

Chapter 609

(House Bill 692)

AN ACT concerning

Maryland Perfusion Act – Revisions

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

BY repealing and reenacting, with amendments,

Article – Health Occupations

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

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

14–5E–06.

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

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

1. Are certified by a national certifying board; and

2. Have a minimum of 2 years experience; and
 - (ii) On or after October 1, 2013, three licensed perfusionists;
 - (2) Three physicians, at least one of whom performs cardiac or cardio–thoracic surgery **OR IS A CARDIAC ANESTHESIOLOGIST**; and
 - (3) One consumer member.

14–5E–09.

- (c) An applicant for a license to practice perfusion shall:
 - (1) (i) Submit to the Board satisfactory evidence of certification as a certified perfusionist or other national certification approved by the Board; and
 - (ii) Meet any other educational or clinical requirements established by the Committee and approved by the Board; or
 - (2) (i) Submit to the Board satisfactory evidence of graduation from a perfusion educational program that is accredited by the [Committee] **COMMISSION** on Accreditation of Allied Health Education Programs, or the [Committee’s] **COMMISSION’S** predecessor or successor; and
 - (ii) Meet any other educational or clinical requirements established by the Committee and approved by the Board.

14–5E–10.

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

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

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

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

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

14-5E-13.

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

- (1) Applies for reinstatement [within 30 days] after the date the license expires;
- (2) Meets the renewal requirements of this section; and
- (3) Pays to the Board the reinstatement fee set by the Board.

14-5E-14.

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

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

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

14-5E-18.

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

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

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

14-5E-23.

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

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

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

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

Approved by the Governor, May 15, 2014.