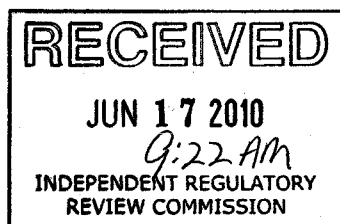


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Department of Perfusion  
St. Luke's Hospital  
801 Ostrum Street  
Bethlehem, PA 18015

June 10, 2010

**RE: Perfusionist Licensing-Proposed Rulemaking**

Dear Regulatory Unit Counsel,

I am contacting you concerning the proposed rulemaking intended to implement licensure of perfusionists under the act as amended by Act 19 related to PA House Bill 500 and 501, Session of 2007. I am the Perfusion Department Manager at St. Luke's Hospital and Health Network in Bethlehem, Pennsylvania

Items which I recommend for consideration include:

1. Perfusion is misspelled in the 6<sup>th</sup> sentence on page #1 for proposed rulemaking. Correct spelling is perfusion, not profusion.
2. My second concern relates to liability insurance and specifically: "18.533(a) (relating to application for perfusionist Under proposed § license), an applicant shall submit a completed application form, including necessary supporting documents, and pay the required application fee. Section 13.3(f) of the act sets five criteria for licensure as a perfusionist: The applicant must be at least 18 years of age, be of good moral character, have graduated from an accredited perfusion program approved by the Board and be certified by a certifying agency approved by a Nationally-recognized accrediting 18.533(b)(1) provides that agency approved by the Board. Accordingly, proposed § the Board will license as a perfusionist an applicant who demonstrates that the applicant satisfies the requirements of section 13.3(f) of the act for licensure as a perfusionist. **Because section 13.3(k) of the act requires a perfusionist to carry a minimum level of professional liability insurance, proposed 18.533(b)(2) requires that an applicant provide proof of liability insurance....**" also "18.534 (relating to application for temporary graduate Proposed § perfusionist license) addresses the application for temporary graduate perfusionist license, as provided in section 13.3(h) of the act. Under proposed 18.534(a), an applicant shall submit a completed application form, including § necessary supporting documents, and pay the required application fee. Section 13.3(h)(1)(i) of the act provides that an individual who has graduated from an educational program in compliance with the education requirements and is eligible for and has applied for the examination may receive a temporary graduate license. These criteria, along with good moral character and being at 18.534(b)(1) as the basic least 18 years of age, would be in proposed § requirements for a temporary graduate license. **Because section 13.3(k) of the act requires a perfusionist to carry a minimum level of professional liability 18.534(b)(2) requires that an applicant provide proof of insurance, proposed § liability insurance....**"

*Section 13.3(k) of the act provides for required professional liability 18.541(a) (relating to professional insurance for perfusionists and proposed § liability insurance coverage for licensed perfusionist) requires a licensed perfusionist to maintain a level of professional liability insurance as required 18.541(d) prohibits a under section 13.3(k) of the act. Conversely, proposed § perfusionist who does not have the required amount of liability insurance from practicing as a perfusionist in this Commonwealth. Section 13.3(k)(2) of the act requires an applicant to provide proof that the applicant has obtained the 18.541(b) sets forth the general requirement liability insurance. Proposed § that proof of liability insurance consists of a certificate of insurance or a copy of the declarations page from the insurance policy setting forth the effective and expiration dates and the dollar amounts of coverage. However, section 13.3(k)(2) of the act permits an applicant to file with the application a letter from an insurance carrier stating that the applicant will be covered in the required amounts effective upon issuance of the license, but the applicant must then submit the certificate of insurance or copy of the declaration page within 30 days after issuance of the license. To effectuate this provision, 18.541(c) provides that a license issued in reliance upon the proposed § insurance carrier's letter will become inactive as a matter of law 30 days after the license is issued if the licensee has not submitted proof of insurance. The license will be inactivated and not suspended, because it is not a disciplinary action, as insurance is required only if practicing as a perfusionist in this Commonwealth.*

As a hospital employed perfusionist, my liability insurance is provided thru my employer, St. Luke's Hospital and Health Network, which is self insured. Allow me to use use my employment situation as an example for many within the state. The concern I raise to the board is that in the instance I or my staff end employment with our employer, we would no longer hold current individual perfusionist liability insurance. Would we not then be in jeopardy of loosing our status as a licensed perfusionist in Pennsylvania according to the proposed rulemaking? Would we not then be prevented from securing gainful employment in the State of Pennsylvania by employers requiring licensed perfusionists as a result of incorporation of the perfusionist licensing requirement into the facility credentialing provisions? I believe it is important for the board to identify that not all perfusionists in Pennsylvania carry private perfusionist liability insurance through an independent carrier, which is a significant expense exceeding \$3000/yr. In many instances, such as my own, liability insurance is provided by an employer upon employment. Will the proposed rulemaking require a perfusionist licensed in Pennsylvania to incur the significant expense of private liability insurance if insurance is provided thru the employer? The board seems to have based much of the Pennsylvania licensing requirement on ABCP certification, yet liability insurance is not a requirement for ABCP certification or recertification. Are all medical professionals licensed in Pennsylvania required to maintain private liability insurance as a requirement for licensure? I would appreciate if the board provided clarification of the proposed rulemaking in Section 13.3k, specifically as related to 18.533 and 18.534.

I look forward to your response.

Sincerely,



Michael Homishak