

REQUEST FOR TECHNICAL CHANGE

AGENCY: Medical Board/ Perfusionist Advisory Committee

RULE CITATION: 21 NCAC 32V .0111

**DEADLINE FOR RECEIPT: Friday, July 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 the Submission for Permanent Rule form, Box 6, Notice of Text was published on August 1, 2019. Please update the date.*

*In the Rule:*

*In Paragraph (a), why not delete this language and use the language in Rule 32B .1707, which states, "The Board shall waive the requirements for licensure in the circumstances set forth in G.S. 90-12.5."*

*If you wish to retain the language as written:*

*Please note that G.S. 90-12.5 only speaks to a declaration of a state of emergency, not a natural disaster. Please note this concern for lines 3, 6, 7, and 26.*

*When will the Board not waive its rules in response to a declaration of state of emergency? Will this be determined upon the nature of the state of emergency?*

*Also on line 8, G.S. 166A-6 was repealed in 2012. If you replace the citation, please remove the parenthesis.*

*In (b), lines 11-12 mostly repeats lines 5-6, as well as the language on lines 13 and 15. I do not think you need to keep repeating this. Why not just state in (b), line 11, "The following individuals may practice under this Rule if he or she either:"*

*In (b)(1), I take it "full, unlimited, and unrestricted license" is a term known to your regulated public?*

*On line 14, please insert an "or" after "district;"*

*In (b)(2), line 15, please insert a comma after "current"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 25, 2020

*In (b)(2)(A), line 18, should this read, “verifies all of the perfusionist’s”? Or simply “verifies the perfusionist’s”?*

*On lines 20 and 21, why do you need “North Carolina licensed”? Isn’t this addressed by lines 16 and 17?*

*In (c)(1), line 25, please spell out “thirty”*

*In (c)(2), please use the clearer language from 32B .1707: “thirty days after a statement by an appropriate authority is made that the state of emergency has been withdrawn or ended.”*

*In the History Note, line 33, please either cite simply to G.S. 90-685 or separate the serial citations by semicolons, like so: “90-685(3); 90-685(4a);”*

*On line 37, please insert an Amended Eff. date. The earliest this Rule can become effective is August 1, 2020.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 25, 2020

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

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

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

(b) A perfusionist licensed in any other state, or a current, active certified clinical perfusionist who practices in a state where licensure is not required may practice in North Carolina if he or she either:

(1) holds a full, unlimited, and unrestricted license to practice perfusion in another U.S. state, territory or district;

(2) is a current active certified clinical perfusionist who practices in a state where licensure is not required who practices perfusion at a North Carolina hospital that is licensed by the North Carolina Department of Health and Human Services and the hospital meets the following requirements:

(A) verifies all perfusionist's credentials and privileges;

(B) maintains a list of all perfusionists coming to practice and provides this list to the Board within 10 days of each perfusionist practicing at the licensed North Carolina hospital. The licensed North Carolina hospital shall also provide the Board a list of when each perfusionist has stopped practicing perfusion in North Carolina under this Rule within 10 days after each perfusionist has stopped practicing perfusion under this Rule.

(c) A perfusionist may practice under this Rule for the shorter of either:

(1) 30 days from the date the perfusionist has started practicing under this Rule; or

(2) a statement by an appropriate authority is made that the emergency or disaster declaration has been withdrawn or ended and, at such time, the license deemed to be issued shall become inactive.

~~(d)~~ All perfusionists practicing under this Rule shall be authorized to practice perfusion in North Carolina and deemed to be licensed to practice perfusion in the State of North Carolina and the Board shall have jurisdiction over all perfusionists practicing under this Rule for all purposes set forth in or related to G.S. 90, Articles 1 and 40, and such jurisdiction shall continue in effect even after all perfusionists have stopped practicing perfusion under this Rule.

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

*Eff. September 1, 2007;*

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

*Eff. \_\_\_\_\_.*