

# PROPOSED REGULATION OF THE BOARD OF MEDICAL EXAMINERS

LCB File No. R079-10

## REGULATIONS RELATING TO PERFUSIONISTS

**Sec. 1. NAC chapter 630 shall be amended to add the following new language:**

*1. An application for licensure as a perfusionist must be made on a form supplied by the Board. The application must state:*

- (a) The date and place of the applicant's birth and his sex;*
- (b) The applicant's education, including, without limitation, high schools and postsecondary institutions attended, the length of time in attendance at each and whether the applicant is a graduate of those schools and institutions;*
- (c) Whether the applicant has ever applied for a license or certificate as a perfusionist in another state and, if so, when and where and the results of his or her application;*
- (d) The applicant's training and experience as a perfusionist;*
- (e) Whether the applicant has ever been investigated for misconduct as a perfusionist or had a license or certificate as a perfusionist revoked, modified, limited or suspended or whether any disciplinary action or proceedings have ever been instituted against the applicant by a licensing body in any jurisdiction;*
- (f) Whether the applicant has ever been convicted of a felony or an offense involving moral turpitude;*
- (g) Whether the applicant has ever been investigated for, charged with or convicted of the use or illegal sale or dispensing of controlled substances; and*
- (h) The various places of the applicant's residence from the date of graduation from high school or receipt of a high school general equivalency diploma, whichever occurred most recently.*

*2. An applicant must submit to the Board:*

- (a) Proof of completion of an educational program as a perfusionist:
    - (1) If the applicant completed the educational program on or before June 1, 1994, which was approved by the Committee on Allied Health Education and Accreditation of the American Medical Association; or*
    - (2) If the applicant completed the educational program after June 1, 1994, which is accredited by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association or its successor;**
  - (b) Proof of passage of the examination given by the American Board of Cardiovascular Perfusion or its successor; and*
  - (c) Such further evidence and other documents or proof of qualifications as required by the Board.*
- 3. Each application must be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.*
- 4. The application must be accompanied by the applicable fee.*
- 5. An applicant shall pay the reasonable costs of any examination required for licensure.*

**Sec. 2. NAC chapter 630 shall be amended to add the following new language:**

*If it appears that:*

- 1. An applicant for licensure as a perfusionist is not qualified or is not of good moral character or reputation;*
- 2. Any credential submitted is false; or*
- 3. The application is not made in proper form or other deficiencies appear in it, the application may be rejected.*

**Sec. 3. NAC chapter 630 shall be amended to add the following new language:**

*The license issued by the Board must contain:*

- 1. The name of the perfusionist;*
- 2. The duration of the license; and*
- 3. Any other limitations or requirements which the Board prescribes.*

**Sec. 4. NAC chapter 630 shall be amended to add the following new language:**

- 1. The license of a perfusionist is valid for 2 years.*
- 2. Before providing medical services, a perfusionist, on a form prescribed by the Board, shall notify the Board of the name and location of the primary practice location of the perfusionist. The notice must contain the signature of the perfusionist.*
- 3. A perfusionist who has been licensed by the Board but is not currently licensed, has surrendered his license or has failed to renew his license will be disciplined by the Board, if the Board deems it necessary, upon hearing a complaint for disciplinary action against him.*

**Sec. 5. NAC chapter 630 shall be amended to add the following new language:**

*1. The license of a perfusionist may be renewed biennially. The license will not be renewed unless the perfusionist provides satisfactory proof that he or she has completed 30 hours of continuing education units, two of which must be related to medical ethics, as follows:*

*(a) At least fifteen hours recognized as Category I continuing education, which is approved by the American Board of Cardiovascular Perfusion, and which may include:*

- (1) Attendance at an international, national, regional or state meeting approved for credit by the American Board of Cardiovascular Perfusion;*
- (2) Publication of perfusion related book chapter or article in a professional journal;*
- (3) Presentation of a talk at an international, national, regional, or state perfusion meeting approved for credit by the American Board of Cardiovascular Perfusion;*
- (4) Self-directed continuing education course approved for credit by the American Board of Cardiovascular Perfusion; or*

*(b) No more than fifteen hours of recognized as Category II or Category III continuing education that is approved by the American Board of Cardiovascular Perfusion, and which may include:*

- (1) Attendance at an international, national, regional or state meeting not approved for credit by the American Board of Cardiovascular Perfusion;*
- (2) Attendance at a local perfusion meeting that is not approved for credit by the American Board of Cardiovascular Perfusion;*
- (3) Attendance at a medical meeting or perfusion meeting that was not accessible to all perfusionists;*

- (4) Attendance at a manufacturer-specific or company-sponsored educational event;*
- (5) Attendance at all other medical meetings not approved for credit by the American Board of Cardiovascular Perfusion;*
- (6) Attendance at advanced cardiac life support training not approved for credit by the American Board of Cardiovascular Perfusion; or*
- (7) Courses that satisfy section 6 of this regulation.*

*2. If the perfusionist is licensed during the first year of a biennial period, he must attain and prove upon his renewal application completion of 30 hours of continuing education pursuant to paragraph 1. If the perfusionist is licensed during the second year of a biennial period, he must attain and prove upon his renewal application completion of 16 hours of continuing education, two of which must be related to medical ethics, with at least eight hours coming from a source pursuant to subsection (a) of paragraph 1 and no more than eight hours coming from a source pursuant to subsection (b) of paragraph 1.*

*3. To allow for the renewal of a license to practice as a perfusionist by each person to whom a license was issued or renewed in the preceding renewal period, the Board will make such reasonable attempts as are practicable to:*

*(a) Mail a renewal notice at least 60 days before the expiration of a license to practice as a perfusionist; and*

*(b) Send a renewal notification to a licensee at the last known address of the licensee on record with the Board.*

*4. If a licensee fails to pay the fee for biennial registration after it becomes due, or fails to submit evidence of his completion of continuing education units within the manner prescribed by subsection 1, his or her license to practice perfusion in this State automatically expires. Within 2 years after the date the license expires, the licensee may be reinstated to practice as a perfusionist if the holder:*

*(a) Pays twice the amount of the current fee for biennial registration to the Secretary-Treasurer of the Board; and*

*(b) Submits evidence of completion of required continuing education units in accordance with subsection 1, and*

*(c) Is found to be in good standing and qualified pursuant to this chapter.*

**Sec. 6. NAC chapter 630 shall be amended to add the following new language:**

*1. The medical services which a perfusionist is authorized to perform must be commensurate with his or her education, training, experience and level of competence.*

*2. The perfusionist shall wear at all times while on duty a placard, plate or insigne which identifies him or her as a perfusionist.*

*3. No perfusionist may represent themselves in any manner which would tend to mislead the general public or a patient.*

**Sec. 7. NAC chapter 630 shall be amended to add the following new language:**

*1. A perfusionist is subject to discipline or denial of licensure by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the perfusionist:*

*(a). Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license or renewing a license.*

*(b). Performed medical services other than as permitted by law.*

*(c). Committed malpractice in the performance of medical services, which may be evidenced by claims settled against a practitioner of respiratory care.*

*(d). Disobeyed any order of the Board or an investigative committee of the Board or violated a provision of this chapter.*

*(e). Is not competent to provide perfusionist services.*

*(f). Lost his certification by the American Board of Cardiovascular Perfusion or its successor organization.*

*(g). Failed to notify the Board of loss of certification by the American Board of Cardiovascular Perfusion or its successor organization within thirty days of the loss certification.*

*(h). Falsified or altered records of health care.*

*(i). Rendered medical services to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition.*

*(j). Practiced perfusion after his or her license has expired or been suspended.*

*(k). Has been convicted of a felony, any offense involving moral turpitude or any offense relating to the practice of perfusion or the ability to practice perfusion.*

*(l). Has had a license to practice perfusion revoked, suspended, modified or limited by any other jurisdiction or has surrendered such license or discontinued the practice of perfusion while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or any employer.*

*(m). Engaged in any sexual activity with a patient who is currently being treated by the perfusionist.*

*(n). Engaged in disruptive behavior with physicians, hospital personnel, patients, members of the family of a patient or any other person if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.*

*(o). Engaged in conduct which brings the perfusion profession into disrepute, including but not limited to conduct which is in violation of the following ethical guidelines:*

*(1) A perfusionist shall at all times hold the well-being of their patients paramount and shall not act in such a way as to bring the perfusionist's interests into conflict with their patient's interests.*

*(2) A perfusionist shall not engage in conduct that violates the trust of a patient and exploits the relationship between the perfusionist and the patient for financial or other personal gain.*

*(3) A perfusionist shall not delegate licensed responsibilities to a person who is not qualified to perform such responsibilities.*

*(p). Engaged in sexual contact with a surrogate of a patient or other key person related to a patient, including, without limitation, a spouse, parent or legal guardian, that exploits the relationship between the perfusion and the patient in a sexual manner.*

*(q). Made or filed a report that the perfusionist knows to be false, failed to file a record or report as required by law or willfully obstructed or induced another to obstruct such filing.*

*(r). Failed to report any person that the perfusionist knows, or has reason to know, is in violation of the provisions of chapter 630 of NRS or \_\_\_\_\_ to \_\_\_\_\_, inclusive, relating to the practice of perfusion.*

*(s). Has been convicted of a violation of any federal or state law regulating the prescription, possession, distribution or use of a controlled substance.*

*(t). Held himself or herself out or permitted another to represent him as a licensed physician.*

*(u). Violated any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.*

**Sec. 8. NAC chapter 630 shall be amended to add the following new language:**

*1. Before the Board takes disciplinary action against a perfusionist, the Board will give to the perfusionist written notice specifying the charges made against the perfusionist, and stating that the charges will be heard at the time and place indicated in the notice. Service of the notice will be made, and any investigation and subsequent proceedings will be conducted in the same manner as provided by law for disciplinary actions against physicians.*

**Sec. 9. NAC chapter 630 shall be amended to add the following new language:**

*1. If the Board finds, by a preponderance of the evidence, after notice and hearing in accordance with this chapter, that:*

*The charges in a complaint against a perfusionist are true, the Board will issue and serve on the perfusionist its written findings and any order of sanctions. The following sanctions may be imposed on a perfusionist by order of the Board:*

*(a) Placement on probation for a specified period on any of the conditions specified in the order.*

*(b) Administration of a public reprimand.*

*(c) Suspension of his or her license for a specified period or until further order of the Board.*

*(d) Revocation of his or her license to practice.*

*(e) A requirement that he or she participate in a program to correct alcohol or drug dependence or any other impairment.*

*(f) A requirement that there be specified supervision of his or her practice.*

*(g) A requirement that he or she perform public service without compensation.*

*(h) A requirement that he or she take a physical or mental examination or an examination testing his or her medical competence.*

*(i) A requirement that he or she fulfill certain training or educational requirements, or both, as specified by the Board.*

*(j) A fine not to exceed \$2,500.*

*(k) A requirement that the perfusionist care pay all costs incurred by the Board relating to the disciplinary proceedings.*

*2. No violation has occurred, the Board will issue a written order dismissing the charges and notify the perfusionist that the charges have been dismissed.*

**Sec. 10. NAC chapter 630 shall be amended to add the following new language:**

*1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any perfusionist has raised a reasonable question as to his or her competence to practice as a perfusionist with reasonable skill and safety to patients, it may order that the perfusionist undergo a mental or physical examination or an examination testing his or her competence to practice as a perfusionist by physicians or any other examination designated by the Board to assist the Board or committee in determining the fitness of the perfusionist to practice as a perfusionist.*

*2. Every perfusionist who applies for or is issued a license and who accepts the privilege of performing medical services in this State shall be deemed to have given his or her consent to submit to such an examination pursuant to subsection 1 when he or she is directed to do so in writing by the Board.*

*3. For the purpose of this section, the report of testimony or examination by the examining physicians does not constitute a privileged communication.*

*4. Except in extraordinary circumstances, as determined by the Board, the failure of a licensed perfusionist to submit to an examination when he or she is directed to do so pursuant to this section constitutes an admission of the charges against him or her. A default and final order may be entered without the taking of testimony or presentation of evidence.*

*5. A perfusionist who is subject to an examination pursuant to this section shall pay the costs of the examination.*

**Sec. 11. NAC chapter 630 shall be amended to add the following new language:**

*1. The Board will appoint three licensed perfusionists to an advisory committee. These perfusionists must have lived in and actively and continuously practiced in this State for at least 3 years before their appointment.*

*2. The Board will give appointees to the advisory committee written notice of their appointment and terms of office and a written summary of any projects pending before the committee.*

*3. At the request of the Board, the advisory committee shall review and make recommendations to the Board concerning any matters relating to licensed perfusionists.*