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**PERFUSIONISTS EXAMINING COUNCIL**  
**Room 121C, 1400 East Washington Avenue, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**January 16, 2018**

*The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.*

**AGENDA**

**1:00 P.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A) Adoption of Agenda (1-2)**
- B) Approval of Minutes of January 11, 2017 (3-5)**
- C) Administrative Updates (6-9)**
  - 1) Election of Officers
  - 2) Appointment of Liaisons and Alternates
  - 3) Delegated Authorities
  - 4) Department Updates
  - 5) Board Members – Term Expiration Dates
    - a) David Cobb – 07/01/2013
    - b) Jeffery Edwards – 07/01/2014
    - c) Shawn Mergen – 07/01/2014
    - d) Gary Tsarovsky – 07/01/2016
  - 6) Discussion of Council Member Terms and Reappointments
- D) Council Liaison Training and Appointment of Mentors**
- E) Legislative and Administrative Rule Matters – Discussion and Consideration (10-14)**
  - 1) Review and Recommendation for MED 22, Relating to Perfusionists
  - 2) Perfusionists Examining Council Position Statements
  - 3) Update on Other Legislation and Pending or Possible Rulemaking Projects
- F) Occupational License Study (15-16)**
  - 1) 2017 Wisconsin Act 59 (enacted in State Budget Bill)
  - 2) 2017 Wisconsin Senate Bill 288 and Assembly Bill 369 (under consideration)
- G) Items Added After Preparation of Agenda:**
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Updates
  - 3) Education and Examination Matters
  - 4) Credentialing Matters

- 5) Practice Matters
- 6) Legislation and Administrative Rule Matters
- 7) Liaison Report(s)
- 8) Informational Item(s)
- 9) Appearances from Requests Received or Renewed
- 10) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

H) Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§§ 19.85 (1) (b), Stats. and 448.02(8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).**

I) Council Liaison Training

J) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Appearances from Requests Received or Renewed

K) Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

L) Open Session Items Noticed Above not Completed in the Initial Open Session

M) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

**ADJOURNMENT**

**PERFUSIONISTS EXAMINING COUNCIL  
JANUARY 11, 2017**

**PRESENT:** David Cobb, Jeffery Edwards, Shawn Mergen, Gary Tsarovsky

**STAFF:** Tom Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant

**CALL TO ORDER**

Shawn Mergen, Chair, called the meeting to order at 1:00 p.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Gary Tsarovsky moved, seconded by David Cobb, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**Amendments to the Minutes**

- *Correct names on Page 1 of the Minutes*

**MOTION:** Shawn Mergen moved, seconded by David Cobb, to approve the minutes of April 6, 2016 as amended. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**ELECTION OF OFFICERS**

**COUNCIL CHAIR**

**NOMINATION:** Jeffery Edwards nominated Shawn Mergen for the Office of Council Chair.

Tom Ryan called for nominations three (3) times.

Shawn Mergen was elected as Chair by unanimous consent.

**VICE CHAIR**

**NOMINATION:** Gary Tsarovsky nominated Jeffery Edwards for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Jeffery Edwards was elected as Vice Chair by unanimous consent.

**SECRETARY**

**NOMINATION:** Shawn Mergen nominated Gary Tsarovsky for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Gary Tsarovsky was elected as Secretary by unanimous consent.

<b>2017 ELECTION RESULTS</b>	
<b>Council Chair</b>	Shawn Mergen
<b>Vice Chair</b>	Jeffery Edwards
<b>Secretary</b>	Gary Tsarovsky
<b>2017 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison</b>	Gary Tsarovsky Alternate – Jeffery Edwards
<b>Education &amp; Exams Liaison</b>	Shawn Mergen

**MOTION:** Jeffery Edwards moved, seconded by Gary Tsarovsky, to affirm the Chair’s appointment of liaisons for 2017. Motion carried unanimously.

### **DELEGATION MOTIONS**

#### ***Delegated Authority for Urgent Matters***

**MOTION:** Gary Tsarovsky moved, seconded by David Cobb, that, in order to facilitate the completion of assignments between meetings, the Council delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Council, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

#### ***Document Signature Delegation***

**MOTION:** Jeffery Edwards moved, seconded by Shawn Mergen, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Council, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Council, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

*(For MEB Councils Only)*

**MOTION:** Gary Tsarovsky moved, seconded by Jeffery Edwards, to delegate authority to Council liaison(s) authority to advise the Department and the Council on all issues related to credentialing matters. Licenses that meet the criteria of Rule and Statute may be issued by DSPS under the delegated authority outlined by the Medical Examining Board regarding the Council’s credentialing advisory authority. Potential denial decisions should be referred to the full Council for final determination. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** David Cobb moved, seconded by Gary Tsarovsky, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:06 p.m.

DRAFT

## AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:  Laura Smith, Bureau Assistant, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted:  11/22/17 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  Perfusionists Examining Council			
4) Meeting Date:  1/16/2018	5) Attachments:  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Administrative Matters 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities	
7) Place Item in:  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  1) The Council should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Council should review and then consider continuation or modification of previously delegated authorities			
11) <span style="float: right;">Authorization</span>  <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <i>Laura Smith</i> </div> <div style="width: 35%; text-align: right;">                     11/22/2017                 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">                     Signature of person making this request                 </div> <div style="width: 35%; text-align: right;">                     Date                 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">                     Supervisor (if required)                 </div> <div style="width: 35%; text-align: right;">                     Date                 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">                     Executive Director signature (indicates approval to add post agenda deadline item to agenda)                 </div> <div style="width: 35%; text-align: right;">                     Date                 </div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# Perfusionists Examining Council

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January 11, 2017

2017 ELECTION RESULTS	
Council Chair	Shawn Mergen
Vice Chair	Jeffery Edwards
Secretary	Gary Tsarovsky
2017 LIAISON APPOINTMENTS	
Credentialing Liaison	Gary Tsarovsky Alternate – Jeffery Edwards
Education & Exams Liaison	Shawn Mergen

**MOTION:** Jeffery Edwards moved, seconded by Gary Tsarovsky, to affirm the Chair's appointment of liaisons for 2017. Motion carried unanimously.

## DELEGATION MOTIONS

### *Delegated Authority for Urgent Matters*

**MOTION:** Gary Tsarovsky moved, seconded by David Cobb, that, in order to facilitate the completion of assignments between meetings, the Council delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Council, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

### *Document Signature Delegation*

**MOTION:** Jeffery Edwards moved, seconded by Shawn Mergen, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Council, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Council, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board

member on documents as necessary and appropriate. Motion carried unanimously.

*(For MEB Councils Only)*

**MOTION:** Gary Tsarovsky moved, seconded by Jeffery Edwards, to delegate authority to Council liaison(s) authority to advise the Department and the Council on all issues related to credentialing matters. Licenses that meet the criteria of Rule and Statute may be issued by DSPS under the delegated authority outlined by the Medical Examining Board regarding the Council's credentialing advisory authority. Potential denial decisions should be referred to the full Council for final determination. Motion carried unanimously.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted:  1/4/2018  <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections:  Perfusionist Examining Council			
4) Meeting Date:  1/16/2018	5) Attachments:  <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Discussion of Council Member Terms and Reappointment</b>	
7) Place Item in:  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Discuss the existing term expiration dates and possible reappointment for the members of the Council.			
11) Authorization			
<b>Kimberly Wood</b>		<b>1/4/2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Dale Kleven</b> <b>Administrative Rules Coordinator</b>		<b>2) Date When Request Submitted:</b>  <b>1/3/18</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Section</b>  <b>Perfusionists Examining Council</b>			
<b>4) Meeting Date:</b>  <b>1/16/18</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> <b>Legislative and Administrative Rule Matters – Discussion and Consideration</b> 1. <b>Review of and Recommendations for Med 22 Relating to Perfusionists</b> 2. <b>Perfusionists Examining Council Position Statements</b> 3. <b>Update on Other Legislation and Pending or Possible Rulemaking Projects</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>
<b>10) Describe the issue and action that should be addressed:</b>  1. At its January 17, 2018 meeting, the Medical Examining Board (MEB) will consider requesting a statement of scope for ch. Med 22 relating to perfusionists. The Council will review the provisions of ch. Med 22 and, if applicable, make recommendations to the MEB as to what should be included in the statement of scope.			
<b>11) Authorization</b>			
<i><b>Dale Kleven</b></i>		<i><b>January 3, 2018</b></i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## Chapter Med 22

## PERFUSIONISTS

Med 22.01	Authority and purpose.
Med 22.02	Definitions.
Med 22.03	Applications and credentials.
Med 22.04	Examinations; panel review of applications.
Med 22.05	Temporary licenses.

Med 22.06	Locum tenens license.
Med 22.07	Examination review by applicant.
Med 22.08	Board review of examination error claim.
Med 22.09	Scope of practice.
Med 22.10	Continuing education.

**Med 22.01 Authority and purpose.** The rules in this chapter are adopted by the medical examining board under the authority of ss. 15.08 (5) (b) and 227.11 (2), Stats., and ss. 448.02, 448.04, 448.05, 448.13 and 448.40, Stats.

**History:** CR 03-023: cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.02 Definitions.** As used in this chapter:

- (1) "Board" means the medical examining board.
- (2) "Council" means the perfusionists examining council.
- (3) "Perfusion" has the meaning set forth in s. 448.015 (1m), Stats.
- (4) "Perfusionist" has the meaning set forth in s. 448.015 (1s), Stats.

**History:** CR 03-023: cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.03 Applications and credentials.** Every applicant for initial licensure as a perfusionist shall submit:

- (1) A completed application form.
- (2) The fee specified in s. 440.05, Stats.
- (3) One of the following:
  - (a) For applications submitted before January 1, 2004, satisfactory evidence that the applicant has, for the entire 10 year period prior to May 3, 2002, been practicing perfusion.
  - (b) 1. Satisfactory evidence that the applicant has successfully completed an educational program in perfusion recognized by the board and accredited by the Accreditation Committee for Perfusion Education of the Commission on Accreditation of Allied Health Educational Programs.
  2. Written verification that the applicant has passed both the perfusion basic science examination and the clinical application in perfusion examination of the American Board of Cardiovascular Perfusion.
  3. Evidence of successful completion of the state board statutes and rules examination and an oral examination, if required.

**Note:** Application forms are available on request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**History:** CR 03-023: cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.04 Examinations; panel review of applications.** (1) An applicant under s. Med 22.03 (3) (b) 3., shall certify on forms provided by the board that he or she has read and understands the statutes and rules relating to the provision of perfusion.

(2) An applicant who meets the criterion under s. Med 22.03 (3) (a), may be required to submit to an oral interview by the board if the applicant meets any of the following:

- (a) Has a medical condition which impairs or limits the applicant's ability to practice perfusion with reasonable skill and safety.
- (b) Uses chemical substances so as to impair the applicant's ability to practice perfusion with reasonable skill and safety.
- (c) Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.
- (d) Has been convicted of a crime the circumstances of which substantially relate to the practice of perfusion.

(e) Has been found negligent in the practice of perfusion or has been a party in a lawsuit in which it was alleged that the applicant has been negligent in the practice of perfusion.

(f) Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

(g) Has within the past 2 years engaged in the illegal use of controlled substances.

(h) Has been subject to adverse formal action during the course of perfusion education, postgraduate training, hospital practice, or other perfusion employment.

(3) An applicant for licensure as a perfusionist under s. Med 22.03 (3) (b), shall pass both the perfusion basic science examination and the clinical application in perfusion examination of the American Board of Cardiovascular Perfusion.

(4) An applicant for licensure as a perfusionist under s. Med 22.03 (3) (b), shall pass a state board statutes and rules examination conducted by the council as evidenced by documents submitted directly to the council by the department's office of examinations.

(5) An applicant who meets the criteria under s. Med 22.03 (3) (b), may be required to complete an oral examination if the applicant:

(a) Has a medical condition which impairs or limits the applicant's ability to practice perfusion with reasonable skill and safety.

(b) Uses chemical substances so as to impair the applicant's ability to practice perfusion with reasonable skill and safety.

(c) Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.

(d) Has been convicted of a crime the circumstances of which substantially relate to the practice of perfusion.

(e) Has not practiced perfusion for more than 1,200 hours during the 3-year period preceding the date of application.

(f) Has practiced over 1,200 hours in the last 3 years but practice was limited.

(g) Has been found negligent in the practice of perfusion or has been a party in a lawsuit in which it was alleged that the applicant has been negligent in the practice of perfusion.

(h) Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

(i) Has within the past 2 years engaged in the illegal use of controlled substances.

(j) Has been subject to adverse formal action during the course of perfusion education, postgraduate training, hospital practice, or other perfusion employment.

(6) The council shall conduct oral examinations and interviews. At the request of the council, the board shall provide a medical consultant to the council to provide assistance in evaluating applicants examined under s. Med 22.03 (3) (a) and (b).

(7) All examinations shall be conducted in English.

(8) Where both written and oral examinations are required, they shall be graded separately and the applicant shall achieve a passing grade on all examinations to qualify for a license.

(9) An applicant who fails to receive a passing grade on an examination may reapply by payment of the fee specified in s. 440.05, Stats. If an applicant fails an examination 3 times, the applicant may not retake that examination unless the applicant submits proof of having completed further professional training or education as the board may prescribe. An applicant for an oral examination may reapply twice at not less than 4 month intervals.

(10) If after receipt of additional information from applicants who have been treated for alcohol or drug abuse or impairment or from applicants who have been treated for an acute or chronic psychological impairment the council decides that an oral interview or examination shall be administered, the examination shall be limited to a determination whether at the time of application the applicant's disability appears to pose an actual risk to the health, safety or welfare of patient or public arising from the applicant's demonstrated inability to safely carry out necessary duties and responsibilities inherent to the practice of perfusion.

**History:** CR 03-023; cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.05 Temporary licenses.** (1) An applicant for licensure who meets the criteria under s. Med 22.03 (3) (b) may apply to the board for a temporary license to practice perfusion prior to licensure if the applicant does all of the following:

- (a) Submits a completed application form.
- (b) Remits the fee specified in s. 440.05, Stats.
- (c) Has successfully completed an educational program as defined in s. Med 22.03 (3) (b) 1.
- (d) Has not previously failed either of the examinations required in s. Med 22.03 (3) (b) 2., unless the applicant has subsequently passed the examination failed.
- (e) Has passed the state board statutes and rules examination.
- (f) Is not required to take an oral examination.

(2) Practice during the period of a temporary license shall be under the general supervision of a licensed perfusionist. A person holding a temporary license shall consult at least weekly with the supervising perfusionist who shall at least once a month endorse the activities of the person holding the temporary license.

(3) (a) A temporary license expires one year from the date of its issuance. Upon application, and upon submission of evidence of having passed the perfusion basic scientific examination, the temporary license may be renewed for an additional period of one year. The board may extend the term of the temporary license for an additional 6 months if the applicant was unable to complete the perfusion basic scientific examination within the one year period due to hardship, including but not limited to illness of the applicant, the illness or death of a family member of the applicant, an accident or natural disaster. A written affidavit of the hardship must be provided.

(b) If the applicant fails the perfusion basic science examination prior to the expiration of the temporary license, the applicant shall work under the direct supervision of a licensed perfusionist who is available on the hospital premises to assist.

(c) If the applicant fails the clinical application in perfusion examination prior to the expiration of the temporary license, the temporary license expires.

(4) The application and required documents for licensure and the application for temporary licensure prior to regular licensure will be reviewed by 2 members of the council to determine eligibility. The council may issue a temporary license prior to licensure as a perfusionist to an applicant who meets the requirements of sub. (1).

**History:** CR 03-023; cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.06 Locum tenens license.** (1) An applicant who holds certification in clinical perfusion granted by the American Board of Cardiovascular Perfusion may apply to the board for temporary locum tenens license.

(2) An applicant for a locum tenens license shall submit to the board all of the following:

- (a) A completed and verified application form supplied by the board.
- (b) A letter from a physician licensed to practice medicine and surgery in this state or a perfusionist licensed to practice perfusion in this state requesting the applicant's services.
- (c) Verified evidence of certification in clinical perfusion granted by the American Board of Cardiovascular Perfusion.
- (d) A verified statement by the applicant that the applicant is familiar with the state health laws and the rules of the department of health services as related to communicable diseases.

(e) The fees required under s. 440.05, Stats., made payable to the Wisconsin department of safety and professional services.

(3) All applicants shall complete an open book examination on statutes and rules governing the practice of perfusion in Wisconsin.

(4) The holder of a locum tenens license may engage in the practice of perfusion only in the geographical area for which the license is issued.

(5) A locum tenens license expires 90 days from the date of its issuance. For cause shown to the satisfaction of the board, the board may renew the locum tenens license for additional periods of 90 days each, but no license may be renewed more than 3 consecutive times.

**History:** CR 03-023; cr. Register March 2004 No. 579, eff. 4-1-04; correction in (2) (d), (e) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

**Med 22.07 Examination review by applicant.** (1) An applicant who fails the oral or statutes and rules examination may make a request to review that examination by filing a written request and required fee with the board within 30 days of the date on which examination results were mailed.

- (2) Examination reviews are by appointment only.
- (3) An applicant may review the statutes and rules examination for not more than one hour.
- (4) An applicant may review the oral examination for not more than 2 hours.
- (5) The applicant may not be accompanied during the review by any person other than the proctor.
- (6) At the beginning of the review, the applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet or oral examination audiotape and a copy of the master answer sheet.

(7) The applicant may review the examination in the presence of a proctor. The applicant shall be provided with a form on which to write comments, questions or claims of error regarding any item in the examination. The applicant may consult bound reference books during the review. Applicants shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if requested. The proctor shall not defend the examination or attempt to refute claims of error during the review.

(8) An applicant may not review the examination more than once.

**History:** CR 03-023; cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.08 Board review of examination error claim.** (1) An applicant claiming examination error shall file a written request for board review in the board office within 30 days of the date the examination was received. The request shall include all of the following:

- (a) The applicant's name and address.
- (b) The type of license for which the applicant applied.
- (c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error.

(d) The facts the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the board confirms the failing status following its review, the application shall be deemed incomplete, and the applicant may be reexamined.

**Note:** The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**History:** CR 03-023: cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.09 Scope of practice.** The scope of practice of perfusion includes the following functions:

(1) The use of extracorporeal circulation, long-term cardiopulmonary membrane oxygenation, and associated therapeutic and diagnostic techniques.

(2) Counterpulsation, ventricular assistance, autotransfusion, blood conservation, management and processing techniques, myocardial and organ preservation, isolated limb perfusion, and surgical assistance.

(3) The administration of pharmacological and therapeutic agents, and blood products or anesthetic agents, through the extracorporeal circuit or through an intravenous line in conjunction with extracorporeal support.

(4) The performance and use of anticoagulation monitoring and analysis, physiologic monitoring and analysis, blood gas and chemistry monitoring and analysis, hematologic monitoring and analysis, induction and hypothermia and hyperthermia with reversal, hemoconcentration and hemodilution, and hemo-dialysis.

(5) The observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, perfusion protocols or changes in or the initiation of emergency procedures.

(6) Evaluation and selection of equipment to perform the functions set forth in subs. (1) to (5).

**History:** CR 03-023: cr. Register March 2004 No. 579, eff. 4-1-04.

**Med 22.10 Continuing education.** (1) In this section:

(a) "ABCP" means the American Board of Cardiovascular Perfusion.

(b) "Contact hour" means not less than 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

(c) "Continuing education" means planned, organized learning activities designed to maintain, improve, or expand a licensee's knowledge and skills relevant to the practice of perfusion.

(d) "Continuing education unit" means one contact hour of continuing education.

(e) "Licensee" means a person licensed to practice perfusion in this state.

(2) Each licensee shall, at the time of applying for renewal of a license under s. 448.07, Stats., certify that he or she has, in the 2 years preceding the renewal due date, completed at least 30 continuing education units of acceptable continuing education. At least 10 continuing education units must be completed in Category I activities.

(3) No additional continuing education units are given for subsequent presentations of the same content.

(4) Continuing education units shall be accumulated through professional activities related to perfusion in all of the following categories:

(a) Category I. ABCP-approved perfusion meetings and related activity, including all of the following:

1. Attendance at perfusion meetings, programs and seminars in which a minimum of 75% of the contact hours consist of perfusion related material, including international, national, regional or state perfusion meetings: 1 continuing education unit for each contact hour.

2. Publication of a perfusion related book chapter or paper in a professional journal: 5 continuing education units to a maximum of 10.

3. Presentation of a talk at an international, national, regional, or state perfusion meeting: 5 continuing education units to a maximum of 10.

4. Presentation of a poster or other exhibit at an international, national, regional or state perfusion meeting: 2 continuing education units to a maximum of 4.

5. Participation in an AC-PE site visitor workshop or as an AC-PE site visitor: 5 continuing education units to a maximum of 10.

6. Participation in ABCP knowledge base survey: 2 continuing education units.

7. Self-directed continuing education meeting ABCP requirements: 1 continuing education unit for each contact hour.

(b) Category II. Non-accredited perfusion meetings and other medical meetings, including the following:

1. Perfusion or medical meetings, programs and seminars in which a minimum of 75% of the contact hours consist of perfusion related material, including international, national, state or regional perfusion meetings: One-half continuing education unit for each contact hour to a maximum of 10.

2. Manufacturer-specific and company-sponsored educational activities: 1 continuing education unit for each contact hour.

(c) Category III. Individual education and other self-study activities:

1. Serving as a clinical instructor in an accredited perfusion training program: 2 continuing education units per year.

2. Serving as a didactic instructor in an accredited perfusion training program: 1 continuing education unit per contact hour to a maximum of 4.

3. ABCP examination development workshop or survey: 2 continuing education units per contact hour to a maximum of 4.

4. Self-learning activities, including use of audiovisual devices or electronic forums, reading scientific journals, participation in degree-oriented, professionally related course work; and self-study modules: 1 continuing education unit per contact hour to a maximum of 10.

5. Presentation at a non-approved international, national, regional, or state perfusion or medical meeting: 1 continuing education unit for each hour of presentation.

6. Grand round: 1 continuing education unit per contact hour, to a maximum of 2.

7. Advanced cardiac life support training: 2 continuing education units.

(5) An applicant for renewal shall certify his or her attendance at required continuing education. The board may conduct a random audit of all licensees on a biennial basis for compliance with continuing education requirements, and shall audit any licensee who is under investigation by the board for alleged misconduct.

**History:** CR 03-023: cr. Register March 2004 No. 579, eff. 4-1-04.



## STATE OF WISCONSIN

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Governor Scott Walker

Secretary Dave Ross

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### Positions Statements Related to Perfusionists Issued by the Perfusionists Examining Council

#### WHAT IS THE PRACTICE OF PERFUSION?

Perfusion is defined in Wis Stats. 448.015(1m) as the branch or system of treating the sick that is limited to the operation and management of extracorporeal circulation to support, temporarily replace, measure, treat, or supplement the cardiopulmonary and circulatory system of a patient, including, when necessary to and part of the management and operation of extracorporeal circulation, the use of blood testing and advanced life support techniques and technologies, autotransfusion, and the administration of blood, blood products, and anesthetic and pharmacological agents.

#### WHAT IS WITHIN THE SCOPE OF PRACTICE OF A PERFUSIONIST?

The scope of practice of perfusion is outlined in Ch Med 22.09, Wis. Admin Code. As per Wis. Stats. 448.04(1)(d), no perfusionist may practice without the orders and supervision of a licensed physician.

#### IS SUPERVISION REQUIRED FOR PATIENT CARE SERVICES PROVIDED BY A PERFUSIONIST?

According to Wis. Stats 448.03(2)(e), patient services provided by a perfusionist must be directed, supervised, and inspected by a physician who has the power to direct, decide, and oversee the implementation of the patient services rendered.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Kimberly Wood, Program Assistant Supervisor- Adv. on behalf of Thomas Ryan, Executive Director		<b>2) Date When Request Submitted:</b>  1/4/18  Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b>  Perfusionist Examining Council			
<b>4) Meeting Date:</b>  1/16/18	<b>5) Attachments:</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Occupational License Study: <ul style="list-style-type: none"> <li>2017 Wisconsin Act 59 (enacted in State Budget Bill)</li> <li>2017 Wisconsin Senate Bill 288 and Assembly Bill 369 (under consideration)</li> </ul>	
<b>7) Place Item in:</b>  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>  N/A	
<b>10) Describe the issue and action that should be addressed:</b>  Board review of a provision in the enacted 2017 budget creating an occupational license review council (attached).  Board review of similar legislation is pending in the state legislature, 2017 Senate Bill 288 and Assembly Bill 369. The links to the legislature's web pages regarding Senate Bill 288 and Assembly Bill 369 are included here:  <a href="https://docs.legis.wisconsin.gov/2017/related/acts/59/9139">https://docs.legis.wisconsin.gov/2017/related/acts/59/9139</a> (Attached) <a href="https://docs.legis.wisconsin.gov/2017/related/proposals/ab369">https://docs.legis.wisconsin.gov/2017/related/proposals/ab369</a> <a href="https://docs.legis.wisconsin.gov/2017/related/proposals/sb288">https://docs.legis.wisconsin.gov/2017/related/proposals/sb288</a>			
<b>11) Authorization</b>			
<b>Kimberly Wood</b>		<b>1/4/2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

enue shall prescribe a form for the property tax bills prepared under section 74.09 of the statutes that indicates that the state no longer imposes the forestation state tax. The form shall also indicate the amount of the forestation state tax that the taxpayer paid in the previous year.

(1f) SALES AND USE TAX AUDITS; STATISTICAL SAMPLING. Using the procedure under section 227.24 of the statutes, the department of revenue shall promulgate the rules required under section 77.59 (2g) of the statutes for the period before the effective date of the permanent rule promulgated under section 77.59 (2g) of the statutes but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**SECTION 9139. Nonstatutory provisions; Safety and Professional Services.**

(12) PROFESSIONAL ASSISTANCE PROCEDURES; EMERGENCY RULES. The department may use the procedure under section 227.24 of the statutes to promulgate rules under section 440.03 (1c) of the statutes for the period before the effective date of the permanent rule promulgated under section 440.03 (1c) of the statutes but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to one extension of 60 days under section 227.24 (2) of the statutes. If the department uses this procedure to promulgate these rules, the department shall promulgate the rules no later than the 60th day after the effective date of this subsection. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**(17w) OCCUPATIONAL LICENSE STUDY.**

(a) *Definitions.* In this subsection:

1. "Department" means the department of safety and professional services.
2. "Occupational license" means any of the following:
  - a. A license, permit, certification, registration, or other approval granted under section 167.10 (6m) or chapters 101, 145, or 440 to 480 of the statutes.
  - b. A license, permit, certification, registration, or other approval not included under subdivision 2. a. if granted to a person by this state in order that the person may engage in a profession, occupation, or trade in this

state or in order that the person may use one or more titles in association with his or her profession, occupation, or trade.

(b) *Report.* No later than December 31, 2018, the department shall submit a report to the governor and the chief clerk of each house of the legislature for distribution to the legislature under section 13.172 (2) of the statutes. The report shall include the department's recommendations for the elimination of occupational licenses based on all of the following:

1. The department's evaluation of whether the unregulated practice of the profession, occupation, or trade can clearly harm or endanger the health, safety, or welfare of the public, and whether the potential for the harm is recognizable and not remote or speculative.
2. The department's evaluation of whether the public reasonably benefits from the occupational license requirement.
3. The department's evaluation of whether the public can be effectively protected by any means other than requiring an occupational license.
4. The department's analysis of whether licensure requirements for the regulated profession, occupation, or trade exist in other states.
5. The department's estimate of the number of individuals or entities that are affected by the occupational license requirement.
6. The department's estimate of the total financial burden imposed on individuals or entities as a result of the occupational licensure requirement, including education or training costs, examination fees, private credential fees, occupational license fees imposed by the state, and other costs individuals or entities incur in order to obtain the required occupational license.
7. Any statement or analysis provided by the agency or board administering the occupational license.
8. The department's evaluation of the tangible or intangible barriers people may face in obtaining an occupational license.

**SECTION 9140. Nonstatutory provisions; Secretary of State.**

**SECTION 9141. Nonstatutory provisions; State Fair Park Board.**

**SECTION 9142. Nonstatutory provisions; Supreme Court**

(5f) DECISIONS OF LABOR AND INDUSTRY REVIEW COMMISSION. The chief justice of the supreme court is requested to do all of the following:

- (a) Conduct a survey of decisions and orders of the labor and industry review commission under chapters 102 and 108 and sections 106.52 (4), 106.56 (4), and 111.39 of the statutes, citing the statutes interpreted by the commission and whether the decisions and orders were the subjects of actions for judicial review filed in circuit court.

**Vetoed  
In Part**