

1 A bill to be entitled
2 An act relating to clinical perfusionists; amending s.
3 456.048, F.S.; specifying financial responsibility
4 requirements for clinical perfusionists; creating ss.
5 458.3476 and 459.025, F.S.; providing definitions;
6 requiring a supervising physician or osteopathic physician
7 to be qualified in the medical areas in which the clinical
8 perfusionist performs; prescribing duties of a clinical
9 perfusionist; requiring a clinical perfusionist to convey
10 to a patient that he or she is a clinical perfusionist;
11 authorizing a clinical perfusionist to perform medical
12 tasks and services within a certain protocol; prohibiting
13 a clinical perfusionist from prescribing, ordering,
14 compounding, or dispensing certain drugs or medical
15 devices; providing that a clinical perfusionist may
16 administer certain drugs, fluids, and blood products under
17 the supervision of a physician or an osteopathic
18 physician; exempting a trainee from the requirements of a
19 clinical perfusionist; requiring approval by the Board of
20 Medicine and the Board of Osteopathic Medicine of training
21 programs for clinical perfusionists; providing licensure
22 requirements; providing provisional licensing
23 requirements; providing for a temporary license as a
24 clinical perfusionist; authorizing each board to impose a
25 penalty against a clinical perfusionist found guilty of or
26 investigated for violating ch. 456, ch. 458, or ch. 459,
27 F.S.; authorizing the chairperson of each board to appoint
28 certain persons to advise the respective boards regarding

29 rules for the licensure of clinical perfusionists;
 30 providing duties of each board; providing for the denial,
 31 suspension, or revocation of a license; requiring each
 32 board to adopt rules; requiring the Department of Health
 33 to allocate collected fees to each board; providing
 34 exemptions from clinical perfusionist licensure
 35 requirements; providing that hospitals are not obligated
 36 to pay certain costs; providing an effective date.

37

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

39

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

42 456.048 Financial responsibility requirements for certain
 43 health care practitioners.--

44 (1) As a prerequisite for licensure or license renewal,
 45 the Board of Acupuncture, the Board of Chiropractic Medicine,
 46 the Board of Podiatric Medicine, and the Board of Dentistry
 47 shall, by rule, require that all health care practitioners
 48 licensed under the respective board, and the Board of Medicine
 49 and the Board of Osteopathic Medicine shall, by rule, require
 50 that all anesthesiologist assistants licensed under ~~pursuant to~~
 51 s. 458.3475 or s. 459.023 and clinical perfusionists licensed
 52 under s. 458.3476 or s. 459.025, and the Board of Nursing shall,
 53 by rule, require that advanced registered nurse practitioners
 54 certified under s. 464.012, and the department shall, by rule,
 55 require that midwives maintain medical malpractice insurance or
 56 provide proof of financial responsibility in an amount and in a

57 manner determined by the board or department to be sufficient to
58 cover claims arising out of the rendering of or failure to
59 render professional care and services in this state.

60 (2) The board or department may grant exemptions upon
61 application by practitioners meeting any of the following
62 criteria:

63 (a) Any person licensed under chapter 457, s. 458.3475, s.
64 458.3476, s. 459.023, s. 459.025, chapter 460, chapter 461, s.
65 464.012, chapter 466, or chapter 467 who practices exclusively
66 as an officer, employee, or agent of the Federal Government or
67 of the state or its agencies or its subdivisions. For the
68 purposes of this subsection, an agent of the state, its
69 agencies, or its subdivisions is a person who is eligible for
70 coverage under any self-insurance or insurance program
71 authorized by the provisions of s. 768.28(16) or who is a
72 volunteer under s. 110.501(1).

73 (b) Any person whose license or certification has become
74 inactive under chapter 457, s. 458.3475, s. 458.3476, s.
75 459.023, s. 459.025, chapter 460, chapter 461, part I of chapter
76 464, chapter 466, or chapter 467 and who is not practicing in
77 this state. Any person applying for reactivation of a license
78 must show either that such licensee maintained tail insurance
79 coverage which provided liability coverage for incidents that
80 occurred on or after October 1, 1993, or the initial date of
81 licensure in this state, whichever is later, and incidents that
82 occurred before the date on which the license became inactive;
83 or such licensee must submit an affidavit stating that such
84 licensee has no unsatisfied medical malpractice judgments or

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85 settlements at the time of application for reactivation.

86 (c) Any person holding a limited license pursuant to s.
87 456.015, and practicing under the scope of such limited license.

88 (d) Any person licensed or certified under chapter 457, s.
89 458.3475, s. 458.3476, s. 459.023, s. 459.025, chapter 460,
90 chapter 461, s. 464.012, chapter 466, or chapter 467 who
91 practices only in conjunction with his or her teaching duties at
92 an accredited school or in its main teaching hospitals. Such
93 person may engage in the practice of medicine to the extent that
94 such practice is incidental to and a necessary part of duties in
95 connection with the teaching position in the school.

96 (e) Any person holding an active license or certification
97 under chapter 457, s. 458.3475, s. 458.3476, s. 459.023, s.
98 459.025, chapter 460, chapter 461, s. 464.012, chapter 466, or
99 chapter 467 who is not practicing in this state. If such person
100 initiates or resumes practice in this state, he or she must
101 notify the department of such activity.

102 (f) Any person who can demonstrate to the board or
103 department that he or she has no malpractice exposure in the
104 state.

105 (3) Notwithstanding the provisions of this section, the
106 financial responsibility requirements of ss. 458.320 and
107 459.0085 shall continue to apply to practitioners licensed under
108 those chapters, except for clinical perfusionists licensed under
109 s. 458.3476 or s. 459.025 and anesthesiologist assistants
110 licensed under ~~pursuant to~~ s. 458.3475 or s. 459.023 who must
111 meet the requirements of this section.

112 Section 2. Section 458.3476, Florida Statutes, is created

113 to read:

114 458.3476 Clinical perfusionist.--

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

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

119 (b) "Board" means the Board of Medicine.

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

124 (d) "Clinical perfusion" means the functions necessary for
 125 the support, treatment, measurement, or supplementation of the
 126 cardiovascular, circulatory, or respiratory systems or other
 127 organs, or a combination of those activities, and the safe
 128 management of physiologic functions by monitoring and analyzing
 129 the parameters of the systems under an order and the supervision
 130 of a licensed physician through extracorporeal circulation,
 131 long-term clinical support techniques, including extracorporeal
 132 carbon dioxide removal and extracorporeal membrane oxygenation,
 133 and associated therapeutic and diagnostic technologies, such as
 134 counter-pulsation, ventricular assistance, auto-transfusion,
 135 blood conservation techniques, myocardial and organ
 136 preservation, extracorporeal life support, isolated limb
 137 perfusion, therapeutic aphaeresis, and platelet-rich plasma
 138 sequestration.

139 (e) "Continuing medical education" means courses
 140 recognized and approved by the board, the American Academy of

141 Physician Assistants, the American Medical Association, the
 142 American Osteopathic Association, the American Board of
 143 Cardiovascular Perfusion, or the Accreditation Council on
 144 Continuing Medical Education.

145 (f) "Direct supervision" means on-site, personal
 146 supervision by a licensed clinical perfusionist who is present
 147 when a procedure is being performed and who is in all instances
 148 immediately available to provide assistance and direction to a
 149 trainee while clinical perfusion services are being performed.

150 (g) "Extracorporeal circulation" means the diversion of a
 151 patient's blood through a heart-lung machine or a similar device
 152 that assumes the functions of the patient's heart, lungs,
 153 kidneys, liver, or other organs.

154 (h) "Trainee" means a person who is currently enrolled in
 155 an approved program.

156 (i) "Perfusion protocols" means perfusion-related policies
 157 and protocols developed or approved by a licensed health
 158 facility or a physician through collaboration with
 159 administrators, licensed clinical perfusionists, and other
 160 health care professionals.

161 (j) "Proficiency examination" means an entry-level
 162 examination approved by the board, including examinations
 163 administered by the American Board of Cardiovascular Perfusion.

164 (k) "Provisionally licensed clinical perfusionist" means a
 165 person provisionally licensed under this section.

166 (l) "Supervising physician" means a physician who holds an
 167 active license under chapter 458.

168 (m) "Temporarily licensed clinical perfusionist" means a

169 person granted a temporary license under this section.
 170 (2) PERFORMANCE OF SUPERVISING PHYSICIANS.--A physician
 171 who supervises a clinical perfusionist shall be qualified in the
 172 medical areas in which the clinical perfusionist performs.
 173 (3) PERFORMANCE OF CLINICAL PERFUSIONISTS.--
 174 (a) A clinical perfusionist may perform duties established
 175 by rule by the board while prescribed by a physician or under
 176 the supervision of a physician, including the following duties
 177 that are included in the clinical perfusionist's protocol:
 178 1. Perform extracorporeal circulation or clinical support.
 179 2. Perform or administer counter-pulsation.
 180 3. Perform circulatory support and ventricular assistance.
 181 4. Perform extracorporeal membrane oxygenation and
 182 extracorporeal life support.
 183 5. Perform blood conservation techniques, auto-
 184 transfusion, and blood component sequestration.
 185 6. Perform myocardial preservation.
 186 7. Perform coagulation and hematologic monitoring.
 187 8. Perform physiological monitoring.
 188 9. Perform blood gas analysis and blood chemistry
 189 monitoring.
 190 10. Perform induction of hypothermia or hyperthermia with
 191 reversal.
 192 11. Perform hemodilution.
 193 12. Perform hemofiltration.
 194 13. Administer blood, blood products, supportive fluids,
 195 and anesthetic agents via the extracorporeal circuit.
 196 14. Complete documentation associated with described

197 duties.

198 15. Perform isolated limb and organ perfusion.

199 16. Provide surgical assistance.

200 17. Perform organ preservation.

201 18. Perform dialysis while the patient is on clinical
202 bypass.

203 19. Perform therapeutic aphaeresis.

204 20. Administer blood, blood products, and supportive
205 fluids via the therapeutic aphaeresis circuit.

206 21. Perform pacemaker lead and battery analysis.

207 (b) This section does not prevent third-party payors from
208 reimbursing employers of clinical perfusionists for covered
209 services rendered by the clinical perfusionists.

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

212 (d) A clinical perfusionist may perform medical tasks and
213 services within the framework of a written practice protocol
214 developed between the supervising physician and the clinical
215 perfusionist.

216 (e) A clinical perfusionist may not prescribe, order,
217 compound, or dispense any controlled substance, legend drug, or
218 medical device to any patient. This paragraph does not prohibit
219 a clinical perfusionist from administering legend drugs,
220 controlled substances, or intravenous drugs, fluids, or blood
221 products that are ordered by the physician and administered to a
222 patient while under the orders of the physician.

223 (4) PERFORMANCE OF TRAINEES.--The practice of a trainee is
224 exempt from the requirements of this section while the trainee

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225 is performing assigned tasks as a trainee in conjunction with an
226 approved program. Before providing clinical perfusion in
227 conjunction with the requirements of an approved program, the
228 trainee shall clearly convey to the patient that he or she is a
229 trainee and is under the direct supervision of a licensed
230 clinical perfusionist.

231 (5) PROGRAM APPROVAL.--The board shall approve programs
232 for the education and training of clinical perfusionists that
233 meet standards established by board rules. The board may
234 recommend only those programs for clinical perfusionist training
235 that hold full accreditation or provisional accreditation from
236 the Commission on Accreditation of Allied Health Education
237 Programs.

238 (6) CLINICAL PERFUSIONIST LICENSURE.--

239 (a) Any person seeking to be licensed as a clinical
240 perfusionist shall apply to the department. The department shall
241 issue a license to any person certified by the board to:

242 1. Be at least 18 years of age.

243 2. Have satisfactorily passed a proficiency examination
244 approved by the board. The board, on receipt of an application
245 and application fee, shall waive the examination requirement for
246 an applicant who at the time of application:

247 a. Is appropriately licensed or certified by another
248 state, territory, or possession of the United States if the
249 requirements for the license or certificate of that state,
250 territory, or possession are the substantial equivalent of the
251 requirements of this section determined by the board;

252 b. Holds a current certificate as a certified clinical

253 perfusionist issued by a certifying agency approved by the board
 254 that includes as a requirement for certification an examination
 255 approved by the board; or

256 c. Was not a graduate of an accredited program prior to
 257 1981 but met the then-current eligibility requirements for
 258 certification as a certified clinical perfusionist and
 259 subsequently was certified, if the applicant applies before July
 260 1, 2008, and otherwise complies with the provisions of this
 261 section.

262 3. Be certified in basic cardiac life support.

263 4. Have completed the application form and remitted an
 264 application fee, not to exceed \$1,500 as set by the board. An
 265 application shall include:

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

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

268 c. A sworn statement of any prior discipline or denial of
 269 licensure or certification in any state.

270 d. Two letters of recommendation, one from a physician and
 271 one from a certified or licensed clinical perfusionist.

272
 273 Before July 1, 2007, a person is eligible to apply to the board
 274 and receive a license, notwithstanding the requirements of this
 275 subsection, if the person was actively engaged in the practice
 276 of perfusion consistent with applicable law and if the person
 277 was operating cardiopulmonary bypass systems during cardiac
 278 surgical cases in a licensed health care facility as the
 279 person's primary function and had been operating the system for
 280 8 of the 10 years preceding application for licensure.

281 (b) A license shall be renewed biennially. Each renewal
282 shall include:

283 1. A renewal fee, not to exceed \$1,500, as set by the
284 board.

285 2. A sworn statement of no felony convictions in the
286 immediately preceding 2 years.

287 (c) Each licensed clinical perfusionist shall biennially
288 complete continuing medical education as required by the board.

289 (d)1. A license as a provisionally licensed clinical
290 perfusionist may be issued by the board to a person who has
291 successfully completed an approved perfusion education program
292 and the filing of an application, payment of an application fee,
293 and the submission of evidence satisfactory to the board of the
294 successful completion of the requisite education requirements.

295 2. A provisionally licensed clinical perfusionist shall be
296 under the supervision and direction of a licensed clinical
297 perfusionist at all times during which the provisionally
298 licensed clinical perfusionist performs clinical perfusion.
299 Rules adopted by the board governing the supervision and
300 direction may not require the immediate physical presence of the
301 supervising clinical perfusionist.

302 3. A provisional license is valid for 2 years from the
303 date it is issued and may be extended subject to rule by the
304 board. The application for extension shall be signed by a
305 supervising clinical perfusionist. Upon notification by the
306 approved testing service or the board that any portion of the
307 licensing examination has been failed after the 2-year
308 provisional license term, the provisional license shall be

309 surrendered to the board.

310 (e) A license as a temporarily licensed clinical
 311 perfusionist may be issued by the department to a person who has
 312 successfully completed the licensure application.

313 (f) The board may impose upon a clinical perfusionist any
 314 penalty specified in s. 456.072 or s. 458.331(2) if the clinical
 315 perfusionist is found guilty of or is investigated for an act
 316 that constitutes a violation of this chapter or chapter 456.

317 (7) CARDIOVASCULAR SURGEON AND CLINICAL PERFUSIONIST TO
 318 ADVISE THE BOARD.--

319 (a) The chairperson of the board may appoint a
 320 cardiovascular surgeon and a clinical perfusionist to advise the
 321 board as to the adoption of rules for the licensure of clinical
 322 perfusionists. The board may use a committee structure that is
 323 most practicable in order to receive any recommendations to the
 324 board regarding rules and all matters relating to clinical
 325 perfusionists, including, but not limited to, recommendations to
 326 improve safety in the clinical practices of clinical
 327 perfusionists.

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

330 1. Recommend to the department the licensure of clinical
 331 perfusionists.

332 2. Develop rules regulating the use of clinical
 333 perfusionists under this chapter and chapter 459, except for
 334 rules relating to the formulary developed under s. 458.347(4).
 335 The board shall also develop rules to ensure that continuity of
 336 supervision is maintained in each practice setting. The board

337 shall consider adopting a proposed rule at the board's regularly
 338 scheduled meeting immediately following the submission of the
 339 proposed rule. A proposed rule may not be adopted by either the
 340 board or the Board of Osteopathic Medicine under s. 459.025
 341 unless both boards have accepted and approved the identical
 342 language contained in the proposed rule. The language of all
 343 proposed rules shall be approved by both boards pursuant to each
 344 respective board's guidelines and standards regarding the
 345 adoption of proposed rules.

346 3. Address concerns and problems of clinical perfusionists
 347 to improve safety in the clinical practices of licensed clinical
 348 perfusionists.

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

353 1. Refuse to certify the applicant for licensure;
 354 2. Approve the applicant for licensure with restrictions
 355 on the scope of practice or license; or

356 3. Approve the applicant for conditional licensure. The
 357 conditions may include placement of the applicant on probation
 358 for a period of time and subject to the conditions as the board
 359 specifies, including, but not limited to, requiring the
 360 applicant to undergo treatment, to attend continuing education
 361 courses, or to take corrective action.

362 (8) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.--The
 363 board may deny, suspend, or revoke the license of a clinical
 364 perfusionist who the board determines has violated any provision

365 of this section or any rule adopted pursuant thereto.
 366 (9) RULES.--The board shall adopt rules to administer this
 367 section.
 368 (10) FEES.--The department shall allocate the fees
 369 collected under this section to the board.
 370 (11) EXEMPTIONS.--
 371 (a) This section may not be construed to limit the
 372 practice of a physician licensed under this chapter or a
 373 respiratory therapist licensed under this chapter as long as
 374 that person does not hold himself or herself out to the public
 375 as possessing a license, provisional license, or registration
 376 issued under this section or use a professional title protected
 377 by this section.
 378 (b) This section may not be construed to limit the
 379 practice of nursing or to prevent qualified members of other
 380 professions from doing work of a nature consistent with their
 381 training and licensure as long as those persons do not hold
 382 themselves out to the public as possessing a license,
 383 provisional license, or registration issued under this section
 384 or use a professional title protected by this section.
 385 (c) A person need not be licensed under this section who:
 386 1. Is licensed in this state under any other law and is
 387 engaging in the profession or occupation for which he or she is
 388 licensed.
 389 2. Is a qualified person in this state or another state or
 390 territory who is employed by the United States Government or an
 391 agency thereof while discharging his or her official duties.
 392 3. Is a student providing services regulated under this

393 section who is:

394 a. Pursuing a course of study that leads to a degree in a

395 profession regulated under this section.

396 b. Providing services in a training setting as long as the

397 services and associated activities constitute part of a

398 supervised course of study.

399 c. Designated by the title "trainee."

400 4. Is not a resident of this state but offers clinical

401 perfusion services in this state, provided that:

402 a. The services are performed in this state for no more

403 than 30 days in any calendar year; and

404 b. The nonresident is licensed or certified by a state or

405 territory of the United States.

406 (d) Except as stipulated by the board, the exemptions in

407 this subsection do not apply to any person licensed under this

408 section whose license has been revoked or suspended by the board

409 or whose license or certification in another jurisdiction has

410 been revoked or suspended by the licensing or certifying

411 authority in that jurisdiction.

412 (e) This subsection may not be construed to exempt a

413 person from meeting the minimum standards of performance in

414 professional activities when measured against generally

415 prevailing peer performance, including the undertaking of

416 activities for which the person is not qualified by training or

417 experience.

418 (12) PAYMENT OR REIMBURSEMENT BY HOSPITALS OF COSTS OF

419 COMPLIANCE.--A hospital is not required to pay for or reimburse

420 any person for the costs of compliance with any requirement of

421 this section, including costs of continuing education.

422 Section 3. Section 459.025, Florida Statutes, is created
423 to read:

424 459.025 Clinical perfusionist.--

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

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

429 (b) "Board" means the Board of Osteopathic Medicine.

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

434 (d) "Clinical perfusion" means the functions necessary for
435 the support, treatment, measurement, or supplementation of the
436 cardiovascular, circulatory, or respiratory systems or other
437 organs, or a combination of those activities, and the safe
438 management of physiologic functions by monitoring and analyzing
439 the parameters of the systems under an order and the supervision
440 of a licensed osteopathic physician through extracorporeal
441 circulation, long-term clinical support techniques, including
442 extracorporeal carbon dioxide removal and extracorporeal
443 membrane oxygenation, and associated therapeutic and diagnostic
444 technologies, such as counter-pulsation, ventricular assistance,
445 auto-transfusion, blood conservation techniques, myocardial and
446 organ preservation, extracorporeal life support, isolated limb
447 perfusion, therapeutic aphaeresis, and platelet-rich plasma
448 sequestration.

449 (e) "Continuing medical education" means courses
450 recognized and approved by the board, the American Academy of
451 Physician Assistants, the American Medical Association, the
452 American Osteopathic Association, the American Board of
453 Cardiovascular Perfusion, or the Accreditation Council on
454 Continuing Medical Education.

455 (f) "Direct supervision" means on-site, personal
456 supervision by a licensed clinical perfusionist who is present
457 when a procedure is being performed and who is in all instances
458 immediately available to provide assistance and direction to a
459 trainee while clinical perfusion services are being performed.

460 (g) "Extracorporeal circulation" means the diversion of a
461 patient's blood through a heart-lung machine or a similar device
462 that assumes the functions of the patient's heart, lungs,
463 kidneys, liver, or other organs.

464 (h) "Trainee" means a person who is currently enrolled in
465 an approved program.

466 (i) "Perfusion protocols" means perfusion-related policies
467 and protocols developed or approved by a licensed health
468 facility or an osteopathic physician through collaboration with
469 administrators, licensed clinical perfusionists, and other
470 health care professionals.

471 (j) "Proficiency examination" means an entry-level
472 examination approved by the board, including examinations
473 administered by the American Board of Cardiovascular Perfusion.

474 (k) "Provisionally licensed clinical perfusionist" means a
475 person provisionally licensed under this section.

476 (l) "Supervising physician" means an osteopathic physician

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477 who holds an active license under chapter 459.

478 (m) "Temporarily licensed clinical perfusionist" means a
479 person granted a temporary license under this section.

480 (2) PERFORMANCE OF SUPERVISING PHYSICIANS.--An osteopathic
481 physician who supervises a clinical perfusionist shall be
482 qualified in the medical areas in which the clinical
483 perfusionist performs.

484 (3) PERFORMANCE OF CLINICAL PERFUSIONISTS.--

485 (a) A clinical perfusionist may perform duties established
486 by rule by the board while prescribed by an osteopathic
487 physician or under the supervision of an osteopathic physician,
488 including the following duties that are included in the clinical
489 perfusionist's protocol:

490 1. Perform extracorporeal circulation or clinical support.

491 2. Perform or administer counter-pulsation.

492 3. Perform circulatory support and ventricular assistance.

493 4. Perform extracorporeal membrane oxygenation and
494 extracorporeal life support.

495 5. Perform blood conservation techniques, auto-
496 transfusion, and blood component sequestration.

497 6. Perform myocardial preservation.

498 7. Perform coagulation and hematologic monitoring.

499 8. Perform physiological monitoring.

500 9. Perform blood gas analysis and blood chemistry
501 monitoring.

502 10. Perform induction of hypothermia or hyperthermia with
503 reversal.

504 11. Perform hemodilution.

- 505 12. Perform hemofiltration.
- 506 13. Administer blood, blood products, supportive fluids,
507 and anesthetic agents via the extracorporeal circuit.
- 508 14. Complete documentation associated with described
509 duties.
- 510 15. Perform isolated limb and organ perfusion.
- 511 16. Provide surgical assistance.
- 512 17. Perform organ preservation.
- 513 18. Perform dialysis while the patient is on clinical
514 bypass.
- 515 19. Perform therapeutic aphaeresis.
- 516 20. Administer blood, blood products, and supportive
517 fluids via the therapeutic aphaeresis circuit.
- 518 21. Perform pacemaker lead and battery analysis.
- 519 (b) This section does not prevent third-party payors from
520 reimbursing employers of clinical perfusionists for covered
521 services rendered by the clinical perfusionists.
- 522 (c) A clinical perfusionist shall clearly convey to a
523 patient that he or she is a clinical perfusionist.
- 524 (d) A clinical perfusionist may perform medical tasks and
525 services within the framework of a written practice protocol
526 developed between the supervising physician and the clinical
527 perfusionist.
- 528 (e) A clinical perfusionist may not prescribe, order,
529 compound, or dispense any controlled substance, legend drug, or
530 medical device to any patient. This paragraph does not prohibit
531 a clinical perfusionist from administering legend drugs,
532 controlled substances, or intravenous drugs, fluids, or blood

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533 products that are ordered by the osteopathic physician and
534 administered to a patient while under the orders of the
535 physician.

536 (4) PERFORMANCE OF TRAINEES.--The practice of a trainee is
537 exempt from the requirements of this section while the trainee
538 is performing assigned tasks as a trainee in conjunction with an
539 approved program. Before providing clinical perfusion in
540 conjunction with the requirements of an approved program, the
541 trainee shall clearly convey to the patient that he or she is a
542 trainee and is under the direct supervision of a licensed
543 clinical perfusionist.

544 (5) PROGRAM APPROVAL.--The board shall approve programs
545 for the education and training of clinical perfusionists that
546 meet standards established by board rules. The board may
547 recommend only those programs for clinical perfusionist training
548 that hold full accreditation or provisional accreditation from
549 the Commission on Accreditation of Allied Health Education
550 Programs.

551 (6) CLINICAL PERFUSIONIST LICENSURE.--

552 (a) Any person seeking to be licensed as a clinical
553 perfusionist shall apply to the department. The department shall
554 issue a license to any person certified by the board to:

555 1. Be at least 18 years of age.

556 2. Have satisfactorily passed a proficiency examination
557 approved by the board. The board, on receipt of an application
558 and application fee, shall waive the examination requirement for
559 an applicant who at the time of application:

560 a. Is appropriately licensed or certified by another

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561 state, territory, or possession of the United States if the
562 requirements for the license or certificate of that state,
563 territory, or possession are the substantial equivalent of the
564 requirements of this section determined by the board;

565 b. Holds a current certificate as a certified clinical
566 perfusionist issued by a certifying agency approved by the board
567 that includes as a requirement for certification an examination
568 approved by the board; or

569 c. Was not a graduate of an accredited program prior to
570 1981 but met the then-current eligibility requirements for
571 certification as a certified clinical perfusionist and
572 subsequently was certified, if the applicant applies before July
573 1, 2008, and otherwise complies with the provisions of this
574 section.

575 3. Be certified in basic cardiac life support.

576 4. Have completed the application form and remitted an
577 application fee, not to exceed \$1,500 as set by the board. An
578 application shall include:

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

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

581 c. A sworn statement of any prior discipline or denial of
582 licensure or certification in any state.

583 d. Two letters of recommendation, one from an osteopathic
584 physician and one from a certified or licensed clinical
585 perfusionist.

586

587 Before July 1, 2007, a person is eligible to apply to the board
588 and receive a license, notwithstanding the requirements of this

589 subsection, if the person was actively engaged in the practice
 590 of perfusion consistent with applicable law and if the person
 591 was operating cardiopulmonary bypass systems during cardiac
 592 surgical cases in a licensed health care facility as the
 593 person's primary function and had been operating the system for
 594 8 of the 10 years preceding application for licensure.

595 (b) A license shall be renewed biennially. Each renewal
 596 shall include:

597 1. A renewal fee, not to exceed \$1,500, as set by the
 598 board.

599 2. A sworn statement of no felony convictions in the
 600 immediately preceding 2 years.

601 (c) Each licensed clinical perfusionist shall biennially
 602 complete continuing medical education as required by the board.

603 (d)1. A license as a provisionally licensed clinical
 604 perfusionist may be issued by the board to a person who has
 605 successfully completed an approved perfusion education program
 606 and the filing of an application, payment of an application fee,
 607 and the submission of evidence satisfactory to the board of the
 608 successful completion of the requisite education requirements.

609 2. A provisionally licensed clinical perfusionist shall be
 610 under the supervision and direction of a licensed clinical
 611 perfusionist at all times during which the provisionally
 612 licensed clinical perfusionist performs clinical perfusion.

613 Rules adopted by the board governing the supervision and
 614 direction may not require the immediate physical presence of the
 615 supervising clinical perfusionist.

616 3. A provisional license is valid for 2 years from the

617 date it is issued and may be extended subject to rule by the
 618 board. The application for extension shall be signed by a
 619 supervising clinical perfusionist. Upon notification by the
 620 approved testing service or the board that any portion of the
 621 licensing examination has been failed after the 2-year
 622 provisional license term, the provisional license shall be
 623 surrendered to the board.

624 (e) A license as a temporarily licensed clinical
 625 perfusionist may be issued by the department to a person who has
 626 successfully completed the licensure application.

627 (f) The board may impose upon a clinical perfusionist any
 628 penalty specified in s. 456.072 or s. 458.331(2) if the clinical
 629 perfusionist is found guilty of or is investigated for an act
 630 that constitutes a violation of this chapter or chapter 456.

631 (7) CARDIOVASCULAR SURGEON AND CLINICAL PERFUSIONIST TO
 632 ADVISE THE BOARD.--

633 (a) The chairperson of the board may appoint a
 634 cardiovascular surgeon and a clinical perfusionist to advise the
 635 board as to the adoption of rules for the licensure of clinical
 636 perfusionists. The board may use a committee structure that is
 637 most practicable in order to receive any recommendations to the
 638 board regarding rules and all matters relating to clinical
 639 perfusionists, including, but not limited to, recommendations to
 640 improve safety in the clinical practices of clinical
 641 perfusionists.

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

644 1. Recommend to the department the licensure of clinical

645 perfusionists.

646 2. Develop rules regulating the use of clinical
647 perfusionists under this chapter and chapter 458, except for
648 rules relating to the formulary developed under s. 458.347(4).
649 The board shall also develop rules to ensure that continuity of
650 supervision is maintained in each practice setting. The board
651 shall consider adopting a proposed rule at the board's regularly
652 scheduled meeting immediately following the submission of the
653 proposed rule. A proposed rule may not be adopted by either the
654 board or the Board of Medicine under s. 458.3476 unless both
655 boards have accepted and approved the identical language
656 contained in the proposed rule. The language of all proposed
657 rules shall be approved by both boards pursuant to each
658 respective board's guidelines and standards regarding the
659 adoption of proposed rules.

660 3. Address concerns and problems of clinical perfusionists
661 to improve safety in the clinical practices of licensed clinical
662 perfusionists.

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

667 1. Refuse to certify the applicant for licensure;
668 2. Approve the applicant for licensure with restrictions
669 on the scope of practice or license; or

670 3. Approve the applicant for conditional licensure. The
671 conditions may include placement of the applicant on probation
672 for a period of time and subject to the conditions as the board

673 specifies, including, but not limited to, requiring the
674 applicant to undergo treatment, to attend continuing education
675 courses, or to take corrective action.

676 (8) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.--The
677 board may deny, suspend, or revoke the license of a clinical
678 perfusionist who the board determines has violated any provision
679 of this section or any rule adopted pursuant thereto.

680 (9) RULES.--The board shall adopt rules to administer this
681 section.

682 (10) FEES.--The department shall allocate the fees
683 collected under this section to the board.

684 (11) EXEMPTIONS.--

685 (a) This section may not be construed to limit the
686 practice of an osteopathic physician licensed under this chapter
687 or a respiratory therapist licensed under chapter 468 as long as
688 that person does not hold himself or herself out to the public
689 as possessing a license, provisional license, or registration
690 issued under this section or use a professional title protected
691 by this section.

692 (b) This section may not be construed to limit the
693 practice of nursing or to prevent qualified members of other
694 professions from doing work of a nature consistent with their
695 training and licensure as long as those persons do not hold
696 themselves out to the public as possessing a license,
697 provisional license, or registration issued under this section
698 or use a professional title protected by this section.

699 (c) A person need not be licensed under this section who:
700 1. Is licensed in this state under any other law and is

701 engaging in the profession or occupation for which he or she is
 702 licensed.

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

706 3. Is a student providing services regulated under this
 707 section who is:

708 a. Pursuing a course of study that leads to a degree in a
 709 profession regulated under this section.

710 b. Providing services in a training setting as long as the
 711 services and associated activities constitute part of a
 712 supervised course of study.

713 c. Designated by the title "trainee."

714 4. Is not a resident of this state but offers clinical
 715 perfusion services in this state, provided that:

716 a. The services are performed in this state for no more
 717 than 30 days in any calendar year; and

718 b. The nonresident is licensed or certified by a state or
 719 territory of the United States.

720 (d) Except as stipulated by the board, the exemptions in
 721 this subsection do not apply to any person licensed under this
 722 section whose license has been revoked or suspended by the board
 723 or whose license or certification in another jurisdiction has
 724 been revoked or suspended by the licensing or certifying
 725 authority in that jurisdiction.

726 (e) This subsection may not be construed to exempt a
 727 person from meeting the minimum standards of performance in
 728 professional activities when measured against generally

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729 prevailing peer performance, including the undertaking of
730 activities for which the person is not qualified by training or
731 experience.

732 (12) PAYMENT OR REIMBURSEMENT BY HOSPITALS OF COSTS OF
733 COMPLIANCE.--A hospital is not required to pay for or reimburse
734 any person for the costs of compliance with any requirement of
735 this section, including costs of continuing education.

736 Section 4. This act shall take effect July 1, 2006.