

267 CMR 3.00: LICENSURE REQUIREMENTS AND PROCEDURES

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3.01: General Licensure Requirement

Except as provided in 267 CMR 3.02, no person shall engage in the practice of perfusion services; perform or offer to perform perfusion services; use the title "perfusionist" or any derivative or abbreviation thereof; make any written, oral or electronic representation that he or she is a perfusionist; or otherwise hold himself or herself out to the public as a perfusionist or as able to engage in the practice of perfusion services, unless he or she has first obtained a license to practice as a perfusionist or provisionally licensed perfusionist from the Board pursuant to M.G.L. c. 112, § 216 and 267 CMR 3.00.

3.02: Exceptions to General Licensure Requirement

(1) Exception for Services Provided Pursuant to Another Professional License. Nothing in 267 CMR 3.01 shall be construed to prohibit, prevent or otherwise restrict any person who is duly licensed or registered by any agency of the Commonwealth of Massachusetts to practice a particular profession or occupation from engaging in any activity which is within the lawful scope of practice for that profession or occupation if:

- (a) He or she does not represent to the public in any manner, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00; and
- (b) He or she does not use any name, title, or designation of any kind which indicates, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00.

(2) Exception for Certain Limited Services Performed by Unlicensed Personnel.

(a) Notwithstanding any provision of 267 CMR 3.01, an individual who is not duly licensed or registered by any agency of the Commonwealth of Massachusetts to practice a particular profession or occupation may nevertheless perform any of the following functions or services, as long as he or she does so pursuant to a delegation of medical services by a physician duly licensed to practice medicine in the Commonwealth of Massachusetts, and as long as he or she does so in accordance with the requirements of 267 CMR 3.02(2)(b):

- 1. Use or performance of autotransfusion in accordance with the requirements of 267 CMR 3.02(6);
- 2. Use or performance of blood conservation techniques;
- 3. Use or performance of physiologic monitoring;
- 4. Performance of anticoagulation monitoring;
- 5. Performance of blood gas and blood chemistry monitoring and/or analysis; or
- 6. Performance of hematologic monitoring and/or analysis.

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(b) An unlicensed individual may perform any of the functions or services specified in 267 CMR 3.02(2)(a) pursuant to a delegation of medical services by a duly licensed physician only if:

1. He or she is performing that function or service pursuant to a delegation of medical services by a physician duly licensed by the Massachusetts Board of Registration in Medicine to practice medicine in the Commonwealth of Massachusetts;
2. The licensed physician who delegates the performance of that function or service to the unlicensed individual in question does so in accordance with the regulations of the Massachusetts Board of Registration in Medicine (243 CMR).

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3. The licensed physician who delegates the performance of that function or service to the unlicensed individual in question has determined, in the reasonable exercise of sound professional judgment, that the unlicensed individual in question possesses sufficient skill and training to be able to perform that function or service in accordance with accepted standards of medical practice;
  4. The unlicensed individual performs the function or service in question in accordance with accepted standards of medical practice and under the direct, personal, on-site supervision of the licensed physician making that delegation of medical services;
  5. The unlicensed individual performing the function or service does not represent to the public in any manner, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00; and
  6. The unlicensed individual performing the function or service does not use any name, title, or designation of any kind which indicates, either directly or indirectly, that he or she is licensed to practice as a perfusionist pursuant to 267 CMR 3.00.
- (3) Exception for Federal Government Employees. A person who is employed as a perfusionist by the United States Government, or by any agency thereof, shall not be required to obtain a license to practice perfusion from the Board as long as he or she performs or provides all such perfusion services solely under the direction and control of the federal governmental agency by whom he or she is employed.
- (4) Temporary Practice Exception. A person who is certified by the American Board of Cardiovascular Perfusion and who wishes to perform perfusion services within the Commonwealth of Massachusetts on a temporary basis may do so without obtaining a license to practice perfusion from the Board, as long as:
- (a) He or she provides all such perfusion services in association with a perfusionist who holds a full license issued by the Board pursuant to 267 CMR 3.04 or 3.05, and who shall be responsible for all acts and omissions of that temporary practitioner; and
  - (b) He or she provides such perfusion services for not more than 14 days in any calendar year.
- (5) Student Practice Exception. A student who is enrolled in a perfusion education program may perform perfusion services within the Commonwealth of Massachusetts without having first obtained a license to practice perfusion from the Board, as long as:
- (a) He or she is enrolled in a perfusion education program which meets the educational standards established by the Accreditation Committee for Perfusion Education and which has been approved by the Commission on Accreditation of Allied Health Education Programs, or which has otherwise been approved by the Board;
  - (b) He or she is performing all such perfusion services as an integral part of his or her course of study in that perfusion education program;
  - (c) He or she performs all such perfusion services under the direct supervision of a perfusionist who has been duly licensed by the Board pursuant to 267 CMR 3.04 or 3.05;
  - (d) The licensed perfusionist who is providing supervision to the student pursuant to 267 CMR 3.01(2)(c) has been specifically assigned to provide such supervision to that student, and is on duty and immediately available in the same room in which the student is performing or providing the perfusion services; and
  - (e) The student is designated and identified by a title which clearly indicates his or her status as a student or trainee.
- (6) Exception for Persons Performing Autotransfusion Services. A person who is performing autotransfusion services, as defined in the clinical practice guidelines of the American

Association of Blood Banks, may do so within the Commonwealth of Massachusetts without obtaining a license to practice as a perfusionist from the Board, as long as:

- (a) He or she possesses an appropriate level of training in the performance of autotransfusion services, as determined by the clinical practice guidelines of the American Association of Blood Banks;
- (b) He or she performs all such autotransfusion services in accordance with the clinical practice guidelines of the American Association of Blood Banks; and
- (c) He or she performs all such autotransfusion services under the direct supervision of a physician duly licensed by the Massachusetts Board of Registration in Medicine.

(3.03: Licensure by Grandparenting: Reserved)

3.04: Application for Full Licensure

The Board may grant a full license to an applicant who is 18 years of age or older, of good moral character, has met all eligibility requirements and has submitted the following information and documentation to the Board:

- (1) An accurate, complete and signed application for full licensure, as specified by Board for that purpose;
- (2) Satisfactory written proof that he or she is a graduate of a perfusion education program which meets the educational standards established by the Accreditation Committee for Perfusion Education and which has been approved by the Commission on Accreditation of Allied Health Education Programs, or which has otherwise been approved by the Board;
- (3) Satisfactory written proof that he or she holds a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, which is current and valid as of the date of his or her application to the Board for licensure; and
- (4) Payment of the licensure fees prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B, unless waived in accordance with M.G.L. c. 112, § 1B.

3.05: Application for Full Licensure by Reciprocity

The Board may grant a full license by reciprocity to an applicant who is 18 years of age or older, of good moral character, has met all eligibility requirements and has submitted the following information and documentation to the Board:

- (1) An accurate, complete and signed application for full licensure, as specified by the Board for that purpose;
- (2) Satisfactory proof that he or she holds a license, registration or certificate to practice as a perfusionist under the laws of another state, territory or political subdivision of the United States (including but not limited to the District of Columbia or the Commonwealth of Puerto Rico), provided that the eligibility requirements for such license, registration or certificate in the issuing jurisdiction are substantially equivalent, in the opinion of the Board, to the licensure requirements set forth in 267 CMR 3.04; and
- (3) Satisfactory written proof that he or she holds a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, which is current and valid as of the date of his or her application to the Board for licensure.

3.06: Provisional Licensure

- (1) A provisional license to practice perfusion may be issued by the Board to any of the following individuals, as long as the applicant meets all of the requirements of 267 CMR 3.06(2) through (6):
  - (a) An individual who has successfully completed an accredited perfusion education program which meets the requirements of 267 CMR 3.04(2), but who has not yet taken the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion;
  - (b) An individual who has successfully completed an accredited perfusion education

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program which meets the requirements of 267 CMR 3.04(2), and who has taken the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion, but who has not yet received the results of that examination; or

(c) An individual who is seeking reinstatement of his or her certification as a clinical perfusionist by the American Board of Cardiovascular Perfusion after that certification expired or otherwise became invalid for reasons other than disciplinary action by the Board or by the applicable licensing authority in another state, territory or political subdivision of the United States.

3.06: continued

(2) An individual who applies for a provisional license to practice perfusion may be granted that provisional license if:

- (a) He or she submits a properly completed application for such provisional licensure on forms furnished by the Board for that purpose, accompanied by payment of the fee prescribed for such provisional licensure by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B unless waived in accordance with M.G.L. c. 112 § 1B;
- (b) His or her application for provisional licensure contains the name, business address, license number and signature of a duly licensed perfusionist who holds a current, full license to practice perfusion issued by the Board that is in good standing, and who has agreed to serve as a supervising licensed perfusionist for the applicant;
- (c) He or she submits written proof satisfactory to the Board that he or she meets all of the requirements for licensure as a perfusionist set forth in 267 CMR 3.04 except for passage of the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion;
- (d) He or she submits written proof satisfactory to the Board that he or she has registered for, and has been determined to be eligible to take, the next available administration of the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion.

(3) Except as otherwise provided in 267 CMR 3.06(3)(a), (b) or (4), a provisional license issued pursuant to 267 CMR 3.06(2) shall be valid for a period of up to one year from the date on which it was issued by the Board.

- (a) In the event that the person holding that provisional license obtains a passing score on the perfusionist certification examination, the holder of that provisional license shall file an application for full licensure pursuant to 267 CMR 3.04 not later than 60 days after he or she is notified of his or her passing score on the examination.
- (b) In the event that the person holding that provisional license has failed to obtain a passing score on the perfusionist certification examination, the provisional license shall automatically expire, unless the holder of that provisional license files an application for, and obtains, an extension of that provisional license from the Board pursuant to 267 CMR 3.06(4) no later than 30 days after he or she receives notification of the results of the examination.

(4) An extension of a provisional license may be granted by the Board for a period not to exceed one year if the holder of the provisional license submits a completed application for extension of that provisional license to the Board, accompanied by:

- (a) Satisfactory written proof that the applicant has registered for the next available administration of the perfusionist certification examination administered by the American Board of Cardiovascular Perfusion;
- (b) A written statement from the American Board of Cardiovascular Perfusion verifying that the applicant has not previously failed the perfusionist certification examination more than once;
- (c) The name, business address, license number and signature of a duly licensed perfusionist who holds a current full license to practice perfusion issued by the Board that is in good standing and who has agreed to serve as the supervising licensed perfusionist for the applicant; and
- (d) Payment of the fee prescribed for the extension of that provisional license by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B, unless waived in accordance with M.G.L. c. 112 § 1B.

(5) In the event that the holder of the extended provisional license fails that second administration of the perfusionist certification examination, he or she shall cease practice as a

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perfusionist immediately upon receipt of the examination results, and shall not resume practice as a perfusionist until such time as he or she has obtained a full license from the Board.

(6) In no event shall any individual be issued more than one provisional license or more than one extension thereof.



## 3.06: continued

(7) The fully licensed perfusionist providing supervision and direction to a provisionally licensed perfusionist shall be responsible for providing a level of supervision and direction sufficient to ensure that the holder of the provisional license performs or provides all such perfusion services in accordance with generally accepted standards of proper professional practice. In particular:

- (a) The fully-licensed perfusionist providing supervision and direction for the holder of a provisional license shall be responsible for assessing and documenting the professional competence, skill and experience of the holder of that provisional license;
- (b) The fully-licensed perfusionist providing such supervision and direction shall be responsible for determining the nature and level of supervision required for the holder of the provisional license, based upon his or her assessment of the provisional licensee's level of competence, skill and experience;
- (c) The fully-licensed perfusionist providing such supervision and direction shall not be required to provide direct, on-site supervision at all times, but shall be immediately and readily available for consultation and assistance whenever the provisional licensee is performing or providing perfusion services; and
- (d) The fully-licensed perfusionist and the provisional licensee he or she supervises shall meet at least weekly to review the provisional licensee's clinical and administrative practices. A written record of such supervision meetings shall be kept by the supervising fully-licensed perfusionist, and shall be made available to any duly-authorized representative of the Board upon request.

(3.07: Term of License: Reserved)3.08: License Renewal(1) Renewal Requirement.

- (a) Each licensed perfusionist shall renew his or her license to practice every two years on or before September 1<sup>st</sup> of the odd-numbered calendar year. A licensed perfusionist who fails to renew his or her license before the expiration date shall not be authorized to practice until he or she renews his or her license. A licensee who engages in practice after the expiration date and prior to renewal may be subject to disciplinary action by the Board.
- (b) A licensed perfusionist who meets the renewal eligibility requirements in 267 CMR 3.08(c) may apply to renew his or her license by submitting an application in the manner specified by the Board together with payment of the license renewal fees prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B, unless waived in accordance with M.G.L. c. 112, § 1B.

(c) Renewal Eligibility Requirements.

- 1. Completion of a minimum of 30 hours of continuing education in courses, programs or activities approved for continuing education credit by the American Board of Cardiovascular Perfusion for each license renewal period.
- 2. Performance of perfusion services in at least 80 cases for each licensure period which has elapsed since the date of their last license renewal.
- 3. Licensees shall maintain documentation of continuing education and perfusion services performed for the preceding two license renewal cycles and shall submit such documentation to the Board upon request.

(2) Renewal within First Two Years after Expiration Date. An individual who fails to renew his or her license to practice perfusion prior to the expiration date printed on that license, but who seeks renewal of that license not more than two years after that expiration date, may obtain renewal of that license by:

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- (a) Filing a completed application for license renewal on a form furnished by the Board for that purpose;
- (b) Paying the license renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B unless waived in accordance with M.G.L. c. 112, § 1B;
- (c) Paying the additional late renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B unless waived in accordance with M.G.L. c. 112, § 1B; and
- (d) Submitting satisfactory written proof that he or she holds current, valid certification as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion.

3.08: continued

(3) Renewal More than Two Years after Expiration Date. An individual who fails to renew or reinstate his or her license to practice perfusion within two years after the expiration date printed on that license may obtain reinstatement of that license only by:

- (a) Filing a completed license reinstatement application with the Board on forms furnished by the Board for that purpose;
- (b) Paying the license reinstatement fee and late renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B unless waived in accordance with M.G.L. c. 112, § 1B;
- (c) Submitting satisfactory written proof that he or she holds current, valid certification as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion; and
- (d) Furnishing the Board with a satisfactory written explanation of the reasons for his or her failure to renew the license in a timely manner.

(3.09: Application Procedures; Applicant and Licensee Responsibilities: Reserved)

(3.10: Continuing Education Requirements for License Renewal or Reinstatement: Reserved)

3.11: License Retirement

(1) A licensee who meets the eligibility requirements in 267 CMR 3.11(2) may submit a petition to the Board to request that his or her license be placed on retired status. A retired status is a nondisciplinary license status. The Board may decline to review any petition for reinstatement or return to current status from any licensee whose status has been changed to retired status.

- (2) A licensee will be eligible to submit a petition for retired status, if he or she:
- (a) Has a license that is not surrendered, suspended or revoked at the time of the petition; and
  - (b) Demonstrates, to the board's satisfaction, that he or she intends to permanently retire from active practice in the Commonwealth and in all other jurisdictions.

(3) A licensee with a retired status may not practice.

(4) Nothing in 267 CMR 3.07 shall prevent the Board from initiating, pursuing or taking a disciplinary action against a licensee whose license is in retired status, including an action that imposes discipline or changes the license status from retired to revoked or suspended, if the Board determines that such action is in the best interests of public health, safety or welfare

REGULATORY AUTHORITY

267 CMR 3.00: M.G.L. c. 112, § 219.