

HOUSE BILL 692

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By: **Delegates Pena–Melnyk, Costa, Cullison, Hubbard, Kach, A. Kelly, Krebs, Morhaim, Murphy, Oaks, Reznik, and V. Turner**

Introduced and read first time: January 31, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Perfusion Act – Revisions**

3 FOR the purpose of altering the requirement that one of the members of the Perfusion
4 Advisory Committee be a physician who performs cardiac or cardiothoracic
5 surgery to allow the member to be a cardiac anesthesiologist; authorizing, under
6 certain circumstances, a certain applicant to apply to the State Board of
7 Physicians for an extension of the term of a certain license; requiring the Board
8 to adopt regulations to carry out a certain provision of this Act; altering the
9 circumstances under which the Board is required to reinstate a certain license
10 issued by the Board; repealing the requirement that a licensed perfusionist
11 display the perfusionist’s license in a certain place; requiring a licensed
12 perfusionist to keep a copy of the perfusionist’s license in a certain file and
13 make the license available for inspection on request; altering certain penalty
14 provisions; correcting the names of certain organizations referenced in the
15 Maryland Perfusion Act; altering the circumstances under which certain
16 entities are not required to report a certain licensed perfusionist to the Board;
17 and generally relating to the Maryland Perfusion Act.

18 BY repealing and reenacting, with amendments,

19 Article – Health Occupations

20 Section 14–5E–06(a), 14–5E–09(c), 14–5E–10, 14–5E–13(f), 14–5E–14(b),
21 14–5E–18(b)(1)(i), and 14–5E–23

22 Annotated Code of Maryland

23 (2009 Replacement Volume and 2013 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14-5E-06.

2 (a) The Committee consists of seven members, appointed by the Board as
3 follows:

4 (1) (i) On or before September 30, 2013, three individuals who
5 practice perfusion and who:

6 1. Are certified by a national certifying board; and

7 2. Have a minimum of 2 years experience; and

8 (ii) On or after October 1, 2013, three licensed perfusionists;

9 (2) Three physicians, at least one of whom performs cardiac or
10 cardio-thoracic surgery **OR IS A CARDIAC ANESTHESIOLOGIST**; and

11 (3) One consumer member.

12 14-5E-09.

13 (c) An applicant for a license to practice perfusion shall:

14 (1) (i) Submit to the Board satisfactory evidence of certification as
15 a certified perfusionist or other national certification approved by the Board; and

16 (ii) Meet any other educational or clinical requirements
17 established by the Committee and approved by the Board; or

18 (2) (i) Submit to the Board satisfactory evidence of graduation
19 from a perfusion educational program that is accredited by the [Committee]
20 **COMMISSION** on Accreditation of Allied Health Education Programs, or the
21 [Committee's] **COMMISSION'S** predecessor or successor; and

22 (ii) Meet any other educational or clinical requirements
23 established by the Committee and approved by the Board.

24 14-5E-10.

25 (A) [An] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN**
26 applicant who otherwise qualifies for a license under § 14-5E-09(c)(2) of this subtitle
27 is entitled to be licensed for a single 2-year term before taking the national certifying
28 examination given by the American Board of Cardiovascular Perfusion or its successor
29 organization or another examination given or approved by the Board.

1 **(B) (1) IF AN APPLICANT WAS PREVENTED FROM TAKING THE**
2 **NATIONAL CERTIFYING EXAMINATION BEFORE THE SINGLE 2-YEAR LICENSE**
3 **EXPIRES BECAUSE OF EXTENUATING CIRCUMSTANCES, THE APPLICANT MAY**
4 **APPLY TO THE BOARD FOR AN EXTENSION OF THE TERM OF THE LICENSE.**

5 **(2) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT**
6 **PARAGRAPH (1) OF THIS SUBSECTION THAT INCLUDE:**

7 **(I) CRITERIA THAT AN APPLICANT MUST MEET TO RECEIVE**
8 **AN EXTENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND**

9 **(II) PROVISIONS AS TO THE LENGTH OF TIME THAT A**
10 **LICENSE MAY BE EXTENDED.**

11 14-5E-13.

12 (f) The Board shall reinstate the license of an individual who has [not been
13 placed on inactive status but has] failed to renew the license for any reason if the
14 individual:

15 (1) Applies for reinstatement [within 30 days] after the date the
16 license expires;

17 (2) Meets the renewal requirements of this section; and

18 (3) Pays to the Board the reinstatement fee set by the Board.

19 14-5E-14.

20 (b) Each licensed perfusionist shall [display the license conspicuously in the
21 office or place of employment of the licensee]:

22 **(1) KEEP A COPY OF THE LICENSE IN THE LICENSEE'S**
23 **EMPLOYMENT FILE; AND**

24 **(2) MAKE THE LICENSE AVAILABLE FOR INSPECTION ON**
25 **REQUEST.**

26 14-5E-18.

27 (b) A hospital, related institution, alternative health system, or employer
28 that has reason to know that a licensed perfusionist has committed an act or has a
29 condition that might be grounds for reprimand or probation of the licensed
30 perfusionist or suspension or revocation of the license because the licensed

1 perfusionist is alcohol-impaired or drug-impaired is not required to report the
2 licensed perfusionist to the Board if:

3 (1) The hospital, related institution, alternative health system, or
4 employer knows that the licensed perfusionist is:

5 (i) In an alcohol or drug treatment program that is accredited
6 by the Joint Commission [on Accreditation of Healthcare Organizations] **OR ITS**
7 **SUCCESSOR**, or is certified by the Department; or

8 14-5E-23.

9 (a) [Except as provided in subsection (b) of this section, a] **A** person who
10 violates any provision of this subtitle is guilty of a misdemeanor and on conviction is
11 subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

12 (b) A person who violates [§ 14-5E-20] **ANY PROVISION** of this subtitle is
13 subject to a civil fine of not more than \$5,000 to be levied by the Board.

14 (c) The Board shall pay any penalty collected under this section into the
15 Board of Physicians Fund.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2014.