

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND THE  
REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 212, 6504, 6507, 6509, 6630, 6631, 6632, 6633, 6634, 6635, and 6636 of the Education Law, Chapter 409 of the Laws of 2013, and Chapter 479 of the Laws of 2012

1. Subdivision (a) of section 29.2 of the Rules of the Board of Regents is amended, effective October 21, 2016, as follows:

(a) Unprofessional conduct shall also include, in the professions of: acupuncture, athletic training, audiology, certified behavior analyst assistant, certified dental assisting, chiropractic, creative arts therapy, dental hygiene, dentistry, dietetics/nutrition, licensed behavior analyst, licensed perfusionist, licensed practical nursing, marriage and family therapy, massage therapy, medicine, mental health counseling, midwifery, occupational therapy, occupational therapy assistant, ophthalmic dispensing, optometry, pharmacy, physical therapist assistant, physical therapy, physician assistant, podiatry, psychoanalysis, psychology, registered professional nursing, respiratory therapy, respiratory therapy technician, social work, specialist assistant, speech-language pathology (except for cases involving those professions licensed, certified or registered pursuant to the provisions of article 131 or 131-B of the Education Law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of chapter 606 of the Laws of 1991):

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2. Section 52.47 of the Regulations of the Commissioner of Education is added, effective October 21, 2016, as follows:

§52.47 Licensed Perfusionist.

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a licensed perfusionist, which meets the requirements of section 79-19.1 of this Title, the program shall:

(a) either:

(1) be a program in perfusion or a substantially equivalent program as determined by the department, which leads to a baccalaureate or higher degree; or

(2) be a credit bearing certificate program in perfusion acceptable to the department which ensures that each student holds a baccalaureate or higher degree;

(b) include course content in each of the following subjects or their equivalent as determined by the department:

(1) heart-lung bypass for patients undergoing heart surgery;

(2) long-term supportive extracorporeal circulation;

(3) monitoring of the patient undergoing extracorporeal circulation;

(4) autotransfusion; and  
(5) special applications of the technology related to the practice of perfusion; and  
(c) include a supervised clinical experience, which is appropriate to the practice of perfusion, as such practice is defined in subdivision (3) of section 6630 of the Education Law, and incorporates and requires performance of an adequate number and variety of circulation procedures.

3. Subpart 79-19 of the Regulations of the Commissioner of Education is added, effective October 21, 2016, to read as follows:

SUBPART 79-19

LICENSED PERFUSIONISTS

§79-19.1 Professional study for licensed perfusionists.

(a) As used in this section, an acceptable accrediting body for perfusion education programs shall mean an organization acceptable to the department as a reliable authority for the purpose of accreditation of perfusion education programs at the postsecondary level, which applies its criteria for granting accreditation of programs in a fair, consistent, and nondiscriminatory manner.

(b) To meet the professional educational requirement for licensure as a perfusionist, the applicant shall present satisfactory evidence of:

(1) holding a baccalaureate or higher degree in perfusion awarded upon the successful completion of a baccalaureate or higher degree program in perfusion registered as leading to licensure pursuant to section 52.47 of this Title or accredited by an acceptable accrediting body for perfusion education programs, or a baccalaureate or higher degree program that is substantially equivalent to such a registered program as determined by the department; or

(2) both:

(i) holding a baccalaureate or higher degree awarded upon the successful completion of a baccalaureate or higher degree program; and

(ii) completing a credit bearing certificate program in perfusion acceptable to the department which is accredited by an acceptable accrediting body for perfusion education programs or its equivalent as determined by the department; or

(3) completing, on or before October 20, 2018, a baccalaureate or higher degree and an accredited training program in perfusion acceptable to the department. Such training program must be accredited by an acceptable accrediting body for perfusion education programs but need not be a credit bearing program.

#### §79-19.2 Licensing examinations for licensed perfusionists.

(a) Content. The licensing examination shall consist of an examination designed to test knowledge, skills and judgment relating to all areas of perfusion, including, but not limited to, the basic science of perfusion, clinical applications of perfusion, and the practice of perfusion as defined in subdivision (3) of section 6630 of the Education Law.

(b) The department may accept a passing score on an examination determined by the department to be acceptable for licensure as a licensed perfusionist.

#### §79-19.3 Fees.

(a) Applicants shall pay a fee of \$50 for an initial license and a fee of \$150 for the first registration period.

(b) Licensees shall pay a fee of \$150 for each triennial registration period.

#### §79-19.4 Limited permits.

As authorized by section 6635 of the Education Law, the department may issue a limited permit to practice perfusion in accordance with the requirements of this section.

(a) An applicant for a limited permit to practice as a licensed perfusionist shall:

(1) file an application with the department on a form prescribed by the department together with a fee of \$105 for the limited permit;

(2) meet all the requirements for licensure as a licensed perfusionist, except the examination requirement; and

(3) practice as a perfusionist only under the supervision of a licensed perfusionist and pursuant to the order and direction of a physician.

(b) The limited permit in perfusion shall be valid for a period of not more than 12 months, provided that a limited permit may be extended for an additional 12 months at the discretion of the department for good cause as determined by the department. The time authorized by such limited permit and subsequent extension shall not exceed 24 months in total.

§79-19.5 Special provisions.

(a) An individual who meets the requirements for a license as a licensed perfusionist except for examination, experience and education and who meets the requirements enumerated under paragraphs (1) or (2) of this subdivision may be licensed without meeting additional requirements provided that such individual submits an application to the department on or before October 20, 2018:

(1) applicants may be licensed if they have been practicing as a perfusionist, as defined in subdivision (3) of section 6630 of the Education Law, for five years in the past ten years in an inpatient unit that provides cardiac surgery services in a hospital approved by the department of health or a substantially equivalent accrediting body acceptable to the State Committee for Perfusion and the department. At least three of such years of experience shall have occurred during the past five years; or

(2) applicants who possess certification from a national certification organization acceptable to the State Committee for Perfusion and the department may be licensed if

they have been employed as a perfusionist, as defined in subdivision (3) of section 6630 of the Education Law, for three of the past five years.