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**PART III. PERFUSION LICENSURE ACT**

**§1331. Legislative findings; intent; purpose**

A. The legislature finds that the practice of perfusion by qualified individuals is necessary to protect the public health, safety, and welfare of the citizens of this state. The purpose and legislative intent of this Part is to encourage and promote the more effective utilization of the skills of physicians by enabling them to delegate certain health-related procedures to medical technologists who are licensed to practice perfusion when the delegation is consistent with the health and welfare of the patient.

B. The legislature further finds that it is in the public interest that the practice of perfusion should be regulated.

C. Therefore, it is the legislative intent and the purpose of this Part to promote, preserve, and protect the public health, safety, and welfare by regulating the practice of perfusion and ensuring that any individual practicing or offering to practice perfusion or using the title "perfusionist" shall be licensed before engaging in such practice.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1332. Short title**

This Part shall be known as the "Louisiana Perfusion Licensure Act".

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1333. Definitions**

As used in this Part, the following terms shall mean the following, unless the context requires otherwise:

- (1) "Board" means the Louisiana State Board of Medical Examiners, as established in R.S. 37:1262 et seq.
- (2) "Extracorporeal circulation" means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver, or other organs.
- (3) "Perfusion" means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, respiratory systems or other organs, or a combination of those activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters:
  - (a) The use of extracorporeal circulation, long-term cardiopulmonary support techniques, including extracorporeal carbon dioxide removal and extracorporeal membrane oxygenation, and associated therapeutic and diagnostic techniques.
  - (b) Counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and isolated limb perfusion.
  - (c) Blood management techniques, advanced life support, and other related functions.
  - (d) In the performance of the acts described in this Subparagraph:
    - (i) The administration of pharmacological agents, therapeutic agents, blood products or anesthetic agents through the extracorporeal circuit as ordered by a physician.

- (ii) The performance and use of:
  - (aa) Anticoagulation monitoring and analysis.
  - (bb) Physiologic monitoring and analysis.
  - (cc) Blood gas and chemistry monitoring and analysis.
  - (dd) Hematologic monitoring and analysis.
  - (ee) Hypothermia.
  - (ff) Hyperthermia.
  - (gg) Hemoconcentration and hemodilution.
  - (hh) Hemodialysis.
- (iii) The observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, perfusion protocols or changes in or the initiation of emergency.
- (4) "Perfusionist" means a person, qualified by academic and clinical education, to operate the extracorporeal circulation equipment during any medical situation where it is necessary to support or replace a person's cardiopulmonary, circulatory, or respiratory function. A perfusionist is responsible for the selection of appropriate equipment and techniques necessary for support, treatment, measurement, or supplementation of the cardiopulmonary and circulatory system of a patient, including the safe monitoring, analysis, and treatment of physiologic conditions.
- (5) "Perfusion protocols" means perfusion related policies and protocols developed or approved by a licensed health facility or a physician through collaboration with administrators, licensed perfusionists, and other health care professionals.
- (6) "Provisional licensed perfusionist" means a person provisionally licensed under this Part.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1334. Licensure required; qualifications; waivers**

- A. No person shall practice perfusion as defined in this Part in this state unless he is licensed in accordance with the provisions of this Part.
- B. The process of licensing perfusionists in Louisiana shall be in place no later than July 1, 2004.
- C. The board shall issue a license to each applicant who applies for licensure as a perfusionist who files an application upon a form and in such manner as the board prescribes and who furnishes evidence that he:
  - (1) Is of good moral character.
  - (2) Has successfully completed the examination provided by the American Board of Cardiovascular Perfusion (ABCP) or its successor agency or a substantially equivalent examination approved by the board.
  - (3) Has graduated from a school accredited by the Commission on the Accreditation of Allied Health Education Programs (CAAHEP) or a similar accrediting body approved by the board.

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D. The board shall license as a perfusionist an applicant who is duly licensed who:

(1) Is licensed as a perfusionist under the laws of another state, territory, or country, if the standards for licensure conform with the standards of this state on that date; or

(2) Holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion (ABCP), or its successor organization.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1335. Licensure without examination**

A. A person is eligible to make application to the board and receive a license notwithstanding the requirements of R.S. 37:1333 if the person is actively engaged in the practice of perfusion consistent with applicable law and if the person, as of July 1, 2003, was operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility in the state of Louisiana as the person's primary function.

B. Notwithstanding R.S. 37:1337, a perfusionist member of the advisory committee is not required to be licensed if the member was appointed to the board before July 1, 2003. Within ninety days after the board has issued its first license, a perfusionist member of the board must apply for and receive a license.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1336. License expiration; renewal; inactive status**

A. A license is valid for two years from the date it is issued and may be renewed.

B. The board shall renew the license of each individual licensed under this Part on a schedule to be determined by the board. Each licensee shall submit an application and meet such other requirements of the board prior to the expiration of his license.

C. Any individual licensed by this Part who is no longer practicing as a perfusionist in this state may, by submitting a written request to the board, be granted inactive status. No payment of an annual licensing fee shall be required by any individual who has been granted inactive status. Such individual may be granted active status by submitting an application form and meeting other such requirements of the board.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1337. Provisional license**

A. A license as a provisional licensed perfusionist may be issued by the board to a person who has successfully completed an approved perfusion program and the filing of an application, payment of an application fee, and the submission of evidence satisfactory to the board of the successful completion of the education requirement set forth in R.S. 37:1333.

B. A provisional licensed perfusionist shall be under the supervision and direction of a licensed perfusionist at all times during which the provisional licensed perfusionist performs perfusion. Rules adopted by the board governing such supervision and direction may not require the immediate physical presence of the supervising licensed perfusionist.

C. A provisional license is valid for two years from the date it is issued and may be extended subject to rule by the board. The application for extension must be signed by a supervising licensed perfusionist.

D. Upon expiration of the two-year period, if the provisionally licensed perfusionist has not successfully completed the required examination, the provisional license will be surrendered to the board.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1338. Powers and duties of the board**

The board shall:

(1) Establish and publish minimum standards of perfusion practice in accordance with those developed and accepted by the profession.

(2) Examine for, approve, deny, revoke, suspend, and renew licensure of duly qualified applicants.

(3) Promulgate and publish rules and regulations in accordance with the Administrative Procedure Act for the purpose of administering the provisions of this Part, including procedures for the issuance and renewal of licenses.

(4) Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1339. Advisory Committee on Perfusion; creation**

A. The Advisory Committee on Perfusion is hereby created and shall be composed of seven members appointed by the governor to assist the Louisiana State Board of Medical Examiners in the administration of the provisions of this Part.

B.(1) The committee shall be composed of a total of seven persons, including four persons who hold an active license to engage in the practice of perfusion in this state, and are appointed by the governor from a list of names submitted by the Louisiana Perfusion Society, or from the general perfusion community should the Louisiana Perfusion Society disband, and two physicians who are actively engaged in the practice of cardiothoracic surgery, appointed by the governor from a list of names submitted by the Louisiana Society of Thoracic Surgeons and one representative from a hospital with an active open heart program appointed by the governor from a list of names submitted by the Louisiana Hospital Association and the Metropolitan Hospital Council of New Orleans. The initial perfusionist appointees who would otherwise be required to be licensed perfusionists shall instead be individuals who have been practicing perfusion for at least five years and who are eligible under this Part for licensure as a perfusionist.

(2) The nominating organizations shall submit their lists of nominees to the governor by October 1, 2003.

C.(1) The terms of office of the initial members appointed to the board shall be three for a two-year term, two for a three-year term, and two for a four-year term. Thereafter, all members shall be appointed for four-year terms.

(2) All members shall serve until their successors are appointed or confirmed.

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(3) No member shall be reappointed for a term that would cause his continuous service on the committee to be longer than eight consecutive years.

D. Upon the expiration of the term of any member or in the event of a vacancy for any reason, the appropriate nominating organization shall submit to the governor the names of two qualified persons for each vacancy to be filled.

E. A vacancy occurring on the committee for any reason shall be filled in the same manner as the original appointment was made. However, members appointed to fill vacancies shall serve only for the unexpired term of their predecessors.

F. The committee shall annually elect a chairman and a vice chairman, who shall be perfusionists, and such other officers as it considers necessary to carry out the duties and functions of the committee.

G. Each member of the committee shall serve without compensation but shall be reimbursed for travel expenses incurred in attendance at meetings of the committee and other expenses incurred on business of the committee at its direction.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1340. Advisory Committee on Perfusion; duties**

Under the authority of the Louisiana Board of Medical Examiners, the committee shall:

- (1) Establish a code of ethics.
- (2) Establish the qualifications and fitness of applicants for licenses, renewal of licenses, and reciprocal licenses.
- (3) Establish the revocation, suspension, or denial of a license, probate a license suspension, or reprimand a license holder for a violation of this Part, the code of ethics, or the rules of the board.
- (4) Establish the categories of fees and the amount of fees that may be imposed in connection with a license.
- (5) Establish continuing professional education requirements for licensed perfusionists and provisional licensed perfusionists under this Part, the standards of which shall be at least as stringent as the didactic requirements established by the American Board of Cardiovascular Perfusion or its successor agency, and shall:
  - (a) Establish the minimum amount of continuing education required to renew a license under this Part.
  - (b) Develop a process to evaluate and approve continuing education courses.
  - (c) Identify the factors for the competent performance by a license holder of the license holder's professional duties.
  - (d) Develop a procedure to assess a license holder's participation in continuing education programs.
- (6) Assist in such other matters dealing with perfusion as the board in its discretion may direct.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1341. False representations of licensure prohibited**

A. A person may not engage or offer to engage in perfusion, as defined in this Part, for compensation or use the title or represent or imply that the person has the title of "licensed perfusionist" or "provisional licensed perfusionist" or use the letters "LP" or "PLP" and may not use any facsimile of these titles in any manner to indicate or imply that the person is a licensed perfusionist or provisional licensed perfusionist unless the person holds an appropriate license issued under this Part.

B. A person may not use the title or represent or imply that the person has the title of "certified clinical perfusionist" or use the letters "CCP" and may not use the facsimile of those titles in any manner to indicate or imply that the person is a certified clinical perfusionist by the American Board of Cardiovascular Perfusion unless the person holds a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion.

C. Whoever violates the provisions of this Part shall be fined not more than one thousand dollars or be imprisoned for not more than six months, or both.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1342. Exceptions**

The provisions of this Part shall not apply to:

- (1) A person licensed in this state as a registered nurse performing perfusion services or a person licensed under any other provision of law engaging in the practice for which he is licensed.
- (2) A student enrolled in an accredited perfusion education program performing perfusion services if perfusion services performed by the student are an integral part of the student's course of study, and are performed under the direct supervision of a licensed perfusionist who is assigned to supervise the student and who is on duty and immediately available in the assigned patient care area.

Acts 2003, No. 811, §1, eff. July 1, 2003.

**§1343. Governmental official duties; professional service corporations**

Nothing in this Part shall be construed in such a way as to prohibit:

- (1) Any legally qualified perfusionist employed by the United States government from engaging in the practice of perfusion while in the discharge of his official duties.
- (2) One or more licensed perfusionists from forming a professional service corporation in accordance with the Professional Service Corporation Act.
- (3) The monitoring of the extracorporeal membrane oxygenation (ECMO) circuit by a properly trained medical professional, in conjunction and with the consultation of a licensed perfusionist.
- (4) Qualified health care providers who are not licensed perfusionists or provisional licensed perfusionists from performing autotransfusion under the direct or indirect supervision of a licensed perfusionist.

Acts 2003, No. 811, §1, eff. July 1, 2003.