

SESSION OF 2010

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 501**

As Amended by Senate Committee of the Whole

Brief*

Sub. for SB 501 would create the Perfusion Practice Act and would establish a Perfusion Council under the State Board of Healing Arts. The Act would establish educational and licensure requirements for perfusionists. The Act also would define the activities performed by individuals in the practice of perfusion.

Licensure and Identification Requirements

(Sections 3, 5, 6, 7)

The Perfusion Practice Act would:

- Require all persons who practice perfusion to be licensed on or after July 1, 2011;
- Allow only those persons licensed under this act to use the title “perfusionist”, or words, or the abbreviations “LP,” “LCP,” and “CCP”;
- Establish filing requirements for the issuance of a license;
- Provide a procedure to issue a temporary license for a maximum of two years to be in conformity with other licensed professions regulated by the Kansas State Board of Healing Arts;
- Allow reciprocity for persons previously engaged in the active practice of perfusion outside the state who meet the requirements for licensure;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Provide a reinstatement procedure in the case of license revocation;
- Authorize the Board to implement rules and regulations regarding requirements for continuing education and to request that a licensee submit to a continuing education audit;
- Require an active licensee to provide the Board with satisfactory evidence of professional liability insurance prior to renewal of a license, and allow the Board to require the same during an audit; and
- Create the designations and requirements of an inactive license and a federally active license.

Licensure Exemptions

(Section 4)

The Act would establish exemptions to the licensure requirements for:

- Persons licensed by another health professional licensing board who meet specific requirements;
- Persons performing autotransfusion or blood conservation techniques;
- Students enrolled in an accredited perfusion education program which meets specific requirements;
- Health care providers in the United States armed forces, public health services, federal facilities and other military service when acting in the line of duty; and
- Persons assisting in an emergency.

Fee Structure

(Sections 8, 9)

The Act would:

- Require the Board to charge and collect, in advance, fees as established by rules and regulations set by the Board including a change in the fee for an inactive license application from \$50 to \$300; and
- Instruct the Board to remit money received from fees, charges, or penalties to the State Treasurer who would deposit it in the State Treasury with 20 percent credited to the State General Fund and the balance credited to the Healing Arts Fee Fund.

Perfusion Council

(Sections 10, 11)

The Act would:

- Establish the Perfusion Council (Council) which would meet at least once each year to assist the Board in carrying out the provisions of this Act;
- Provide for Council membership to include five members, with two members appointed by the Board of Healing Arts and three members appointed by the Governor. Members appointed by the Board would serve at the pleasure of the Board and members appointed by the Governor would serve for four years;
- Provide for payment of mileage reimbursement from the Healing Arts Fee Fund for Council members attending Council meetings; and
- Set out the advisory duties of the Council.

Discipline of Licensees

(Sections 13, 14, 16)

The Act would authorize the Board of Healing Arts to take disciplinary action against any licensee by:

- Establishing grounds under which the Board may limit, suspend, or revoke licenses; censure, reprimand, place on probation, fine or sanction a licensee; or deny an application or reinstatement of a license;
- Providing for administrative proceedings in accordance with provisions of the Kansas Administrative Procedure Act and for a review process in accordance with the Kansas Judicial Review Act;
- Giving the Board jurisdiction in disciplinary action proceedings for any licensee practicing under this Act;
- Allowing the Board to enter into a binding stipulation with licensees in disciplinary actions;
- Permitting the Board to bring an action for injunction against violations of the Act in the name of the State in a court of competent jurisdiction without regard to whether administrative proceedings have begun before the Board, or whether criminal proceedings have been or may be instituted; and
- Allowing the Board to temporarily suspend or limit the license of any licensee in cases where continuation of practice would endanger public health and safety.

The Perfusion Practice Act also would prohibit any language of the Act to be construed to require an individual, group, or blanket insurance policy, contract, plan, or agreement for medical services issued after the effective date of the Act to reimburse or indemnify a licensee for services provided as a

perfusionist (Section 15). After July 1, 2011, any violation of the Act would constitute a class B misdemeanor (Section 17).

The Perfusion Practice Act would be effective upon publication in the statute book with the exception of those sections of the Act which would become applicable on or after July 1, 2011 (the date when the perfusionist licensure requirement would be effective).

Background

SB 501 was introduced by the Senate Committee on Public Health and Welfare at the request of Senator Dick Kelsey, a member of the Committee. Proponents of the bill included representatives of Health Occupations Credentialing for the Kansas Department of Health and Environment and the Kansas Practicing Perfusionists Society. Written testimony in support of the bill was provided by the Kansas State Board of Healing Arts. Proponents stated that the bill would establish minimum standards of education, training, and competency of persons engaged in the practice of perfusion and would serve to protect the public from untrained and unqualified practitioners.

No opponents testified on the bill.

For the purpose of clarity, the Senate Public Health and Welfare Committee recommended adoption of a substitute bill. The subject matter of the original bill and the substitute bill remained the same.

The Senate Committee of the Whole made technical amendments to the bill. The maximum length of time a temporary license could be held was amended from three years to two years to be in conformity with other licensed professions regulated by the Kansas State Board of Healing Arts. Other permissible acronyms used by licensed perfusionists were added, and the fee for an inactive license application was changed from \$50 to \$300.

The fiscal note on the original bill prepared by the Division of the Budget states that implementation of the bill would cost approximately \$23,500 from the Healing Arts Fee Fund in FY 2011. The State Board of Healing Arts estimated 50 new licenses would be issued in the first year at a fee of \$80 per application, for total revenue of \$4,000 to the Healing Arts Fee Fund in FY 2011, and similar renewal numbers are anticipated in future fiscal years. Any fiscal effect resulting from the passage of SB 501 is not included in the *FY 2011 Governor's Budget Report*.

The substitute bill, as recommended by the Senate Public Health and Welfare Committee, would increase the application and renewal fees over those established in the original bill. The original fiscal note does not reflect these changes.