



2001 SENATE BILL 108

March 28, 2001 - Introduced by Senators ERPENBACH, BURKE, GEORGE, GROBSCHMIDT, M. MEYER, PLACHE, RISSER and ROSENZWEIG, cosponsored by Representatives SKINDRUD, BERCEAU, DUFF, GUNDERSON, HAHN, LA FAVE, MUSSER, OTT, PLALE, SHILLING and URBAN. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1 **AN ACT to amend** 15.08 (1m) (b), 146.81 (1) (d), 146.997 (1) (d) 4., 155.01 (7),
2 448.02 (1), 448.03 (2) (b), 448.03 (2) (c), 448.03 (2) (d), 448.03 (2) (k), 448.05 (1)
3 (d), 448.05 (6) (a) and 448.07 (1) (d); and **to create** 15.407 (2m), 252.14 (1) (ar)
4 4c., 440.08 (2) (a) 54m., 448.015 (1e), 448.015 (1m), 448.015 (1s), 448.03 (1) (c),
5 448.03 (2) (L), 448.03 (2) (m), 448.03 (2) (n), 448.03 (3) (f), 448.04 (1) (d), 448.04
6 (1) (e), 448.05 (3), 448.05 (6) (am), 448.13 (2), 448.40 (2) (b) and 448.40 (2) (c) of
7 the statutes; **relating to:** licensing perfusionists, creating a perfusionists
8 examining council, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires a person who practices perfusion or represents that he or she is a perfusionist to be licensed by the medical examining board (board). The bill defines "perfusion" as operating and managing extracorporeal circulation to support, temporarily replace, measure, treat, or supplement the cardiopulmonary and circulatory system of a patient. "Perfusion" includes using blood testing and advanced life support techniques and technologies, autotransfusion, and the administration of blood, blood products, and anesthetic and pharmacological agents.

The bill allows a person who is licensed by the board to practice perfusion under the orders and supervision of a physician. In addition, the bill requires the board to

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promulgate rules that define the scope of the practice of perfusion. A person licensed under the bill is subject to the board's authority under current law to take disciplinary action, including limiting, suspending, or revoking the license, for engaging in unprofessional conduct or negligence in treatment. In addition, a person must renew his or her license every 2 years and complete any continuing education requirements established by the board by rule.

The following persons are exempt from the bill's licensure requirement: 1) perfusionists who are employed in the armed services or federal health services; 2) perfusion students; 3) out-of-state perfusionists who consult with licensed perfusionists; 4) persons who perform autotransfusion or blood conservation techniques under the direction and supervision of physicians; 5) persons who are certified or eligible to be certified by the American Board of Cardiovascular Perfusion and who practice perfusion no more than 30 days in a year; and 6) federal agency employees who provide perfusion services solely under the direction or control of their employer. Also exempt are persons who assist physicians, unless such a person practices perfusion.

To qualify for licensure under the bill, a person must have completed an educational program in perfusion recognized by the board and accredited by the Accreditation Committee for Perfusion Education of the Commission on Accreditation of Allied Health Education Programs. In addition, the person must also pass an examination administered by the board that is at least as stringent and comprehensive as the certification examination used by the American Board of Cardiovascular Perfusion.

The bill also allows the following persons to be licensed without completing the education program described above or passing the examination: 1) a person who, in the 3-year period before the date on which the bill becomes law, had 3 years' experience in performing perfusion during cardiopulmonary surgery at a health care facility licensed in the United States; 2) a person who, between January 1, 1996, and January 1, 2003, had 5 years or more of experience in performing perfusion during cardiopulmonary surgery at a health care facility licensed in the United States; and 3) a person who is certified as a clinical perfusionist by the American Board of Cardiovascular Perfusion and who, between January 1, 1999, and January 1, 2003, completed an education program in perfusion approved by the Commission on Accreditation of Allied Health Education Programs. To qualify for a license under these provisions, a person must apply by January 1, 2004.

Additionally, the bill allows the board to issue a temporary license to practice perfusion to a person who has completed the education program but who has not yet passed the examination. A temporary license is valid for one year and may be renewed each year for not more than 5 years. A person holding a temporary license may practice perfusion only under the supervision and direction of a person who is licensed under the bill.

The bill establishes a perfusionists examining council that serves the board in an advisory capacity. The council consists of 3 members who are licensed under the bill and appointed by the board, one physician member appointed by the board, and one public member appointed by the governor. The physician must be either a

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thoracic surgeon or a cardiovascular anesthesiologist. The council members serve 3-year terms.

Finally, the bill specifies that a person who is licensed under the bill is a health care provider for purposes of state laws regarding patient health care records, prohibiting discrimination based on acquired immunodeficiency syndrome, and protecting health care providers who report violations of state laws.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

2 15.08 **(1m)** (b) The public members of the chiropractic examining board, the
3 dentistry examining board, the hearing and speech examining board, the medical
4 examining board, perfusionists examining council, respiratory care practitioners
5 examining council and council on physician assistants, the board of nursing, the
6 nursing home administrator examining board, the veterinary examining board, the
7 optometry examining board, the pharmacy examining board, the examining board
8 of social workers, marriage and family therapists and professional counselors, and
9 the psychology examining board shall not be engaged in any profession or occupation
10 concerned with the delivery of physical or mental health care.

11 **SECTION 2.** 15.407 (2m) of the statutes is created to read:

12 15.407 **(2m)** PERFUSIONISTS EXAMINING COUNCIL. There is created a perfusionists
13 examining council in the department of regulation and licensing and serving the
14 medical examining board in an advisory capacity. The council shall consist of the
15 following members appointed for 3-year terms:

16 (a) Three licensed perfusionists appointed by the medical examining board.

17 (b) One physician who is a thoracic surgeon or a cardiovascular
18 anesthesiologist and who is appointed by the medical examining board.

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1 (c) One public member appointed by the governor.

2 **SECTION 3.** 146.81 (1) (d) of the statutes is amended to read:

3 146.81 (1) (d) A physician, physician assistant, perfusionist, or respiratory care
4 practitioner licensed or certified under subch. II of ch. 448.

5 **SECTION 4.** 146.997 (1) (d) 4. of the statutes is amended to read:

6 146.997 (1) (d) 4. A physician, podiatrist, perfusionist, or physical therapist
7 licensed under ch. 448.

8 **SECTION 5.** 155.01 (7) of the statutes is amended to read:

9 155.01 (7) "Health care provider" means a nurse licensed or permitted under
10 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
11 physician, physician assistant, perfusionist, podiatrist, physical therapist,
12 occupational therapist, or occupational therapy assistant licensed under ch. 448, a
13 person practicing Christian Science treatment, an optometrist licensed under ch.
14 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation or
15 limited liability company thereof that provides health care services, an operational
16 cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly
17 provides services through salaried employees in its own facility, or a home health
18 agency, as defined in s. 50.49 (1) (a).

19 **SECTION 6.** 252.14 (1) (ar) 4c. of the statutes is created to read:

20 252.14 (1) (ar) 4c. A perfusionist licensed under subch. II of ch. 448.

21 **SECTION 7.** 440.08 (2) (a) 54m. of the statutes is created to read:

22 440.08 (2) (a) 54m. Perfusionist: November 1 of each odd-numbered year; \$56.

23 **SECTION 8.** 448.015 (1e) of the statutes is created to read:

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1 448.015 (1e) “Extracorporeal circulation” means the diversion of a patient’s
2 blood through a heart–lung machine or a similar device that assumes the functions
3 of the patient’s heart or lungs or both.

4 **SECTION 9.** 448.015 (1m) of the statutes is created to read:

5 448.015 (1m) “Perfusion” means that branch or system of treating the sick
6 which is limited to the operation and management of extracorporeal circulation to
7 support, temporarily replace, measure, treat, or supplement the cardiopulmonary
8 and circulatory system of a patient, including, when necessary to and part of the
9 management and operation of extracorporeal circulation, the use of blood testing and
10 advanced life support techniques and technologies, autotransfusion, and the
11 administration of blood, blood products, and anesthetic and pharmacological agents.

12 **SECTION 10.** 448.015 (1s) of the statutes is created to read:

13 448.015 (1s) “Perfusionist” means an individual who practices perfusion.

14 **SECTION 11.** 448.02 (1) of the statutes is amended to read:

15 448.02 (1) LICENSE. The board may grant licenses, including various classes
16 of temporary licenses, to practice medicine and surgery, to practice perfusion, and to
17 practice as a physician assistant.

18 **SECTION 12.** 448.03 (1) (c) of the statutes is created to read:

19 448.03 (1) (c) No person may practice perfusion, attempt to do so, or make a
20 representation as authorized to do so, without a license to practice perfusion granted
21 by the board.

22 **SECTION 13.** 448.03 (2) (b) of the statutes is amended to read:

23 448.03 (2) (b) The performance of official duties by a physician or perfusionist
24 of any of the armed services or federal health services of the United States.

25 **SECTION 14.** 448.03 (2) (c) of the statutes is amended to read:

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1 448.03 (2) (c) The activities of a medical student, respiratory care student,
2 perfusion student, or physician assistant student required for such student's
3 education and training, or the activities of a medical school graduate required for
4 training as required in s. 448.05 (2).

5 **SECTION 15.** 448.03 (2) (d) of the statutes is amended to read:

6 448.03 (2) (d) Actual consultation or demonstration by licensed physicians or
7 perfusionists or certified respiratory care practitioners of other states or countries
8 with licensed physicians or perfusionists or certified respiratory care practitioners
9 of this state.

10 **SECTION 16.** 448.03 (2) (k) of the statutes is amended to read:

11 448.03 (2) (k) Any persons, other than physician assistants or perfusionists,
12 who assist physicians.

13 **SECTION 17.** 448.03 (2) (L) of the statutes is created to read:

14 448.03 (2) (L) A person performing autotransfusion or blood conservation
15 techniques under the direction and supervision of a licensed physician.

16 **SECTION 18.** 448.03 (2) (m) of the statutes is created to read:

17 448.03 (2) (m) A person practicing perfusion for not more than 30 days in a year,
18 if the person is certified or eligible to be certified as a clinical perfusionist by the
19 American Board of Cardiovascular Perfusion.

20 **SECTION 19.** 448.03 (2) (n) of the statutes is created to read:

21 448.03 (2) (n) A person employed as a perfusionist by a federal agency, as
22 defined in s. 59.57 (2) (c) 1., if the person provides perfusion services solely under the
23 direction or control of the federal agency by which he or she is employed.

24 **SECTION 20.** 448.03 (3) (f) of the statutes is created to read:

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1 448.03 (3) (f) A person who is not licensed to practice perfusion by the board
2 may not designate himself or herself as a perfusionist, use or assume the title
3 “licensed perfusionist” or the abbreviation “L.P.,” or use any other title, letters, or
4 designation that represents or may tend to represent the person as a perfusionist.
5 This paragraph does not apply to any of the following:

6 1. Any person employed as a perfusionist by a federal agency, as defined in s.
7 59.57 (2) (c) 1., if the person provides perfusion services solely under the direction or
8 control of the federal agency by which he or she is employed.

9 2. Any person pursuing a supervised course of study leading to a degree or
10 certificate in perfusion under an accredited or approved educational program, if the
11 person is designated by a title that clearly indicates his or her status as a student or
12 trainee.

13 3. Any person practicing perfusion under a temporary license issued under s.
14 448.04 (1) (e), if the person is designated by a title that clearly indicates that he or
15 she is practicing under a temporary license.

16 **SECTION 21.** 448.04 (1) (d) of the statutes is created to read:

17 448.04 (1) (d) *License to practice perfusion.* A person holding a license to
18 practice perfusion may practice perfusion under the orders and supervision of a
19 physician.

20 **SECTION 22.** 448.04 (1) (e) of the statutes is created to read:

21 448.04 (1) (e) *Temporary license to practice perfusion.* The board may, by rule,
22 provide for a temporary license to practice perfusion for a person who satisfies the
23 requirements of s. 448.05 (3) but who has not passed an examination under s. 448.05
24 (6). The board may issue a temporary license for a period not to exceed one year and
25 may renew a temporary license annually for not more than 5 years. A person who

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1 holds a temporary license may not practice perfusion unless the person is under the
2 supervision and direction of a licensed perfusionist at all times while the person is
3 performing perfusion. The board may promulgate rules governing supervision by
4 licensed perfusionists, except that those rules may not require the immediate
5 physical presence of the supervising, licensed perfusionist.

6 **SECTION 23.** 448.05 (1) (d) of the statutes is amended to read:

7 448.05 (1) (d) Be found qualified by three-fourths of the members of the board,
8 except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. and
9 (e) must be found qualified by 2 members of the board.

10 **SECTION 24.** 448.05 (3) of the statutes is created to read:

11 448.05 (3) LICENSE TO PRACTICE PERFUSION. An applicant for a license to practice
12 perfusion must supply evidence satisfactory to the board that he or she has
13 successfully completed an educational program in perfusion recognized by the board
14 and accredited by the Accreditation Committee for Perfusion Education of the
15 Commission on Accreditation of Allied Health Education Programs or its successor.

16 **SECTION 25.** 448.05 (6) (a) of the statutes is amended to read:

17 448.05 (6) (a) ~~The~~ Except as provided in par. (am), the board shall examine each
18 applicant it finds eligible under this section in such subject matters as the board
19 deems applicable to the class of license or certificate which the applicant seeks to
20 have granted. Examinations may be both written and oral. In lieu of its own
21 examinations, in whole or in part, the board may make such use as it deems
22 appropriate of examinations prepared, administered, and scored by national
23 examining agencies, or by other licensing jurisdictions of the United States or
24 Canada. The board shall specify passing grades for any and all examinations
25 required.

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1 **SECTION 26.** 448.05 (6) (am) of the statutes is created to read:

2 448.05 **(6)** (am) When examining an applicant for a license to practice perfusion
3 under par. (a), the board shall use an examination at least as stringent and
4 comprehensive as the certification examination used by the American Board of
5 Cardiovascular Perfusion or its successor.

6 **SECTION 27.** 448.07 (1) (d) of the statutes is amended to read:

7 448.07 **(1)** (d) No registration may be permitted by the secretary of the board
8 in the case of any physician or perfusionist who has failed to meet the requirements
9 of s. 448.13 or any person whose license, certificate, or limited permit has been
10 suspended or revoked and the registration of any such person shall be deemed
11 automatically annulled upon receipt by the secretary of the board of a verified report
12 of such suspension or revocation, subject to the licensee's or permittee's right of
13 appeal. A person whose license, certificate, or limited permit has been suspended or
14 revoked and subsequently restored shall be registered by the board upon tendering
15 a verified report of such restoration of the license, certificate, or limited permit,
16 together with an application for registration and the registration fee.

17 **SECTION 28.** 448.13 (2) of the statutes is created to read:

18 448.13 **(2)** Each person licensed as a perfusionist shall, in each 2nd year at the
19 time of application for a certificate of registration under s. 448.07, submit proof of
20 completion of continuing education requirements promulgated by rule by the board.

21 **SECTION 29.** 448.40 (2) (b) of the statutes is created to read:

22 448.40 **(2)** (b) Establishing the scope of the practice of perfusion. In
23 promulgating rules under this paragraph, the board shall consult with the
24 perfusionists examining council.

25 **SECTION 30.** 448.40 (2) (c) of the statutes is created to read:

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1 448.40 (2) (c) Establishing continuing education requirements for renewal of
2 a license to practice perfusion under s. 448.13 (2). In promulgating rules under this
3 paragraph, the board shall consult with the perfusionists examining council.

SECTION 31. Nonstatutory provisions.

4 (1) PERFUSIONISTS EXAMINING COUNCIL; INITIAL APPOINTMENTS. Notwithstanding
5 section 15.407 (2m) of the statutes, as created by this act:
6

7 (a) The initial perfusionist members of the perfusionists examining council
8 need not be licensed to practice perfusion by the medical examining board in order
9 to be appointed to and serve as members of the examining council.

10 (b) The initial members of the perfusionists examining council shall be
11 appointed by the first day of the 4th month beginning after the effective date of this
12 paragraph for the following terms:

- 13 1. One perfusionist, for a term expiring on July 1, 2004.
- 14 2. One perfusionist and the public member, for terms expiring on July 1, 2005.
- 15 3. One perfusionist and the physician, for terms expiring on July 1, 2006.

16 (2) WAIVER OF LICENSURE REQUIREMENTS.

17 (a) In this subsection, "perfusion" has the meaning given in section 448.015
18 (1m) of the statutes, as created by this act.

19 (b) Notwithstanding section 448.05 (1) (intro.), (a), (b), and (c) of the statutes,
20 section 448.05 (1) (d) of the statutes, as affected by this act, section 448.05 (3) of the
21 statutes, as created by this act, 448.05 (6) (a) of the statutes, as affected by this act,
22 section 448.05 (6) (am) of the statutes, as created by this act, section 448.05 (7) of the
23 statutes, and section 448.06 (1) of the statutes, the medical examining board shall
24 grant a license to practice perfusion to any individual who, before January 1, 2004,

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1 submits an application for licensure that includes evidence satisfactory to the board
2 that the individual meets at least one of the following requirements:

3 1. During the 3-year period ending on the effective date of this subdivision, the
4 individual had 3 years' of experience performing perfusion during cardiopulmonary
5 surgeries at a health care facility licensed in the United States.

6 2. During the period beginning on January 1, 1996, and ending on January 1,
7 2003, the individual has had 5 or more years of experience performing perfusion
8 during cardiopulmonary surgeries at a health care facility licensed in the United
9 States.

10 3. The individual is certified as a clinical perfusionist by the American Board
11 of Cardiovascular Perfusion and, during the period beginning on January 1, 1999,
12 and ending on January 1, 2003, the individual has successfully completed an
13 educational program in perfusion approved by the Commission on Accreditation of
14 Allied Health Education Programs.

15 (3) INITIAL LICENSE RENEWAL. Notwithstanding section 440.08 (2) (a) 54m. of the
16 statutes, as created by this act, and section 448.07 (2) of the statutes, if the length
17 of time between the effective date of this subsection and November 1, 2003, is less
18 than 2 years, the department of regulation and licensing may reduce the renewal fee
19 for licenses to practice perfusion that expire on November 1, 2003, by an amount
20 that, as determined by the department, reflects such length of time.

21 **SECTION 32. Effective dates.** This act takes effect on the first day of the 8th
22 month beginning after publication, except as follows:

23 (1) The treatment of section 15.407 (2m) of the statutes and SECTION 31 (1) and
24 (2) of this act take effect on the day after publication.

25 (END)