

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Medical Board/Perfusion Advisory Committee

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: January 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On your Submission for Permanent Rule forms, please change the Notice of Text publication date in box 6 to August 1, 2019.*

*Please show changes to rules post-publication in the NC Register in accordance with 26 NCAC 02C .0405. An example is available at <https://files.nc.gov/ncoah/documents/Rules/Examples---Permanent-Amendment-With-Changes-For-Publication-In-The-Ncac.pdf>.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder  
Commission Counsel  
Date submitted to agency: January 7, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Medical Board/Perfusion Advisory Committee

RULE CITATION: 21 NCAC 32V .0103

**DEADLINE FOR RECEIPT: January 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(3), what is the "appropriate" application?*

*In (a)(3), are the contents or substantive requirements of the application in rule in accordance with G.S. 150B-2(8a)(d)? How do applicants access the form? Is it available on your website?*

*Just to be sure, does (a)(4) make any changes to the existing licensure fees?*

*Does this (a)(4) comply with Session Law 2019-191, Part VIII, which prohibits the Medical Board from setting fees in rules?*

*In (a)(4), does the Board remit the background check fee to the Department of Public Safety in accordance with Session Law 2019-191, Sec. 18?*

*In (a)(6), please delete or define "completed."*

*In (a)(6), how do applicants access this form? Is it available on your website?*

*In (a)(7), what does "ABCP" stand for?*

*In (a)(8), what other information may the Committee deem necessary to evaluate an applicant's qualifications?*

*In (b), under what circumstances will an applicant be required to appear for an interview?*

*In (c) and (d), since you are defining terms, please put quotation marks around "application for reactivation" at line 22 and "application for reinstatement" at line 24.*

*In your history note, please format G.S. 90-5.1(a)(3) to show it was added post-publication.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder  
Commission Counsel

Date submitted to agency: January 7, 2020

1 21 NCAC 32V .0103 is amended as published in 34:03 NCR 163-164 as follows:

2  
3 21 NCAC 32V .0103 **QUALIFICATIONS APPLICATION FOR LICENSE**

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

- 8 (1) satisfies the requirements of G.S. 90-686;
- 9 (2) is not disqualified for any reason set out in G.S. 90-691; ~~and~~
- 10 (3) ~~submits to the Committee any information the Committee deems necessary to evaluate the~~  
11 ~~application; and~~ completes the appropriate application;
- 12 (4) pays the fee as specified in Rule 21 NCAC 32V .0115, plus the cost of a criminal background check;
- 13 (5) submits to the Committee two completed original fingerprint record cards, on fingerprint record  
14 cards provided by the Board;
- 15 (6) submits to the Committee a completed signed and dated original Authority for Release of  
16 Information Form allowing a search of local, state, and national files to disclose any criminal record;
- 17 (7) except for applications for a provisional license, submits proof of current certification with the  
18 ABCP; and
- 19 (8) supplies any other information the Committee deems necessary to evaluate the applicant's  
20 qualifications.

21 (b) An applicant may be required to appear, in person, for an interview with the Committee.

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

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

27 *History Note:* Authority G.S. 90-5.1(a)(3); G.S. 90-685(1)(3)(4a)(5)(6) and (7); 90-685(3)(4a)(5)(6) and (7); 90-  
28 686;

29 *Eff. September 1, 2007;*

30 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*  
31 *2016.*

32 *Amendment eff. February 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Medical Board/Perfusion Advisory Committee

RULE CITATION: 21 NCAC 32V .0111

**DEADLINE FOR RECEIPT: January 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), consider deleting the current language and mirroring the language in 21 NCAC 32B .0706: "The Board shall waive requirements for perfusionist licensure under the circumstances set forth in G.S. 90-12.5."*

*If you keep (a) as written, why are lines 6-8 necessary? Their contents are repeated in Paragraph (b).*

*If you keep (a) as written, please review and update the reference to G.S. 166A-6 at line 9. That statute has been repealed. If you replace it with another statute, please consider removing the parentheses.*

*In the remainder of the Rule, the formatting and text differs from the version published in the NC Register on August 1, 2019. Please format these changes to show they were made post-publication.*

*Were the changes made post-publication made in response to public comment?*

*In (b), please do not use a "(1)" at line 14 since there is no (2). Please make this language part of (b) and make (A)-(C) into (1)-(3).*

*In (b)(1)(C), line 28, please delete or define "appropriate authority."*

*At line 34, just to be clear, does the Medical Board's jurisdiction continue forever?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder  
Commission Counsel  
Date submitted to agency: January 7, 2020

1 **21 NCAC 32V .0111 is amended as published in 34:03 NCR 164-165 as follows:**

2  
3 **21 NCAC 32V .0111 PRACTICE DURING A DISASTER**

4 (a) In the event of a declared disaster or state of emergency that authorizes the Board to exercise its authority under  
5 G.S. ~~90-12.2, 90-12.5~~, and if the ~~board~~ Board does exercise its authority pursuant to G.S. ~~90-12.2, 90-12.5~~, the Board  
6 may allow a perfusionist licensed in any other state, or a current, active certified clinical perfusionist who practices in  
7 a state where licensure is not required, to perform perfusion during a disaster within a county in which a disaster or  
8 state of emergency has been declared or counties contiguous to a county in which a disaster or state of emergency has  
9 been declared (in accordance with G.S. 166A-6). ~~The perfusionist who enters the State for purposes of this Rule shall~~  
10 ~~notify the Board within three business days of his or her work site and provide proof of identification and current~~  
11 ~~licensure or certification.~~

12 (b) A perfusionist licensed in any other state, or a current, active certified clinical perfusionist who practices in a state  
13 where licensure is not required may practice in North Carolina under this Rule under the following circumstances:

14 (1) Hospital to Hospital Credentialing: A perfusionist who holds a full, unlimited, and unrestricted  
15 license to practice perfusion in another U.S. state, territory or district, or a current active certified  
16 clinical perfusionist who practices in a state where licensure is not required may come to North  
17 Carolina and practice perfusion at a North Carolina hospital that is licensed by the North Carolina  
18 Department of Health and Human Services upon the following terms and conditions:

19 (A) the licensed North Carolina hospital shall verify all perfusionist's credentials and  
20 privileges;

21 (B) the licensed North Carolina hospital shall keep a list of all perfusionists coming to practice  
22 and shall provide this list to the Board within 10 days of each perfusionist practicing at the  
23 licensed North Carolina hospital. The licensed North Carolina hospital shall also provide  
24 the Board a list of when each perfusionist has stopped practicing perfusion in North  
25 Carolina under this Rule within 10 days after each perfusionist has stopped practicing  
26 perfusion under this Rule; and

27 (C) a perfusionist may practice under this Rule for the shorter of (a) 30 days from the date the  
28 perfusionist has started practicing under this Rule or (b) a statement by an appropriate  
29 authority is made that the emergency or disaster declaration has been withdrawn or ended  
30 and, at such time, the license deemed to be issued shall become inactive.

31 (c) All perfusionists practicing under this Rule shall be authorized to practice perfusion in North Carolina and deemed  
32 to be licensed to practice perfusion in the State of North Carolina and the Board shall have jurisdiction over all  
33 perfusionists practicing under this Rule for all purposes set forth in or related to Articles 1 and 40 of Chapter 90 of the  
34 North Carolina General Statutes, and such jurisdiction shall continue in effect even after all perfusionists have stopped  
35 practicing perfusion under this Rule.

36  
37 *Authority G.S. 90-12.5; ~~90-685(3)~~ 90-685(3)(4a)(5)(6) and (7)*

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2  
3  
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*Eff. September 1, 2007;*

*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

*Amendment eff. February 1, 2020.*

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