

**\*OKLAHOMA ADMINISTRATIVE CODE**

**TITLE 527. STATE BOARD OF EXAMINERS OF PERFUSIONISTS**

**CHAPTER 1. ADMINISTRATION AND ORGANIZATION**

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This is an unofficial copy of Title 527, Chapters 1, 10 and 15 of the Oklahoma Administrative Code. Official copies may be obtained from the Office of Administrative Rules.

## CHAPTER 1. ADMINISTRATION AND ORGANIZATION

### **527:1-1-1. Purpose**

The rules of this chapter have been adopted to establish the organizational and procedural framework of the agency and Board.

[Source: Added at 14 Ok Reg 160, eff 10-17-96 (emergency); Added at 14 Ok Reg 2319, eff 6-16-97]

### **527:1-1-2. Description of organization**

- (a) The Board is created by the Oklahoma Legislature, 59 O.S. 1996 Supp. §2053. The Board has the authority and duty to regulate and administer the practice of perfusion in this state.
- (b) The Board consists of nine (9) members who are qualified and appointed in accordance with the provisions of 59 O.S. 1996 Supp. §2053 and §2054.
- (c) The officers of the Board shall serve one year terms; the Vice-Chair shall automatically assume the position of Chair at the end of the one year term and a new Vice-chair shall be elected by majority vote of the members in attendance at the meeting.

[Source: Added at 14 Ok Reg 160, eff 10-17-96 (emergency); Added at 14 Ok Reg 2319, eff 6-16-97]

### **527:1-1-3. Method of operations**

- (a) The offices of the Oklahoma State Board of Perfusionists are located in Oklahoma City, Oklahoma
- (b) The offices shall be open to the public for review of public records in accordance with the Open Records Act, 51 O.S. 24A.1 et seq.
- (c) Every communication in writing to the Board shall be addressed to the Board at the Oklahoma City office unless the Board directs otherwise.
- (d) The Board shall hold meetings in accordance with the Oklahoma Open Meetings Act. Special meetings may be called by the Chairman of the Board. Five (5) members of the Board constitute a quorum and may transact any business or conduct an individual proceeding by simple majority vote of a quorum.
- (e) All rules and other written statements of policy or interpretations formulated, adopted or used by the Board in the discharge of its functions and all final orders, decisions, and opinions will be made available for public inspection at the Board office during regular office hours.
- (f) All records of the Board which are public records pursuant to the Oklahoma Open Records Act shall be available during regular business hours. Copies shall be available upon payment of applicable fees. It is the policy of the Board to maintain as confidential all records held by the Board in any file, pursuant to 12 O.S section 2503. It is the position of the Board that investigative files are confidential under the Open Records Act.

[Source: Added at 14 Ok Reg 160, eff 10-17-96 (emergency); Added at 14 Ok Reg 2319, eff 6-16-97]

### **527:1-1-4. Rulemaking procedures**

- (a) **Submission of data.** Prior to the adoption, amendment, or repeal of any rule the Board shall afford any interested person a reasonable opportunity to submit data, views, or arguments, orally

or in writing, to the Board concerning the proposed action on the rule. Should the proposed action on a rule affect one's substantive rights, the opportunity for an oral hearing will be granted if requested in writing by an individual or by an association. If no substantive rights are involved, the opportunity for oral arguments or views is in the discretion of the Board. The Board shall decide whether any substantive rights are involved.

(b) **Petition on rules.** Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a rule. The petition shall be filed with the Executive Secretary of the Board and shall set forth in writing, clearly and concisely, all matters pertaining to the requested action and reasons for the request. The request should also state whether there is someone known to the petitioner who is concerned with the subject and should be notified of the hearing.

(c) **Hearing of petition.** The Board, at the next regularly scheduled session after the completion of notice or at a special meeting specified in the notice, will hear the petition and notify the petitioner of the ruling within twenty (20) days after the decision. The Board may, at its discretion, postpone the discussion and ruling of the petition until the next regularly scheduled meeting or at a special meeting and all parties shall be notified of the postponement.

(d) **APA notice requirements.** In any rulemaking action, whether initiated by the Board or by petition, the Board shall comply with the current notice requirements in the Administrative Procedures Act [75 O.S. section 301 et seq.].

(e) **Notice of rulemaking proceedings.** The notice of rulemaking proceedings shall be mailed to all interested persons who have made a request of the Board for advance notice of the rulemaking proceedings, or who were specified in the petition for the rules, and shall be published in the Oklahoma Gazette or its successor publication. Twenty (20) days time shall be calculated from the date of the mailing of notice or the publication, whichever is later.

(f) **Place for hearings.** Unless otherwise specified by the Board in the notice, all hearings shall be conducted in the office of the Board. Any person interested in or affected by a proposed action may appear at such hearing individually, by attorney or by authorized agent.

(g) **Emergency rules.** Emergency rules may be adopted by the Board without the prescribed notice and hearing in accordance with the provision of the Administrative Procedures Act, 75 O.S. section 301 et seq. regarding emergency rules.

[Source: Added at 14 Ok Reg 160, eff 10-17-96 (emergency); Added at 14 Ok Reg 2319, eff 6-16-97]

#### **527:1-1-5. Declaratory rulings**

(a) Any individual or group may petition the Board for a declaratory ruling as to the applicability of any statute, rule or order of the Board. Any other individual or group may file a response thereto.

(b) All petitions filed for a declaratory ruling by the Board shall set out fully the views of the petitioner giving any reasons and citations of legal authority he has in support of such views.

(c) The Board may request the petitioner or any respondent to present witnesses on any facts involved in the petition or legal memorandum with citations of authority on any legal issues involved in his petition.

(d) The Board may initially assign a petition for declaratory ruling to an appropriate advisory committee and/or board subcommittee for its review and for a recommendation. The Board may

hold hearings, take testimony or require any legal memoranda that the Board may require. The Board shall give reasonable notice to the petitioner and any respondents in advance of making a final ruling and shall accompany any ruling with written findings of fact and conclusions of law.

[Source: Added at 14 Ok Reg 160, eff 10-17-96 (emergency); Added at 14 Ok Reg 2319, eff 6-16-97]

## **CHAPTER 10. PRACTICE/LICENSURE/EXAMINATION**

### **527:10-1-1. Purpose**

The rules of this Chapter govern the practice of perfusion, general licensure provisions and examination requirements.

[Source: Added at 14 Ok Reg 161, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97]

### **527:10-1-2. Practice of perfusion/general licensure provisions**

- (a) Perfusion is the treatment, measurement or supplementation of the cardiovascular, circulatory and respiratory systems to ensure the safe management of physiologic functions by monitoring the parameters of the systems under order and supervision of a licensed physician.
- (b) No person shall perform any act prohibited by the Licensed Perfusionist Act for any fee or other compensation or for free, or hold himself or herself out as a perfusionist under the Act unless first licensed by the Board of Examiners of Perfusionists to do so.
- (c) The Board directs the Executive Secretary to undertake affirmative action to seek prosecution of any person found to be in violation of the Act or rules.
- (d) No person shall be issued a full license or provisional license unless and until that person first fully complies with all licensure provisions of the Act and has satisfied the Board of the ability of that person to practice perfusion with reasonable skill and safety.
- (e) Any license issued by the Board shall be signed by all members of the Board
- (f) The Board directs the Executive Secretary to prepare and create forms to be used in the application for licensure process. Applicants shall be required to submit all information required by the Act prior to review by the Board. Application forms may be obtained from the office of the Board upon written or telephonic request.
- (g) An applicant for licensure or provisional licensure must provide the Board with all information required by law and rules promulgated by the Board on forms approved by the Board. In addition, an applicant shall provide original documents or notarized duplicates. Academic records including transcripts of grades and examination scores shall be received before a determination is made by the Board as to qualification for licensure.
- (h) Except as specifically may be waived by the Board upon a finding of good cause, applications for licensure or provisional licensure must be submitted at least thirty (30) days prior to a regularly scheduled Board meeting.
- (i) Any Board member may request an applicant to provide additional information the Board member feels necessary to properly assess qualifications for licensure.
- (j) Any past action disciplinary in nature must be considered by the Board en banc before any license can be issued.
- (k) Applicants for licensure shall be provided a copy of the Act and rules upon request of an

application for licensure. The applicant shall pay all necessary fees related to the application before the application can be considered for licensure or provisional licensure by the Board.

(l) The Board may contact other resources as necessary to make a determination as to whether the applicant meets qualifications for licensure or provisional licensure at the discretion of the Executive Secretary of the Board or any Board member.

(m) The Board may require a criminal background check on all applicants for licensure or provisional licensure. The fee shall be paid by the applicant.

(n) An applicant may withdraw an application for licensure at any time before the application has been submitted to the Board for action; however, the applicant forfeits any fees associated with the application or licensure process.

(o) An applicant for renewal of a license that has lapsed for failure to renew may be required, at the discretion of the Board, to meet the same requirements for full or provisional licensure at the time the application for renewal is considered by the Board.

[Source: Added at 14 Ok Reg 161, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97; Amended at 15 Ok Reg 2476, eff 1-6-98 (emergency); Amended at 15 Ok Reg 2396, eff 6-11-98; Amended at 23 Ok Reg 1104, eff 5-11-06]

### **527:10-1-3. Continuing education/annual renewal**

(a) Continuing education is required for renewal of a license or provisional license

(b) Compliance with the laws and rules regarding renewal of licensure shall be evidenced by recertification issued by the American Board of Cardiovascular Perfusionists or, for candidates for renewal who are ineligible for that recertification, compliance may be evidenced by submitting to the Oklahoma Board of Examiners of Perfusionists, evidence equivalent thereto.

(c) On an annual basis, each person licensed by the Board shall renew with the Board. Renewal period shall be from February 1 to January 31. The Board shall mail out notices at least thirty (30) calendar days prior to the expiration for renewal of licenses to every person to whom a license was issued or renewed during the preceding renewal period.

(d) It shall be the affirmative duty of each licensee to comply with renewal requirements. No grace period beyond that provided by law, 59 O.S. ss2065 shall be allowed. The Board will not hear requests for extensions for renewal or exemption from any renewal requirement that the licensee did not receive renewal materials.

[Source: Added at 14 Ok Reg 161, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97; Amended at 15 Ok Reg 2476, eff 1-6-98 (emergency); Amended at 15 Ok Reg 2396, eff 6-11-98; Amended at 17 Ok Reg 3362, eff 8-24-00 (emergency); Amended at 18 Ok Reg 1322, eff 5-11-01]

### **527:10-1-4. Provisional license**

(a) A provisional license may be issued for no longer than one year to an applicant who does not meet the qualifications for a full perfusionist license but who holds a license, permit or certification to practice perfusion in another state, territory or possession of the United States or a graduate of a perfusion education program approved by the Accreditation Committee for Perfusion Education and approved by the Committee on Allied Health Education and Accreditation of the American Medical Association or their successors, who has applied to take the examination and otherwise meets the qualifications of the Board and who does not qualify for

full licensure by endorsement and who has applied to take the examination prescribed by the Board and who meets other qualifications set by the Board.

(b) A provisional license may be renewed only once; a provisional license is good for two years

(c) Said applicant must show evidence on application that he or she is otherwise qualified by requirements set forth in 59 O.S. §2062 of the Oklahoma Licensed Perfusionist Act.

[Source: Added at 14 Ok Reg 161, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97]

#### **527:10-1-5. Licensed perfusionist**

(a) A licensed perfusionist may be responsible to perform those tasks and functions set out in 59 O.S. §2052 of the Oklahoma Licensed Perfusionist Act.

(b) A licensed perfusionist must hold an unrevoked, active license issued by the Oklahoma State Board of Examiners of Perfusionists while performing any task or function described above in the State of Oklahoma.

[Source: Added at 14 Ok Reg 161, eff 10-17-96 (emergency), Added at 14 Ok Reg 2321, eff 6-16-97]

#### **527:10-1-6. Examinations**

The examination recognized by the Board is the certification examination given by the American Board of Cardiovascular Perfusionists.

[Source: Added at 14 Ok Reg 161, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97]

#### **527:10-1-7. Educational programs**

The programs recognized by the Board for examination are those recognized by the American Board of Cardiovascular Perfusionists.

[Source: Added at 14 Ok Reg 161, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97]

#### **527:10-1-8. Fraud/misrepresentation in application process**

Fraud or misrepresentation in applying for or procuring a license/provisional license or in connection with applying for or procuring annual renewal of a license/provisional license may be grounds for denial or revocation by the Board.

[Source: Added at 15 Ok Reg 2476, eff 1-6-98 (emergency); Added at 15 Ok Reg 2396, eff 6-11-98]

### **CHAPTER 15. FEE SCHEDULE**

#### **527:15-1-1. Purpose**

The purpose of the rules in this Chapter are to set out the fees and charges collected by the State Board of Examiners of Perfusionists.

[Source: Added at 14 Ok Reg 163, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97]

**527:15-1-2. Fees**

**(a) Fee schedule**

(1) **Licensure/certification.** The following fees shall be assessed for licensure and certification:

(A) Initial licensure

- (i) Application fee for licensure - \$100.00
- (ii) License to practice perfusion - \$300.00
- (iii) Provisional license to practice perfusion - \$150.00

(B) Renewal of licensure

- (i) Renewal for unexpired license - \$200.00
- (ii) Renewal for expired license if made prior to ninety days after expiration of license - \$400.00
- (iii) Renewal for expired license if made between ninety days and two years after expiration of license - \$500.00

(2) **Miscellaneous fees.** The following fees shall be assessed for services rendered by the agency/Board:

(A) Reimbursement of expenditures for individual proceedings resulting in disciplinary action - At cost

(B) Public records

- (i) Duplication of public records - \$0.25 per page
- (ii) Certification of public records - \$1.00 per page

(C) Written verification of licensure - \$20.00

**(b) Submission of fees.**

- (1) All fees are non-refundable.
- (2) All fees shall be received prior to services being performed.

[Source: Added at 14 Ok Reg 163, eff 10-17-96 (emergency); Added at 14 Ok Reg 2321, eff 6-16-97; Amended at 17 Ok Reg 1366, eff 5-11-00]