

2001 ASSEMBLY BILL 256

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

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

9 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:
10 15.08 **(1m)** (b) The public members of the chiropractic examining board, the
11 dentistry examining board, the hearing and speech examining board, the medical

ASSEMBLY BILL 256**SECTION 1**

1 examining board, perfusionists examining council, respiratory care practitioners
2 examining council and council on physician assistants, the board of nursing, the
3 nursing home administrator examining board, the veterinary examining board, the
4 optometry examining board, the pharmacy examining board, the examining board
5 of social workers, marriage and family therapists and professional counselors, and
6 the psychology examining board shall not be engaged in any profession or occupation
7 concerned with the delivery of physical or mental health care.

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

9 15.407 **(2m)** PERFUSIONISTS EXAMINING COUNCIL. There is created a perfusionists
10 examining council in the department of regulation and licensing and serving the
11 medical examining board in an advisory capacity. The council shall consist of the
12 following members appointed for 3-year terms:

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

14 (b) One physician who is a cardiothoracic surgeon or a cardiovascular
15 anesthesiologist and who is appointed by the medical examining board.

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

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

18 146.81 **(1)** (d) A physician, physician assistant, perfusionist, or respiratory care
19 practitioner licensed or certified under subch. II of ch. 448.

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

21 146.997 **(1)** (d) 4. A physician, podiatrist, perfusionist, or physical therapist
22 licensed under ch. 448.

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

24 155.01 **(7)** “Health care provider” means a nurse licensed or permitted under
25 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a

ASSEMBLY BILL 256

1 physician, physician assistant, perfusionist, podiatrist, physical therapist,
2 occupational therapist, or occupational therapy assistant licensed under ch. 448, a
3 person practicing Christian Science treatment, an optometrist licensed under ch.
4 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation or
5 limited liability company thereof that provides health care services, an operational
6 cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly
7 provides services through salaried employees in its own facility, or a home health
8 agency, as defined in s. 50.49 (1) (a).

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

10 252.14 (1) (ar) 4c. A perfusionist licensed under subch. II of ch. 448.

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

12 440.08 (2) (a) 54m. Perfusionist: November 1 of each odd-numbered year; \$56.

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

14 448.015 (1e) “Extracorporeal circulation” means the diversion of a patient’s
15 blood through a heart–lung machine or a similar device that assumes the functions
16 of the patient’s heart or lungs or both.

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

18 448.015 (1m) “Perfusion” means that branch or system of treating the sick
19 which is limited to the operation and management of extracorporeal circulation to
20 support, temporarily replace, measure, treat, or supplement the cardiopulmonary
21 and circulatory system of a patient, including, when necessary to and part of the
22 management and operation of extracorporeal circulation, the use of blood testing and
23 advanced life support techniques and technologies, autotransfusion, and the
24 administration of blood, blood products, and anesthetic and pharmacological agents.

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

ASSEMBLY BILL 256**SECTION 10**

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

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

3 448.02 (1) LICENSE. The board may grant licenses, including various classes
4 of temporary licenses, to practice medicine and surgery, to practice perfusion, and to
5 practice as a physician assistant.

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

7 448.03 (1) (c) No person may practice perfusion, attempt to do so, or make a
8 representation as authorized to do so, without a license to practice perfusion granted
9 by the board.

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

11 448.03 (2) (b) The performance of official duties by a physician or perfusionist
12 of any of the armed services or federal health services of the United States.

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

14 448.03 (2) (c) The activities of a medical student, respiratory care student,
15 perfusion student, or physician assistant student required for such student’s
16 education and training, or the activities of a medical school graduate required for
17 training as required in s. 448.05 (2).

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

19 448.03 (2) (d) Actual consultation or demonstration by licensed physicians or
20 perfusionists or certified respiratory care practitioners of other states or countries
21 with licensed physicians or perfusionists or certified respiratory care practitioners
22 of this state.

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

24 448.03 (2) (k) Any persons, other than physician assistants or perfusionists,
25 who assist physicians.

ASSEMBLY BILL 256

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

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

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

5 448.03 **(2)** (m) A person practicing perfusion for not more than 30 days in a year,
6 if the person is certified or eligible to be certified as a clinical perfusionist by the
7 American Board of Cardiovascular Perfusion.

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

9 448.03 **(2)** (n) A person employed as a perfusionist by a federal agency, as
10 defined in s. 59.57 (2) (c) 1., if the person provides perfusion services solely under the
11 direction or control of the federal agency by which he or she is employed.

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

13 448.03 **(3)** (f) A person who is not licensed to practice perfusion by the board
14 may not designate himself or herself as a perfusionist, use or assume the title
15 “licensed perfusionist” or the abbreviation “L.P.,” or use any other title, letters, or
16 designation that represents or may tend to represent the person as a perfusionist.

17 This paragraph does not apply to any of the following:

18 1. Any person employed as a perfusionist by a federal agency, as defined in s.
19 59.57 (2) (c) 1., if the person provides perfusion services solely under the direction or
20 control of the federal agency by which he or she is employed.

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

ASSEMBLY BILL 256**SECTION 20**

1 3. Any person practicing perfusion under a temporary license issued under s.
2 448.04 (1) (e), if the person is designated by a title that clearly indicates that he or
3 she is practicing under a temporary license.

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

5 448.04 (1) (d) *License to practice perfusion.* A person holding a license to
6 practice perfusion may practice perfusion under the orders and supervision of a
7 physician.

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

9 448.04 (1) (e) *Temporary license to practice perfusion.* The board may, by rule,
10 provide for a temporary license to practice perfusion for a person who satisfies the
11 requirements of s. 448.05 (3) but who has not passed an examination under s. 448.05
12 (6). The board may issue a temporary license for a period not to exceed one year and
13 may renew a temporary license annually for not more than 5 years. A person who
14 holds a temporary license may not practice perfusion unless the person is under the
15 supervision and direction of a licensed perfusionist at all times while the person is
16 performing perfusion. The board may promulgate rules governing supervision by
17 licensed perfusionists, except that those rules may not require the immediate
18 physical presence of the supervising, licensed perfusionist.

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

20 448.05 (1) (d) Be found qualified by three-fourths of the members of the board,
21 except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. and
22 (e) must be found qualified by 2 members of the board.

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

24 448.05 (3) **LICENSE TO PRACTICE PERFUSION.** An applicant for a license to practice
25 perfusion must supply evidence satisfactory to the board that he or she has

ASSEMBLY BILL 256

1 successfully completed an educational program in perfusion recognized by the board
2 and accredited by the Accreditation Committee for Perfusion Education of the
3 Commission on Accreditation of Allied Health Education Programs or its successor.

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

5 448.05 (6) (a) ~~The Except as provided in par. (am), the~~ board shall examine each
6 applicant it finds eligible under this section in such subject matters as the board
7 deems applicable to the class of license or certificate which the applicant seeks to
8 have granted. Examinations may be both written and oral. In lieu of its own
9 examinations, in whole or in part, the board may make such use as it deems
10 appropriate of examinations prepared, administered, and scored by national
11 examining agencies, or by other licensing jurisdictions of the United States or
12 Canada. The board shall specify passing grades for any and all examinations
13 required.

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

15 448.05 (6) (am) When examining an applicant for a license to practice perfusion
16 under par. (a), the board shall use an examination at least as stringent and
17 comprehensive as the certification examination used by the American Board of
18 Cardiovascular Perfusion or its successor.

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

20 448.07 (1) (d) No registration may be permitted by the secretary of the board
21 in the case of any physician or perfusionist who has failed to meet the requirements
22 of s. 448.13 or any person whose license, certificate, or limited permit has been
23 suspended or revoked and the registration of any such person shall be deemed
24 automatically annulled upon receipt by the secretary of the board of a verified report
25 of such suspension or revocation, subject to the licensee's or permittee's right of

ASSEMBLY BILL 256**SECTION 27**

1 appeal. A person whose license, certificate, or limited permit has been suspended or
2 revoked and subsequently restored shall be registered by the board upon tendering
3 a verified report of such restoration of the license, certificate, or limited permit,
4 together with an application for registration and the registration fee.

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

6 448.13 (2) Each person licensed as a perfusionist shall, in each 2nd year at the
7 time of application for a certificate of registration under s. 448.07, submit proof of
8 completion of continuing education requirements promulgated by rule by the board.

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

10 448.40 (2) (b) Establishing the scope of the practice of perfusion. In
11 promulgating rules under this paragraph, the board shall consult with the
12 perfusionists examining council.

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

14 448.40 (2) (c) Establishing continuing education requirements for renewal of
15 a license to practice perfusion under s. 448.13 (2). In promulgating rules under this
16 paragraph, the board shall consult with the perfusionists examining council.

17 **SECTION 31. Nonstatutory provisions.**

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

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

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

ASSEMBLY BILL 256

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

4 (2) WAIVER OF LICENSURE REQUIREMENTS.

5 (a) In this subsection, “perfusion” has the meaning given in section 448.015
6 (1m) of the statutes, as created by this act.

7 (b) Notwithstanding section 448.05 (1) (intro.), (a), (b), and (c) of the statutes,
8 section 448.05 (1) (d) of the statutes, as affected by this act, section 448.05 (3) of the
9 statutes, as created by this act, 448.05 (6) (a) of the statutes, as affected by this act,
10 section 448.05 (6) (am) of the statutes, as created by this act, section 448.05 (7) of the
11 statutes, and section 448.06 (1) of the statutes, the medical examining board shall
12 grant a license to practice perfusion to any individual who, before January 1, 2004,
13 submits an application for licensure that includes evidence satisfactory to the board
14 that the individual has, for all of the 10–year period before the effective date of this
15 paragraph, been practicing perfusion.

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

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

