

## SUBCHAPTER 32V – PERFUSIONIST REGULATIONS

### 21 NCAC 32V .0101 SCOPE

*History Note: Authority G.S. 90-681; 90-682; 90-685(1)(3);  
Eff. September 1, 2007;  
Expired Eff. April 1, 2016 pursuant to G.S. 150B-21.3A.*

### 21 NCAC 32V .0102 DEFINITIONS

The following definitions apply to this Subchapter:

- (1) Approved educational program – Any program within the United States that, at the time of the Applicant's attendance, was approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or the Accreditation Committee for Perfusion Education (AC-PE); any Canadian educational program recognized by the Conjoint Committee on Accreditation of the Canadian Medical Association (CMA); or any program attended by applicant that was subsequently approved by CAAHEP, ACPE, or CMA within seven years of the Applicant's graduation.
- (2) Board –The North Carolina Medical Board and its agents.
- (3) Committee – The Perfusionist Advisory Committee and its agents.
- (4) Provisional licensed perfusionist - The person who is authorized to practice perfusion pursuant to 90-698.
- (5) Registering - Renewing the license by paying the biennial fee and complying with Rule .0104 of this Subchapter.
- (6) Supervising - Overseeing the activities and accepting the responsibility for the perfusion services rendered by a provisional licensed perfusionist. Supervision means that the supervising perfusionist shall be available for consultation and assistance while the provisional licensee is performing or providing perfusion services. The availability requirement shall not require physical presence in the operating room. Supervision shall be continuous, except as otherwise provided in the rules of this Subchapter.
- (7) Supervising Perfusionist – A perfusionist licensed by the Committee and who serves as a primary supervising perfusionist or as a back-up supervising perfusionist.
  - (a) The "Primary Supervising Perfusionist" means the perfusionist who, by signing the designation of supervising perfusionist form provided by the Committee, accepts responsibility for the provisional licensed perfusionist medical activities and professional conduct at all times, whether the Primary Supervising Perfusionist is personally providing supervision or the supervision is being provided by a Back-up Supervising Perfusionist. Conduct that violates the laws governing perfusionists may subject the supervising perfusionists to sanctions.
  - (b) The "Back-up Supervising Perfusionist" means the perfusionist who accepts responsibility for the supervision of the provisional licensed perfusionist's activities in the absence of the Primary Supervising Perfusionist. The Back-up Supervising Perfusionist is responsible for the activities of the provisional licensed perfusionist only when providing supervision.

*History Note: Authority G.S. 90-681; 90-682; 90-685(1)(3); 90-691;  
Eff. September 1, 2007;  
Amended Eff. November 1, 2014;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

### 21 NCAC 32V .0103 APPLICATION FOR LICENSE

(a) Except as otherwise provided in this Subchapter, an individual shall obtain a license from the Committee before the individual may practice as a licensed perfusionist. The Committee may grant a license or provisional license, reactivate a license or provisional license, or reinstate a license or provisional license to an applicant who has met the following criteria:

- (1) satisfies the requirements of G.S. 90-686;

- (2) is not disqualified for any reason set out in G.S. 90-691;
- (3) completes the application;
- (4) pays the fee as specified in 21 NCAC 32V .0115, plus the cost of a criminal background check;
- (5) submits to the Committee two completed original fingerprint record cards, on fingerprint record cards provided by the Board;
- (6) submits to the Committee a signed and dated original Authority for Release of Information Form allowing a search of local, state, and national files to disclose any criminal record;
- (7) except for applications for a provisional license, submits proof of current certification with the American Board of Cardiovascular Perfusionists (ABCP); and
- (8) supplies any other information the Committee deems necessary to evaluate the applicant's qualifications.

(b) If the Committee determines it needs more information to evaluate the applicant based on information provided by the applicant, the applicant may be required to appear, in person, for an interview with the Committee.

(c) For purposes of this Rule, an "application for reactivation" is for those applicants whose license was placed on inactive status within the past calendar year.

(d) For purposes of this Rule, an "application for reinstatement" is for those applicants whose license has been inactive for more than one calendar year, or if the inactive status resulted from disciplinary action or was taken to avoid disciplinary action.

*History Note:* Authority G.S. 90-5.1(a)(3); 90-685(3)(4a)(5)(6) and (7); 90-686;  
 Eff. September 1, 2007;  
 Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;  
 Amended Eff. February 1, 2020.

#### **21 NCAC 32V .0104 REGISTRATION**

(a) Each person who holds a license as a perfusionist in this state, other than a provisional licensed perfusionist, shall register his or her perfusionist license every two years prior to its expiration date by:

- (1) completing the Committee's registration form;
- (2) submitting the required fee.

(b) A perfusionist who indicates on the registration form that he or she is not currently certified by the American Board of Cardiovascular Perfusion (ABCP) may be asked to appear before the Committee.

*History Note:* Authority G.S. 90-685(1)(3)(5) and (6); 90-690;  
 Eff. September 1, 2007;  
 Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

#### **21 NCAC 32V .0105 CONTINUING EDUCATION**

(a) The licensed perfusionist must maintain documentation of 30 hours of continuing education (CE) completed for every two year period. Of the 30 hours, at least 10 hours must be Category I hours as recognized by the American Board of Cardiovascular Perfusion (ABCP), the remaining hours may be Category II or III hours as recognized by the ABCP. CE documentation must be available for inspection by the Committee or Board or an agent of the Committee or Board upon request.

(b) A perfusionist who possesses a current certification with the ABCP shall be deemed in compliance with the requirement of Paragraph (a) of this Rule. The perfusionist must attest on his or her biennial renewal that he or she is currently certified by the ABCP.

*History Note:* Authority G.S. 90-685(3) and (8);  
 Eff. September 1, 2007;  
 Amended Eff. November 1, 2011;  
 Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

#### **21 NCAC 32V .0106 SUPERVISION OF PROVISIONAL LICENSED PERFUSIONISTS**

The supervising perfusionist shall exercise supervision of a provisional licensed perfusionist as defined in Rule .0102(6) of this Subchapter, assume responsibility for the services provided by the provisional licensee, be responsible for determining the nature and level of supervision required for the provisional licensee, and be responsible for evaluating and documenting the professional skill and competence of the provisional licensee.

*History Note: Authority G.S. 90-685(1)(2) and (3);  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

#### **21 NCAC 32V .0107 SUPERVISING PERFUSIONIST**

(a) A licensed perfusionist wishing to serve as a primary supervising perfusionist must be licensed to practice perfusion by the Board and not prohibited by the Board from supervising a provisional licensed perfusionist.

(b) A perfusionist wishing to serve as a back-up supervising perfusionist must be licensed to practice perfusion by the Board, not prohibited by the Board from supervising a provisional licensed perfusionist, and approved by the primary supervising perfusionist as a person willing and qualified to assume responsibility for the care rendered by the provisional licensed perfusionist in the absence of the primary supervising perfusionist. The primary supervising perfusionist must maintain an ongoing list of all approved back-up supervising perfusionist(s), signed and dated by each back-up supervising perfusionist, the primary supervising perfusionist, and the provisional licensed perfusionist, and this list must be retained and made available for inspection upon request by the Committee or Board.

*History Note: Authority G.S. 90-685(1)(2) and (3);  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

#### **21 NCAC 32V .0108 DESIGNATION OF PRIMARY SUPERVISING PERFUSIONIST FOR PROVISIONAL LICENSEE**

(a) Prior to the performance of perfusion under the supervision of any primary supervising perfusionist, or new primary supervising perfusionist, a provisional licensed perfusionist shall submit a designation of primary supervising perfusionist(s) on forms provided by the Committee. The provisional licensed perfusionist shall not commence practice until acknowledgment of the designation of primary supervising perfusionist(s) form is received from the Committee. Such designation shall include:

- (1) the name, practice addresses, and telephone number of the provisional licensed perfusionist; and
- (2) the name, practice addresses, and telephone number of the primary supervising perfusionist(s).

(b) The primary supervising perfusionist shall notify the Committee of any terminations or cessations of practice of a provisional licensed perfusionist under his or her supervision in a previously acknowledged designation within 15 days of the occurrence.

*History Note: Authority G.S. 90-685(1) and (3);  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

#### **21 NCAC 32V .0109 CIVIL PENALTIES**

(a) In carrying out its duties and obligations under G.S. 90-691 and G.S. 90-693, the following shall constitute aggravating factors:

- (1) Prior disciplinary actions
- (2) Patient harm
- (3) Dishonest or selfish motive
- (4) Submission of false evidence, false statements, or other deceptive practices during the disciplinary process
- (5) Vulnerability of victim
- (6) Refusal to admit wrongful nature of conduct
- (7) Willful or reckless misconduct

- (8) Pattern of misconduct (repeated instances of the same misconduct)
  - (9) Multiple offenses (more than one instance of different misconduct)
- (b) The following shall constitute mitigating factors:
- (1) Absence of a prior disciplinary record
  - (2) No patient harm
  - (3) Absence of a dishonest or selfish motive
  - (4) Full cooperation with the Committee
  - (5) Physical or mental disability or impairment
  - (6) Rehabilitation or remedial measures
  - (7) Remorse
  - (8) Remoteness of prior discipline
- (c) Before imposing and assessing a civil penalty, the Committee shall make a determination of whether the aggravating factors outweigh the mitigating factors, or whether the mitigating factors outweigh the aggravating factors. After making such a determination, and if the Committee decides to impose a civil penalty, the Committee shall impose the civil penalty consistent with the following schedule:
- (1) First Offense:  
Presumptive Fine - \$250.  
Finding of Mitigation \$0 to \$249.  
Finding of Aggravation \$251 to \$1,000.
  - (2) Second Offense:  
Presumptive Fine - \$500.  
Finding of Mitigation \$0 to \$499.  
Finding of Aggravation \$501 to \$1,000.
  - (3) Third or More Offense:  
Presumptive Fine - \$1000.  
Finding of Mitigation \$0 to \$999.  
Finding of Aggravation \$1,000.

*History Note:* Authority G.S. 90-685(1) and (3); 90-693(b)(4);  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

#### **21 NCAC 32V .0110 IDENTIFICATION REQUIREMENTS**

A licensed perfusionist shall keep proof of current licensure and registration available for inspection at the primary place of practice and shall, when engaged in professional activities, wear a name tag identifying the licensee as a perfusionist consistent with G.S. 90-640(a).

*History Note:* Authority G.S. 90-640(a); 90-685(3);  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

#### **21 NCAC 32V .0111 PRACTICE DURING A STATE OF EMERGENCY**

- (a) The Board shall waive the requirements for licensure in the circumstances set forth in G.S. 90-12.5.
- (b) The following individuals may practice under this Rule if he or she either:
  - (1) holds a full, unlimited, and unrestricted license to practice perfusion in another U.S. state, territory or district; or
  - (2) is a current, active certified clinical perfusionist who practices in a state where licensure is not required who practices perfusion at a North Carolina hospital that is licensed by the North Carolina Department of Health and Human Services and the hospital meets the following requirements:
    - (A) verifies the perfusionist's credentials and privileges; and
    - (B) maintains a list of all perfusionists coming to practice and provides this list to the Board within 10 days of each perfusionist practicing at the hospital. The hospital shall also provide the Board a list of when each perfusionist has stopped practicing perfusion in

North Carolina under this Rule within 10 days after each perfusionist has stopped practicing perfusion under this Rule.

(c) A perfusionist may practice under this Rule for the shorter of either:

- (1) thirty days from the date the perfusionist has started practicing under this Rule; or
- (2) thirty days after a statement by an appropriate authority is made that the state of emergency has been withdrawn or ended.

(d) All perfusionists practicing under this Rule shall be authorized to practice perfusion in North Carolina and shall be deemed to be licensed in this State. The Board shall have jurisdiction over perfusionists practicing under this Rule for all purposes set forth in or related to G.S. 90, Articles 1 and 40, and such jurisdiction shall continue in effect even after the perfusionist has stopped practicing under this Rule.

*History Note:* Authority G.S. 90-12.5; 90-685;  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;  
Amended Eff. August 1, 2020.

### **21 NCAC 32V .0112 TEMPORARY LICENSURE**

The Board may grant temporary licensure to a licensed or certified clinical perfusionist in good standing from another state who appears to be qualified for licensure in this State pursuant to G.S. 90-686 and who enters North Carolina to work on an emergency basis. The temporary license shall be valid for a period not to exceed 60 days. Within 10 days of receiving a temporary license, the temporary licensed perfusionist must make application for a full license, including payment of the requisite application fee. If the temporary licensed perfusionist fails to submit a full application within the 10 day period, his or her temporary license shall immediately expire. After making application for a full license, the Committee and Board must decide the application before the expiration of the temporary license. For purposes of this Rule, "emergency" shall mean the sudden death or illness, or unforeseen and unanticipated absence, of a licensed perfusionist working at a North Carolina hospital that leaves the hospital unable to provide surgical care to patients in a manner that compromises patient safety. As part of the temporary license process, the hospital must certify to the Committee, on forms provided by the Committee that an emergency exists. "Good standing" for purposes of this Rule shall mean that the applicant is currently able to practice perfusion in another state without any restriction or condition.

*History Note:* Authority G.S. 90-685(3); 90-686;  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

### **21 NCAC 32V .0113 ORDERS FOR ASSESSMENTS AND EVALUATIONS**

(a) The Committee and Board may require a perfusionist or applicant to submit to a mental or physical examination by physicians designated by the Committee or Board before or after charges may be presented against the perfusionist if the Committee or Board has reason to believe a perfusionist may be unable to perform perfusion with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical, mental or behavioral abnormality.

(b) The results of the examination shall be admissible in evidence in a hearing before the Committee.

(c) The Committee or Board may require a perfusionist to submit to inquiries or examinations, written or oral, by members of the Committee or by other perfusionists, as the Committee or Board deems necessary to determine the professional qualifications of such licensee.

*History Note:* Authority G.S. 90-685(3)(5)(11);  
Eff. September 1, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

### **21 NCAC 32V .0114 PROVISIONAL LICENSE TO FULL LICENSE**

A provisional licensed perfusionist who becomes a certified clinical perfusionist as defined by G.S. 90-682(1) at any time while he or she holds a provisional license may request that his or her provisional license be converted to a full

license. The provisional licensee must make the request upon forms provided by the Committee and must make payment of an additional one hundred seventy-five dollars (\$175.00) fee. The Committee may request additional information or conduct an interview of the applicant to determine the applicant's qualifications.

*History Note:* Authority G.S. 90-685(3)(5); 90-689;  
Eff. December 12, 2007;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

**21 NCAC 32V .0115 FEES**

(a) A fee of three hundred and fifty dollars (\$350.00) is due at the time of application for a perfusion license and a fee of one hundred and seventy five dollars (\$175.00) is due at the time of application for a provisional perfusion license. No portion of the application fee is refundable.

(b) A fee of three hundred and fifty dollars (\$350.00) shall be paid to the North Carolina Medical Board for biennial renewal of a perfusion license and a fee of one hundred and seventy five dollars (\$175.00) for annual renewal of a provisional perfusion license.

(c) A late fee of one hundred dollars (\$100.00) shall be charged to those who fail to renew timely a perfusion license or a provisional perfusion license.

*History Note:* Authority G.S. 90-685(7); 90-688; 90-689; 90-690;  
Eff. March 1, 2008;  
Amended Eff. November 1, 2011;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.