

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 692 (Delegate Pena-Melnyk, *et al.*)
Health and Government Operations Education, Health, and Environmental Affairs

Maryland Perfusion Act - Revisions

This bill (1) expands the civil fine authority of the State Board of Physicians over licensed perfusionists; (2) alters the circumstances under which the board must reinstate a license to a perfusionist; (3) provides for an extension of a temporary license issued to certain applicants prior to taking the national certifying examination; (4) alters the requirements regarding display of a license; (5) alters the membership requirements of the Perfusion Advisory Committee (PAC); and (6) corrects references to the Commission on Accreditation of Allied Health Education Programs and the joint commission with the current name of each organization.

Fiscal Summary

State Effect: Potential minimal increase in special fund revenues for the State Board of Physicians from the expansion of its civil fine authority over perfusionists. Expenditures are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Civil Fine Authority: A person who violates any provision of the Maryland Perfusion Act is guilty of a misdemeanor. A violator is subject to a fine of up to \$1,000 and/or imprisonment for up to one year. A person who practices, attempts to practice, or offers

to practice perfusion in Maryland without a license from the board is subject to a civil fine of up to \$5,000. The fine is levied by the board and payable to the Board of Physicians Fund. The bill expands the board's civil fine authority to apply to *any violation* of the Maryland Perfusion Act. This change conforms the board's civil fine authority over perfusionists with the board's authority over other allied health professions.

Reinstatement: The board must 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 applies for reinstatement within 30 days after the license expires. The bill removes the requirement that the individual not have been placed on inactive status as well as the 30-day time period to apply for reinstatement. According to the board, this is intended to allow a perfusionist to reinstate a license at any time whether or not the individual is on inactive status.

Extension of Temporary License: A qualified applicant is entitled to be licensed for a single, two-year term before taking the national certifying examination or another examination given or approved by the board. The bill allows an applicant who was prevented from taking the national certifying examination before the license expires, because of extenuating circumstances, to apply for an extension of the license. The board must adopt regulations to grant such extensions.

Display of a License: Each licensed perfusionist must display his or her license conspicuously in his or her office or place of employment. The bill repeals this requirement and instead requires each licensee to keep a copy of the license in his or her employment file and make the license available for inspection upon request.

Perfusion Advisory Committee: PAC comprises seven members, including three individuals who practice perfusion, three physicians, and one consumer. At least one of the physician members must perform cardiac or cardio-thoracic surgery. The bill authorizes this member to alternatively be a cardiac anesthesiologist. According to the board, this provision is intended to facilitate the board in filling this PAC position by increasing the number of physicians who would qualify to serve. The current PAC has both a cardiothoracic surgeon *and* cardiac anesthesiologist.

Background: Perfusionists offer a variety of clinical services to patients under the prescription and supervision of a physician. The most common perfusion services are cardiopulmonary bypass (use of a heart-lung machine) and extracorporeal membrane oxygenation (long-term use of an artificial blood oxygenator to support or replace undeveloped, failing, damaged, or infected lungs to allow treatment and healing).

Chapter 588 of 2011 (the Maryland Perfusion Act) required the board to license and regulate the practice of perfusion and established a PAC within the board. According to the board, there are 75 licensed perfusionists in Maryland.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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