holds himself or
 690 herself out as a cardiopulmonary perfusionist commits a felony

691 of the third degree, punishable as provided in s. 775.082, s.
 692 775.083, or s. 775.084.

693 (9) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.--The
 694 boards may deny, suspend, or revoke the license of a
 695 cardiopulmonary perfusionist who the board determines has
 696 violated any provision of this section or chapter or any rule
 697 adopted pursuant thereto.

698 (10) RULES.--The boards shall adopt rules to administer
 699 this section.

700 (11) LIABILITY.--A supervising osteopathic physician is
 701 liable for any act or omission of a cardiopulmonary perfusionist
 702 acting under the physician's supervision and control and shall
 703 comply with the financial responsibility requirements of this
 704 chapter and chapter 456, as applicable.

705 (12) FEES.--The department shall allocate the fees
 706 collected under this section to the board.

707 Section 6. This act shall take effect July 1, 2005.