

Bill No. SB 2372

Barcode 082874

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Peaden) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. 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

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

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

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

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

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

1 device that assumes the functions of the patient's heart,  
2 lungs, kidney, liver, or other organs.

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

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

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

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

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

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

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

24 (3)(a) PERFORMANCE OF CLINICAL PERFUSIONISTS.--A  
25 clinical perfusionist may perform duties established by rule  
26 by the board, including the following duties that are included  
27 in the clinical perfusionist's protocol, while prescribed by a  
28 physician or under the supervision of a 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
- 9 monitoring/analysis;
- 10          8. Perform physiological analysis and monitoring;
- 11          9. Perform blood gas and blood chemistry analysis and
- 12 monitoring;
- 13          10. Perform induction of hypothermia or hyperthermia
- 14 with reversal;
- 15          11. Perform hemodilution;
- 16          12. Perform hemofiltration;
- 17          13. Administer blood, blood products, supportive
- 18 fluids, and anesthetic agents via the extracorporeal circuit;
- 19          14. Complete documentation associated with described
- 20 duties;
- 21          15. Perform isolated limb and organ perfusion;
- 22          16. Provide surgical assistance;
- 23          17. Perform organ preservation;
- 24          18. Perform dialysis while on clinical bypass;
- 25          19. Perform therapeutic apheresis;
- 26          20. Administer blood, blood products and supportive
- 27 fluids via the therapeutic apheresis circuit; and
- 28          21. Perform pacemaker lead and battery analysis.
- 29          (b) This section or chapter does not prevent
- 30 third-party payors from reimbursing employers of clinical
- 31 perfusionists for covered services rendered by such clinical

1 perfusionists.

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

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

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

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

23 (5) PROGRAM APPROVAL.--The boards shall approve  
24 programs for the education and training of clinical  
25 perfusionists which meet standards established by board rules.  
26 The boards may recommend only those programs for clinical  
27 perfusionists training which hold full accreditation or  
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  
20 department. An 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 department; 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 provisional licensed perfusionist is under the  
22 supervision and direction of a licensed perfusionist at all  
23 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



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 the board determines

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1 has violated any provision of this section, chapter, or any  
2 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 Section 2. Section 456.048, Florida Statutes, is  
8 amended to read:

9 456.048 Financial responsibility requirements for  
10 certain health care practitioners.--

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

28 (2) The board or department may grant exemptions upon  
29 application by practitioners meeting any of the following  
30 criteria:

31 (a) Any person licensed under chapter 457, s.

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1 458.3475, s. 458.3476, s. 459.023, s. 459.025, chapter 460,  
 2 chapter 461, s. 464.012, chapter 466, or chapter 467 who  
 3 practices exclusively as an officer, employee, or agent of the  
 4 Federal Government or of the state or its agencies or its  
 5 subdivisions. For the purposes of this subsection, an agent  
 6 of the state, its agencies, or its subdivisions is a person  
 7 who is eligible for coverage under any self-insurance or  
 8 insurance program authorized by the provisions of s.  
 9 768.28(16) or who is a volunteer under s. 110.501(1).

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

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

27 (d) Any person licensed or certified under chapter  
 28 457, s. 458.3475, s. 458.3476, s. 459.023, s. 459.025 chapter  
 29 460, chapter 461, s. 464.012, chapter 466, or chapter 467 who  
 30 practices only in conjunction with his or her teaching duties  
 31 at an accredited school or in its main teaching hospitals.

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1 Such person may engage in the practice of medicine to the  
2 extent that such practice is incidental to and a necessary  
3 part of duties in connection with the teaching position in the  
4 school.

5 (e) Any person holding an active license or  
6 certification under chapter 457, s. 458.3475, s. 458.3476, s.  
7 459.023, s. 459.025, chapter 460, chapter 461, s. 464.012,  
8 chapter 466, or chapter 467 who is not practicing in this  
9 state. If such person initiates or resumes practice in this  
10 state, he or she must notify the department of such activity.

11 (f) Any person who can demonstrate to the board or  
12 department that he or she has no malpractice exposure in the  
13 state.

14 (3) Notwithstanding the provisions of this section,  
15 the financial responsibility requirements of ss. 458.320 and  
16 459.0085 shall continue to apply to practitioners licensed  
17 under those chapters, except for clinical perfusionists  
18 licensed pursuant to s. 458.3476 or s. 459.025 and  
19 anesthesiologist assistants licensed pursuant to s. 458.3475  
20 or s. 459.023 who must meet the requirements of this section.

21 Section 3. Section 459.025, Florida Statutes, is  
22 created to read:

23 459.025 Clinical perfusionist.--

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

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

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

30 (c) "Clinical perfusionist" means a person who has  
31 graduated from an approved program, who is licensed to perform

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1 medical services, and who is prescribed, delegated, or  
2 supervised by a licensed physician.

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

18 (e) "Clinical perfusionists' licensing committee"  
19 means the clinical perfusion licensing committee appointed by  
20 the board.

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

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

1 performed.

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

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

8       (j) "Perfusion protocols" means perfusion-related  
9 policies and protocols developed or approved by a licensed  
10 health facility or a physician through collaboration with  
11 administrators, licensed cardiovascular perfusionists, and  
12 other health care professionals.

13       (k) "Proficiency examination" means an entry-level  
14 examination approved by the boards, including examinations  
15 administered by the American Board of Cardiovascular Perfusion  
16 (ABCP).

17       (l) "Provisional licensed perfusionist" means a person  
18 provisionally licensed under this section.

19       (m) "Supervising physician" means an osteopathic  
20 physician who holds an active license.

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

23       (2) PERFORMANCE OF A SUPERVISING PHYSICIAN.--A  
24 physician who supervises a clinical perfusionist must be  
25 qualified in the medical areas in which the clinical  
26 perfusionist performs.

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

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- 1           1. Perform extracorporeal circulation/clinical
- 2 support;
- 3           2. Perform or administer counter pulsation;
- 4           3. Perform circulatory support and ventricular
- 5 assistance;
- 6           4. Perform extracorporeal membrane oxygenation (ECMO)
- 7 and extracorporeal life support (ECLS);
- 8           5. Perform blood conservation techniques,
- 9 autotransfusion, and blood component sequestration;
- 10           6. Perform myocardial preservation;
- 11           7. Perform coagulation and hemotologic
- 12 monitoring/analysis;
- 13           8. Perform physiological analysis and monitoring;
- 14           9. Perform blood gas and blood chemistry analysis and
- 15 monitoring;
- 16           10. Perform induction of hypothermia or hyperthermia
- 17 with reversal;
- 18           11. Perform hemodilution;
- 19           12. Perform hemofiltration;
- 20           13. Administer blood, blood products, supportive
- 21 fluids, and anesthetic agents via the extracorporeal circuit;
- 22           14. Complete documentation associated with described
- 23 duties;
- 24           15. Perform isolated limb and organ perfusion;
- 25           16. Provide surgical assistance;
- 26           17. Perform organ preservation;
- 27           18. Perform dialysis while on clinical bypass;
- 28           19. Perform therapeutic apheresis;
- 29           20. Administer blood, blood products and supportive
- 30 fluids via the therapeutic apheresis circuit; and
- 31           21. Perform pacemaker lead and battery analysis.

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1       (b) This section or chapter does not prevent  
 2 third-party payors from reimbursing employers of clinical  
 3 perfusionists for covered services rendered by such clinical  
 4 perfusionists.

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

7       (d) A clinical perfusionist may perform medical tasks  
 8 and services within the framework of a written practice  
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 12 compound, or dispense any controlled substance, legend drug,  
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 17 administered to a patient while under the orders of such  
 18 physician.

19       (4) PERFORMANCE BY TRAINEES.--The practice of a  
 20 trainee is exempt from the requirements of this chapter while  
 21 the trainee is performing assigned tasks as a trainee in  
 22 conjunction with an approved program. Before providing  
 23 clinical perfusion in conjunction with the requirements of an  
 24 approved program, the trainee shall clearly convey to the  
 25 patient that he or she is a trainee.

26       (5) PROGRAM APPROVAL.--The boards shall approve  
 27 programs for the education and training of clinical  
 28 perfusionists which meet standards established by board rules.  
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 30 perfusionists training which hold full accreditation or  
 31 provisional accreditation from the Commission on Accreditation



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1 of Allied Health Education Programs.

2 (6) CLINICAL PERFUSIONIST LICENSURE.--

3 (a) Any person seeking to be licensed as a clinical  
4 perfusionist must apply to the department. The department  
5 shall issue a license to any person certified by the board to:

6 1. Be at least 18 years of age.

7 2. Have satisfactorily passed a proficiency

8 examination established by the American Board of

9 Cardiovascular Perfusion (ABCP). The board, on receipt of an  
10 application and application fee, shall waive the examination

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

12 a. Is appropriately licensed or certified by another

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

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

15 license or certificate are the substantial equivalent of the

16 requirements of this section determined by the board; or

17 b. Holds a current certificate as a certified clinical

18 perfusionist issued by the American Board of Cardiovascular

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

20 3. Be certified in basic cardiac life support.

21 4. Have completed the application form and remitted an

22 application fee, not to exceed \$1,500, as set by the

23 department. An application must include:

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

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

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

27 of licensure or certification in any state; and

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

29 and one from a certified or licensed clinical perfusionist.

30

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

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1 board and receive a license notwithstanding the requirements  
 2 of this subsection if the person was actively engaged in the  
 3 practice of perfusion consistent with applicable law, and if  
 4 the person was operating cardiopulmonary bypass systems during  
 5 cardiac surgical cases in a licensed health care facility as  
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 31 date it is issued and may be extended subject to rule by the

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1 board. The application for extension must be signed by a  
 2 supervising licensed perfusionist. Upon notification by the  
 3 approved testing service, or the board, that any portion of  
 4 the licensing examination has been failed after the 2-year  
 5 provisional license term, the provisional license must be  
 6 surrendered to the board.

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

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

15 (7) CARDIOVASCULAR SURGEON AND CLINICAL PERFUSIONIST  
 16 TO ADVISE THE BOARD.--

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

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

28 1. Recommend to the department the licensure of  
 29 clinical perfusionists.

30 2. Develop rules regulating the use of clinical  
 31 perfusionists under this chapter and chapter 458, except for

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1 rules relating to the formulary developed under s. 458.347(4).  
 2 The board shall also develop rules to ensure that the  
 3 continuity of supervision is maintained in each practice  
 4 setting. The boards shall consider adopting a proposed rule at  
 5 the regularly scheduled meeting immediately following the  
 6 submission of the proposed rule. A proposed rule may not be  
 7 adopted by either board unless both boards have accepted and  
 8 approved the identical language contained in the proposed  
 9 rule. The language of all proposed rules must be approved by  
 10 both boards pursuant to each respective board's guidelines and  
 11 standards regarding the adoption of proposed rules.

12 3. Address concerns and problems of clinical  
 13 perfusionists to improve safety in the clinical practices of  
 14 licensed clinical perfusionists.

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

19 1. Refuse to certify the applicant for licensure;

20 2. Approve the applicant for licensure with  
 21 restrictions on the scope of practice or license; or

22 3. Approve the applicant for conditional licensure.

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

28 (8) PENALTY.--A person who falsely holds himself or  
 29 herself out as a clinical perfusionist commits a felony of the  
 30 third degree, punishable as provided in s. 775.082, s.  
 31 775.083, or s. 775.084.

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1           (9) DENIAL, SUSPENSION, OR REVOCATION OF  
 2 LICENSURE.--The boards may deny, suspend, or revoke the  
 3 license of a clinical perfusionist whom the board determines  
 4 has violated any provision of this section, chapter, or any  
 5 rule adopted pursuant thereto.

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

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

10           Section 4. This act shall take effect January 1, 2006.

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12

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

14 And the title is amended as follows:

15           Delete everything before the enacting clause

16  
17 and insert:

18                                   A bill to be entitled  
 19           An act relating to clinical perfusionists;  
 20           creating ss. 458.3476 and 459.025, F.S.;

21           providing definitions; requiring a supervising  
 22           physician to be qualified in the medical area  
 23           in which the clinical perfusionist performs;  
 24           prescribing duties of a clinical perfusionist;  
 25           requiring a clinical perfusionist to convey  
 26           that he or she is a clinical perfusionist to a  
 27           patient; authorizing a clinical perfusionist to  
 28           perform medical tasks and services within a  
 29           certain protocol; prohibiting a clinical  
 30           perfusionist from prescribing, ordering,  
 31           compounding, or dispensing certain drugs or a

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1 medical device; providing that a clinical  
2 perfusionist may administer certain drugs,  
3 fluids, and blood products under the  
4 supervision of a physician; exempting a trainee  
5 from requirements of a clinical perfusionist;  
6 requiring board approval of training programs  
7 for clinical perfusionists; providing licensure  
8 requirements; providing provisional licensing  
9 requirements; providing for a temporary license  
10 as a clinical perfusionist; authorizing the  
11 Board of Medicine and the Board of Osteopathic  
12 Medicine to impose a penalty against a clinical  
13 perfusionist found guilty of or investigated  
14 for violating ch. 456, ch. 458, or ch. 459,  
15 F.S.; authorizing the chair of each board to  
16 appoint certain persons to advise the board  
17 regarding rules for the licensure of clinical  
18 perfusionists; providing duties of each board;  
19 providing a penalty for any person who falsely  
20 holds himself or herself out as a clinical  
21 perfusionist; providing for the denial,  
22 suspension, or revocation of a license;  
23 requiring each board to adopt rules; requiring  
24 the Department of Health to allocate fees  
25 collected to each board; amending s. 456.048,  
26 F.S.; specifying financial responsibility  
27 requirements for clinical perfusionists;  
28 providing an effective date.

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