

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF PERFUSIONISTS

**THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION OF PERFUSIONISTS
IN COMPLIANCE WITH THE OPEN MEETING LAW, M.G.L. c. 30A, § 20**

**Tuesday, December 1, 2015
8:30 a.m.**

**239 Causeway Street ~ 4th Floor ~ Room 418
Boston, Massachusetts 02114**

Agenda

Time	Item #	Item	Exhibits	Staff Contact
8:30 a.m.	I.	Call to Order Determination of Quorum		
	II.	Approval of Agenda	Agenda	
	III.	Approval of Minutes A. March 3, 2015 Regularly Scheduled Meeting	Draft minutes	
	IV.	Reports A. Approved Provisional License Application since March 3, 2015 B. Approved Initial License Application since March 3, 2015 meeting	MLO Report MLO Report	IH IH
	V.	Advisory Ruling A. Perfusionists Scope of Practice related to Ex Vivo lung perfusion	Advisory Ruling	MS
	VI.	Policies A. Staff Action Policy 15-01, Authorized Staff Action Issuance of Licenses B. Update to the Valor Act policy C. Proposed Probation policy	Policy 15-01 Draft Policy Draft Policy	MS MS MS

	VII.	Regulations A. Regulatory Review	EO562 and Proposed Schedule for Regulatory Review	MS
	VIII.	Board Members Education A. Overview of Board Powers	PowerPoint Slides	MS
	IX.	Other Business/Announcements A. <u>Discussion</u> : Transcript Requirement B. <u>Inquiry</u> : How many provisional perfusionist can a preceptor supervise? C. <u>Discussion</u> : Communication from AmSECT Government Relations Committee D. <u>Distribution</u> : Revised Provisional and Initial Applications for Licensure E. <u>Distribution</u> : 2016 Board meeting Calendar	None AmSECT Correspondences Applications Meeting dates	MS
	X.	Flex Session A. Topics for next agenda		
	XI.	Executive Session The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) to approve prior executive session minutes in accordance with M.G.L. ch.30A, § 22(a) for previous executive sessions of the Board. The Board will not reconvene in public session subsequent to the executive session.	Closed Session	
12:00 p.m.	XII.	Adjournment - next Board meeting scheduled for September 1, 2015		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF PERFUSIONISTS

BOARD MEETING
December 1, 2015
239 Causeway Street, Boston, MA 02114
Room 418

MINUTES

Board Members Present: Adam Lerner, M.D., Anesthesiologist (Cardiac Anesthesia), Chair
Kevin Lilly, Certified Clinical Perfusionist 1, Vice-Chair
Kyle Spear, Perfusionist 4
Sary Aranki, M.D., Cardiovascular Surgeon (left at 9:08 a.m.)

Staff Present: Ichelle Herbu, Assistant Executive Director, Multi-Boards, DHPL
Rebecca Ferullo, Office Support Specialist, Multi-Boards, DHPL
Vita Berg, Chief Board Counsel, Office of the General Counsel, DHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DHPL
Philip Beattie, Investigator, Office of Public Protection, DHPL

- I. Call to Order – Determination of Quorum
A quorum of the Board was present. Dr. Lerner, Board Chair, called the meeting to order at 08:37 a.m.

- II. Approval of Agenda
The Meeting Agenda was reviewed.

DISCUSSION: None

ACTION: Mr. Spear made a motion to approve the agenda as presented; Dr. Lerner seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: December 1, 2015 Board Meeting Agenda

- III. Approval of the Minutes
A. March 3, 2015 Regularly Scheduled Board Meeting
The Minutes of the March 3, 2015 Regularly Scheduled Board Meeting were reviewed.

DISCUSSION: None

ACTION: Dr. Lerner made a motion to approve the minutes as presented; Mr. Lilly seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Minutes of the March 3, 2015 Regularly Scheduled Board Meeting

- IV. Reports
A. Approved Provisional License Application since March 3, 2015

DISCUSSION: One license applicant was to be employed by a contract company and not associated with a specific facility. He had an established supervisor listed. A case like this has never been presented before. Should it be a concern? Mr. Spear stated that he believes in such situations, the employee does not “float around.” Dr. Lerner asked board members if they feel before granting a license, more information about the work location is needed. Is it one supervisor who covers multiple locations or does the supervisor change? Board members would like more information before approval, not necessarily to restrict this type of work (although certain situations may require restriction). The applicant was previously asked to provide more information about the company; nothing yet received by board staff. Board members would like to discuss national contracting groups looking to provide temporary help at the next board meeting.

ACTION: None

Document: MLO Report

B. Approved Initial License Applications since March 3, 2015

DISCUSSION: None

ACTION: None

Document: MLO Report

8:55 am Mary Strachan enters.

V. Advisory Ruling

A. Perfusionists Scope of Practice related to Ex Vivo lung perfusion

DISCUSSION: This topic was previously discussed. Board members feel they need to understand the role of a perfusionist with this. Does it still need to be a scope of practice concern, or is it an institutional issue? Board members will check with hospitals. Should it be added to the list in the regulations of common perfusion roles? What is the difference between having an advisory ruling or not? Ms. Berg states that it would provide clarification and help in the case of a complaint. Ex vivo was added to case credit on the American Board. Mr. Spear and Mr. Lilly were going to work on draft advisory ruling, but unsure of the format. Ms. Berg will provide examples. Board members will revisit the topic when language is created.

ACTION: None

Documents: Advisory Ruling

VI. Policies

A. Staff Action Policy 15-01, Authorized Staff Action Issuance of Licenses

DISCUSSION: This change would allow the Executive Director to approve license applications (routine cases) without contacting the Board Chair for each one. Any questionable cases could still be held or wait for discussion.

ACTION: Mr. Spear made a motion to adopt the proposed policy; Dr. Aranki seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Policy 15-01

B. Update to the Valor Act policy

DISCUSSION: A change was made to waive the initial license fee.

ACTION: Mr. Lilly made a motion to adopt the policy as amended; Mr. Spear seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

C. Proposed Probation Policy

DISCUSSION: The proposed policy is intended to make uniform policies throughout the boards, as there is a single probation monitor. Ms. Berg reviews the types of cases that would warrant probation.

ACTION: Dr. Lerner made a motion to adopt the proposed policy; Dr. Aranki seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

VII. Regulations

A. Regulatory Review

DISCUSSION: The governor's office issued an executive order to have all boards review their regulations. The Board's existing regulations are found at 267 Code of Massachusetts Regulations (CMR) sections 2.00 through 5.03. 267 CMR 2.00 Addresses the purpose of the regulations and a definition of terms, section 3.00 controls licensing, 4.00 pertains to scope of practice, section 5.00 delineates procedures for complaints and license discipline. Board Counsel provided Board members with proposed amendments to the Board's existing regulations in a "red-line" format. The existing language is printed in black and the proposed new language is printed in red. In section 267 CMR 3.00: "Licensure Requirements and Procedures", there is one addition being proposed to this section— an option to "retire" a license for those intending to end their career. This option would not allow them to reinstate after the fact. There is also language preventing licensees using this to "clean up" a disciplinary history, i.e. you cannot change a revoked license to "retired." This option was requested by many licensees as "expired" can have a negative connotation. Dr. Aranki asked what happens if someone gets a retired status because they are dying, but then makes a miraculous recovery. In such a situation, can that person go back to work? Ms. Strachan stated that the language can be adjusted from "will not review" to "may decline to review" to allow the Board the option for exceptional circumstances.

ACTION: Dr. Lerner made a motion to adopt the changes as amended; Dr. Aranki seconded the motion. The motion passed with Board members present and voting in favor unanimously.

DISCUSSION: Ms. Strachan continued to review the regulations. After discussion, Dr. Lerner moved to delete section 267 CMR 3.03(3) entirely. Dr. Aranki seconded the motion and the motion passed. Board members reviewed section 3.05(4) and initially considered deleting the section regarding extension of a provisional license, but then asked Board counsel to re-word instead. Throughout the review, Board Counsel advised Board members that due to the passage of the Valor Act (M.G.L.c. 112 § 1B) which provides for a waiver of licensing fees for active military licensees, whenever a fee is mentioned in the regulations, a caveat is added. Changes were made to provide division-wide uniform language for complaints and disciplinary actions, as well as make clear that certain actions are delegated to Board staff. The Summary Suspension was changed to allow more immediate action by the Executive Director contacting the Board Chair instead of waiting to organize an emergency meeting. This change would still allow the Board to have a meeting if they so choose. Continuity of operations has been built in as well (i.e., a case where the Executive Director has authority but we do not currently have one).

Ms. Strachan reviewed section 2.00: several sections were combined to condense and simplify language.

ACTION: Dr. Lerner made a motion to adopt the changes as amended; Dr. Aranki seconded the motion. The motion passed with Board members present and voting in favor unanimously.

DISCUSSION: Ms. Strachan continued to review section 3.00. Mr. Lilly asked how many times you can take the board exam. Mr. Spear responded that the ABCP allows a person to take the exam as many times as they would like. Ms. Strachan stated that according to regulation 3.06(4), a provisional perfusionist may only have two chances to pass before having to cease practice. The licensee may resume practice after passing the exam. Board members discussed the requirements for an extension of a provisional license. Will not remove; will reword (b) to clarify. 3.07 was changed to license renewal. Licensees who do not renew on time cannot practice and must stop any practice immediately. Language was included that disciplinary action can and may be taken. 3.10 was removed. Board members would like ABCP requirements put back in. Some licensees were grandfathered in, would this present a problem? Board members state there should not be anyone left who qualifies for grandfathering. The 40 cases a year with CEUs requirement should be put back in.

ACTION: Dr. Lerner made a motion to adopt the changes as amended; Mr. Lilly seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Draft Regulations

The Board members did not complete their review of all the proposed changes to the regulations as Dr. Aranki could not stay past 10:00 and once he left, the Board would lose quorum. The Board members will continue their review at another meeting.

VIII. Other Business/Announcements

A. Discussion: Transcript Requirement

DISCUSSION: If an applicant is unable to obtain a transcript from their school, and has made a good faith effort (i.e., a school has closed), can the requirement be waived? Board members stated that a copy could be obtained from the ABCP; will not waive requirement.

ACTION: None

Document: None

B. Distribution: 2016 Board meeting Calendar

DISCUSSION: None

ACTION: None

Document: Meeting dates

IX. Flex Session

A. Topics for next agenda.

DISCUSSION: Items VIII, IX B, C, & D, and XI (Executive Session) will be deferred to next month's meeting.

ACTION: None

Document: None

X. Adjourn

There being no further business before the Board, Dr. Lerner made a motion to adjourn the Meeting; Dr. Aranki seconded the motion. The motion passed with Board members present and voting in favor unanimously. The Meeting adjourned at 10:00 a.m.

The next scheduled meeting of the Board of Registration of Perfusionists is Tuesday, March 1, 2016 at 8:30 a.m. at 239 Causeway Street, Boston, MA.

Respectfully Submitted:

Adam Lerner, MD, Chair

Date