

**ADOPTED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R079-10

Effective December 16, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-11, NRS 630.130 and 630.269.

A REGULATION relating to perfusion; regulating the practice of perfusion; providing for the licensing of perfusionists; establishing continuing education requirements for the renewal of a license; establishing a fee for the reinstatement of an expired license; providing grounds for the discipline of a perfusionist; providing for the appointment by the Board of Medical Examiners of an advisory committee concerning perfusionists; and providing other matters properly relating thereto.

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. 1. *An application for licensure as a perfusionist must be made on a form provided by the Board. The application must set forth:*

- (a) The date and place of birth of the applicant;*
- (b) The gender of the applicant;*
- (c) The education of the applicant, including, without limitation, each high school and postsecondary institution attended by the applicant, the dates of attendance and whether the applicant is a graduate of those schools and institutions;*
- (d) If the applicant has ever applied for a license or certificate to practice perfusion in another state or jurisdiction, the date and disposition of the application;*
- (e) The training and experience of the applicant in the practice of perfusion;*

(f) If the applicant has ever been investigated for misconduct in the practice of perfusion, had a license or certificate to practice perfusion revoked, modified, limited or suspended or had any disciplinary action or proceeding instituted against the applicant by a licensing body in another state or jurisdiction, the dates, circumstances and disposition of each such occurrence;

(g) If the applicant has ever been convicted of a felony or any offense involving moral turpitude, the dates, circumstances and disposition of each such occurrence;

(h) If the applicant has ever been investigated for, charged with or convicted of the use or illegal sale or dispensing of a controlled substance, the dates, circumstances and disposition of each such occurrence; and

(i) Each place of residence of the applicant after the date of graduation of the applicant from high school or the receipt by the applicant of a high school general equivalency diploma, whichever occurred most recently.

2. An applicant must submit to the Board:

(a) Proof of completion of a perfusion education program that satisfies the requirements of NRS 630.2691. For the purpose of that section, the following perfusion education programs shall be deemed approved by the Board:

(1) Any perfusion education program completed by the applicant on or before June 1, 1994, which was approved by the Committee on Allied Health Education and Accreditation of the American Medical Association; or

(2) Any perfusion education program completed by the applicant after June 1, 1994, which was accredited by the Accreditation Committee-Perfusion Education and approved by

the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor.

(b) Except as otherwise provided in NRS 630.2693, proof of passage of the certification examination given by the American Board of Cardiovascular Perfusion or its successor, as required by NRS 630.2692.

(c) Such further evidence and other documents or proof of qualifications as are required by the Board.

3. Each application must be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

4. The application must be accompanied by the applicable fee.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

Sec. 3. The Board may reject an application for licensure as a perfusionist if the Board determines that:

1. The applicant is not qualified or is not of good moral character or reputation;

2. Any credential submitted by the applicant is false; or

3. The application is not made in proper form or is otherwise deficient.

Sec. 4. A license to practice perfusion issued by the Board must contain:

1. The name of the perfusionist;

2. The duration of the license, as determined pursuant to NRS 630.2695; and

3. Any limitation or requirement applicable to the license that is prescribed by the Board.

Sec. 5. Before providing perfusion services, a perfusionist must notify the Board, on a form prescribed by the Board, of the name and location of the primary location of practice of the perfusionist. The form must be signed by the perfusionist.

Sec. 6. 1. The license of a perfusionist may be renewed biennially. Except as otherwise provided in subsection 2, each person licensed as a perfusionist shall, at the time of the renewal of his or her license, provide satisfactory proof to the Board that he or she has completed during the biennial licensing period at least 30 hours of continuing education units that have been approved for credit by the American Board of Cardiovascular Perfusion. The continuing education units must be completed in the various categories of continuing education recognized by the American Board of Cardiovascular Perfusion, as follows:

(a) At least 15 hours, not less than 2 hours of which must be related to medical ethics, must be completed in Category I approved continuing education, which may include, without limitation, such activities as:

(1) Attendance at an international, national, regional or state meeting relating to perfusion.

(2) Publication of a book, chapter or article relating to perfusion.

(3) Presenting or addressing at an international, national, regional or state meeting relating to perfusion.

(4) Completion of a self-directed continuing education course relating to perfusion.

(b) Not more than 15 hours may be completed in Category II or Category III approved continuing education, which may include, without limitation, such activities as:

(1) Attendance at an international, national, regional, state or local meeting relating to perfusion that has not been approved for Category I credit.

(2) Attendance at a manufacturer-specific or company-sponsored educational activity that was not equally accessible to all perfusionists.

(3) Attendance at a medically-related international, national, regional, state or local meeting that has not been approved for Category I credit.

(4) Attendance at advanced cardiac life-support training that has not been approved for Category I credit.

(5) Individual education and other self-study activities that have not been approved for Category I credit.

2. If the perfusionist was licensed only during the second year of a biennial licensing period, he or she must attain and prove upon his or her renewal application the completion during the biennial licensing period of at least 16 hours of continuing education units that have been approved for credit by the American Board of Cardiovascular Perfusion, as follows:

(a) At least 8 hours, not less than 2 hours of which must be related to medical ethics, must be completed in Category I approved continuing education activities; and

(b) Not more than 8 hours must be completed in Category II and Category III approved continuing education activities.

3. The notice of renewal that the Board is required to send to a licensed perfusionist pursuant to NRS 630.2695 will be sent to the last known address of the perfusionist on record with the Board.

Sec. 7. *The fee for the reinstatement of an expired license pursuant to NRS 630.2695 is an amount equal to twice the current amount of the fee for the biennial renewal of the license.*

Sec. 8. 1. *The services that a perfusionist may be authorized to perform under the order and supervision of a physician must be commensurate with the education, training, experience and level of competence of the perfusionist.*

2. *A perfusionist shall at all times while on duty wear a placard, plate or insigne which identifies himself or herself as a perfusionist.*

3. *A perfusionist shall not represent himself or herself in any manner that would tend to mislead a patient or the general public.*

Sec. 9. 1. *A perfusionist is subject to discipline pursuant to chapter 630 of NRS or denial of licensure by the Board if, after notice and hearing, the Board finds that the perfusionist:*

(a) *Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for or renewing a license.*

(b) *Performed perfusion services other than as permitted by law.*

(c) *Committed malpractice in the performance of perfusion services, which may be evidenced by claims settled against the perfusionist.*

(d) *Disobeyed any order of the Board or an investigative committee of the Board or violated any provision of this chapter or chapter 630 of NRS.*

(e) *Is not competent to provide perfusion services.*

(f) *Lost his or her certification by the American Board of Cardiovascular Perfusion or its successor organization.*

(g) *Failed to notify the Board of loss of certification by the American Board of Cardiovascular Perfusion or its successor organization within 30 days after the loss of certification.*

(h) *Falsified or altered records of health care.*

(i) *Rendered perfusion services to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition.*

(j) Practiced perfusion after his or her license as a perfusionist had expired or been revoked or suspended.

(k) Has been convicted of a felony, any offense involving moral turpitude or any offense relating to the practice of perfusion or the ability to practice perfusion.

(l) Has had a license to practice perfusion revoked, suspended, modified or limited by another state or jurisdiction or has surrendered such a license or discontinued the practice of perfusion while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or any employer.

(m) Engaged in any sexual activity with a patient who was being treated by the perfusionist.

(n) Engaged in disruptive behavior with physicians, hospital personnel, patients, members of the family of a patient or any other person if the behavior interferes with the care of a patient or has an adverse impact on the quality of care rendered to a patient.

(o) Engaged in conduct which brings the profession of perfusion into disrepute, including, without limitation, conduct that violates any of the following ethical guidelines:

(1) A perfusionist shall at all times hold the well-being of his or her patients paramount and shall not act in such a way as to bring the interests of the perfusionist into conflict with the interests of his or her patients.

(2) A perfusionist shall not engage in conduct that violates the trust of a patient and exploits the relationship between the perfusionist and the patient for financial or other personal gain.

(3) A perfusionist shall not delegate licensed responsibilities to a person who is not qualified to perform those responsibilities.

(p) Engaged in sexual contact with a surrogate of a patient or with any person related to a patient, including, without limitation, a spouse, parent or legal guardian of a patient, that exploits the relationship between the perfusionist and the patient in a sexual manner.

(q) Made or filed a report that the perfusionist knew to be false, failed to file a record or report as required by law or willfully obstructed or induced another person to obstruct any such filing.

(r) Failed to report to the Board any person that the perfusionist knew, or had reason to know, was in violation of any provision of this chapter or chapter 630 of NRS relating to the practice of perfusion.

(s) Has been convicted of a violation of any federal or state law regulating the prescription, possession, distribution or use of a controlled substance.

(t) Held himself or herself out or permitted another person to represent the perfusionist as a licensed physician.

(u) Violated any provision that would subject a person to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

2. A person who has been licensed as a perfusionist by the Board but is not currently licensed, has surrendered his or her license or has failed to renew his or her license may be disciplined by the Board upon hearing a complaint for disciplinary action against the person.

Sec. 10. 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any perfusionist has raised a reasonable question as to his or her competence to practice as a perfusionist with reasonable skill and safety to patients, the Board

or investigative committee may order that the perfusionist undergo a mental or physical examination or an examination testing his or her competence to practice as a perfusionist by physicians or any other examination designated by the Board or investigative committee to assist the Board or investigative committee in determining the fitness of the perfusionist to practice perfusion.

2. Every perfusionist who applies for or is issued a license and who accepts the privilege of performing perfusion services in this State shall be deemed to have given consent to submit to an examination pursuant to subsection 1 if directed to do so in writing by the Board or investigative committee.

3. For the purpose of this section, the report of testimony or examination by the examining physicians does not constitute a privileged communication.

4. Except in extraordinary circumstances, as determined by the Board, the failure of a perfusionist to submit to an examination if directed to do so pursuant to this section constitutes an admission of the charges against the perfusionist. A default and final order may be entered without the taking of testimony or presentation of evidence.

5. A perfusionist who is subject to an examination pursuant to this section shall pay the costs of the examination.

Sec. 11. 1. *The Board will appoint three perfusionists to an advisory committee. To the extent practicable, each appointee must have lived in and actively and continuously practiced perfusion in this State for at least 3 years before his or her appointment.*

2. The Board will give each appointee written notice of his or her appointment and term of office and a written summary of any projects pending before the advisory committee.

3. At the request of the Board, the advisory committee shall review and make recommendations to the Board concerning any matter relating to perfusionists.

**REGULATION ADOPTED BY THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS
LCB File No. R079-10**

INFORMATIONAL STATEMENT

Pursuant to the provisions of NRS 233B.066, the following informational statement is submitted:

**DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED
SUMMARY OF THE PUBLIC RESPONSE
EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN
A COPY OF THE SUMMARY**

How public comment was solicited:

The Nevada State Board of Medical Examiners published a Notice of Intent to Act Upon Regulation to solicit comments on proposed changes to the regulation. The hearing was to be conducted in Reno on Wednesday, November 3, 2010, at the hour of 11:30 o'clock a.m., at the Nevada State Board of Medical Examiners, located at 1105 Terminal Way, Suite 301, Reno, Nevada, and videoconferenced to the Nevada State Board of Dental Examiners located at 6010 S. Rainbow Blvd., Bldg. A., Suite 1, Las Vegas, Nevada.

In the notice the public was notified that a copy of the proposed regulation was on file at the State Library, 100 Stewart St., Carson City, Nevada; available at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada; in all counties in the state of Nevada in which the Board does not maintain an office, at the main public library; in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653; and on the Internet at <http://www.leg.state.nv.us>, as well as posted at the following locations:

Washoe County Courthouse	Reno, Nevada
Carson City Library	Carson City, Nevada
Clark County District Library	Las Vegas, Nevada
Churchill County Library	Fallon, Nevada
Douglas County Library	Minden, Nevada
Elko County Library	Elko, Nevada
Esmeralda County Library	Goldfield, Nevada
Humboldt County Library	Winnemucca, Nevada
Lander County Library	White Pine, Nevada
Lincoln County Library	Pioche, Nevada
Lyon County Library	Yerington, Nevada
Mineral County Library	Hawthorne, Nevada
Tonopah Library	Tonopah, Nevada
Pershing County Library	Lovelock, Nevada
Storey County Library	Virginia City, Nevada

**White Pine County Library
Washoe County Library**

**Ely, Nevada
Reno, Nevada**

Attached hereto, and made a part hereof, are copies of certifications of posting from many of the above named.

Summary of the public response:

No oral or written comment was offered.

**How other interested persons may obtain a copy of
the public response to the regulations:**

On file with the Board at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada, is a complete transcript of the hearing conducted on the regulation change.

Any member of the public may visit the offices of the Board and may review any or the entire transcript referred to above. Also, any member of the public may request copies of the transcript of all the public comment by contacting the court reporter and requesting a copy.

The court reporter may be contacted at:

Bonanza Reporting
1111 Forest Street
Reno, Nevada 89509
(775) 786-7655

Persons who attended the workshop and hearing:

No public attendance or comment was offered.

Persons who testified at the public hearing:

No public attendance or comment was offered.

The number of persons who submitted written statements:

No written comment was received by the Nevada State Board of Medical Examiners.

**HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES,
A SUMMARY OF THEIR RESPONSE, AND
HOW INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY**

The comments, conclusions, and information set out above and all information contained thereunder applies to this portion of the informational statement as well.

THE REGULATION WAS ADOPTED IN ENCLOSED FORM.

THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH THE BOARD REGULATES AND ON THE PUBLIC

The economic effect of the regulation on the medical profession:

There will be no economic effect to the medical profession by adoption of this regulation.

The economic effect of the regulation on the general public:

There will be no economic effect to the general public by adoption of this regulation.

THE ESTIMATED COST TO THE NEVADA STATE BOARD OF MEDICAL EXAMINERS TO ENFORCE THE PROPOSED REGULATION

The Nevada State Board of Medical Examiners estimates that there will be no additional cost to itself to enforce the proposed regulation.

THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT OVERLAP OR DUPLICATE ANY REGULATIONS OF ANY OTHER STATE OR GOVERNMENTAL AGENCIES, INCLUDING THE FEDERAL GOVERNMENT.

THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT INCLUDE PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY.

THE NEW REGULATION DOES NOT PROVIDE OR INVOLVE A NEW FEE.