

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Medical Board

RULE CITATION: 21 NCAC 32V .0102

DEADLINE FOR RECEIPT: Friday, October 10, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, in box 1, remove the Committee name. The only information required is the rule-making agency.

Line 5, replace "which" with "that"

Line 7, delete the "or"

On line 7, a comma is used after "(AC-PE)" and on line 9, a semicolon is used after "(CMA)." Please use consistent punctuation.

Line 9, delete the commas after "program" and "Applicant"

Line 10, add a comma after "ACPE"

Lines 11 and 12, why are these included in a rule if they are contained within the statutory authority? Consider deleting, as these appear unnecessary.

Line 17, delete the commas after "of" and "for"

Line 18, delete "but"

Line 22, define or delete "readily"

Lines 18 thru 23, consider combining these two sentences, as they appear repetitive. Consider the following:

"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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, September 26, 2014

physical presence in the examination room. Supervision shall be continuous, except as otherwise provided in the rules of this Subchapter.

Line 26, replace "is" with "means"

Line 27 references a form. Where is this form located and what is the content of the form? For each form, if there is mandatory content necessary for the reviewing party to evaluate the form, then the information should be provided in the rule. The purpose of the rule is to provide notice to the regulated public of the requirements of the agency. If the requirements are not set forth in a rule, then the regulated party may not be required to provide the information.

Line 29, add the term "Primary Supervising" before "perfusionist"

Line 31, delete "the" at the end of the sentence

Line 32, add "the" between "for supervision"

Lines 31 thru 35, why does this Item not require a form, where the preceding Item does require a form? Please clarify.

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

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21 NCAC V .0102 is amended as published in 28:22 NCR pages 2727 - 2728 as follows:

21 NCAC 32V .0102 DEFINITIONS

The following definitions apply to this Subchapter:

- (1) Approved educational program – Any program within the United States which, 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), or any Canadian educational program recognized by the Conjoint Committee on Accreditation of the Canadian Medical Association ~~(CMA)~~. (CMA); or any program, attended by Applicant, that was subsequently approved by CAAHEP, ACPE or CME within seven years of the Applicant's graduation.
- (2) Board – The entity referred to in G.S. 90-682(5) and its agents.
- (3) Committee – The entity referred to in G.S. 90-682(2) 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 of, and accepting the responsibility for, the perfusion services rendered by a provisional licensed perfusionist. Supervision shall be continuous but, except as otherwise provided in the rules of this Subchapter, shall not be construed as requiring the physical presence of the supervising perfusionist at the time and place that the services are rendered. Supervision shall not mean direct, on-site supervision at all times, but shall mean that the supervising perfusionist shall be readily available for consultation and assistance whenever the provisional licensee is performing or providing perfusion services.
- (7) "Supervising Perfusionist" means 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" is 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 perfusionist is personally providing supervision or the supervision is being provided by a Back-up Supervising Perfusionist.
 - (b) The "Back-up Supervising Perfusionist" means the perfusionist who accepts the responsibility for 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);
Eff. September 1, 2007.*

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Amended Eff. November 1, 2014.