

2001 Assembly Bill 256

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2001 WISCONSIN ACT 89

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

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

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

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

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

15.407 (2m) **PERFUSIONISTS EXAMINING COUNCIL.** There is created a perfusionists examining council in the department of regulation and licensing and serving the

medical examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

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

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

(c) One public member appointed by the governor.

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

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

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

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

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

155.01 (7) “Health care provider” means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist,

* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

448.015 (1e) "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 or lungs or both.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Any person pursuing a supervised course of study leading to a degree or certificate in perfusion under an

accredited or approved educational program, if the person is designated by a title that clearly indicates his or her status as a student or trainee.

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

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

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

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

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

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

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

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

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

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

448.05 (6) (a) The Except as provided in par. (am), the board shall examine each applicant it finds eligible under this section in such subject matters as the board deems applicable to the class of license or certificate which the applicant seeks to have granted. Examinations may be both written and oral. In lieu of its own examinations, in whole or in part, the board may make such use as it deems appropriate of examinations prepared,

administered, and scored by national examining agencies, or by other licensing jurisdictions of the United States or Canada. The board shall specify passing grades for any and all examinations required.

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

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

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

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

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

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

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

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

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

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

SECTION 31. Nonstatutory provisions.

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

(a) The initial perfusionist members of the perfusionists examining council need not be licensed to practice perfusion by the medical examining board in order to be

appointed to and serve as members of the examining council.

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

1. One perfusionist, for a term expiring on July 1, 2004.

2. One perfusionist and the public member, for terms expiring on July 1, 2005.

3. One perfusionist and the physician, for terms expiring on July 1, 2006.

(2) WAIVER OF LICENSURE REQUIREMENTS.

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

(b) Notwithstanding section 448.05 (1) (intro.), (a), (b), and (c) of the statutes, section 448.05 (1) (d) of the statutes, as affected by this act, section 448.05 (3) of the statutes, as created by this act, 448.05 (6) (a) of the statutes, as affected by this act, section 448.05 (6) (am) of the statutes, as affected by this act, section 448.05 (7) of the

statutes, and section 448.06 (1) of the statutes, the medical examining board shall grant a license to practice perfusion to any individual who, before January 1, 2004, submits an application for licensure that includes evidence satisfactory to the board that the individual has, for all of the 10-year period before the effective date of this paragraph, been practicing perfusion.

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

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

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