

# 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

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Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2014

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## CHAPTER \_\_\_\_\_

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)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health Occupations**

4 14–5E–06.

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

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

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

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

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

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

14 (3) One consumer member.

15 14–5E–09.

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

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

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

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

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

27 14–5E–10.

28 **(A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN**  
29 applicant who otherwise qualifies for a license under § 14–5E–09(c)(2) of this subtitle

1 is entitled to be licensed for a single 2-year term before taking the national certifying  
2 examination given by the American Board of Cardiovascular Perfusion or its successor  
3 organization or another examination given or approved by the Board.

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

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

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

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

14 14-5E-13.

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

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

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

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

22 14-5E-14.

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

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

27 **(2) MAKE THE LICENSE AVAILABLE FOR INSPECTION ON**  
28 **REQUEST.**

29 14-5E-18.

1 (b) A hospital, related institution, alternative health system, or employer  
 2 that has reason to know that a licensed perfusionist has committed an act or has a  
 3 condition that might be grounds for reprimand or probation of the licensed  
 4 perfusionist or suspension or revocation of the license because the licensed  
 5 perfusionist is alcohol-impaired or drug-impaired is not required to report the  
 6 licensed perfusionist to the Board if:

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

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

12 14-5E-23.

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.