

By Senator Silver

38-1023-99

1 A bill to be entitled
2 An act relating to respiratory care; amending
3 s. 468.352, F.S.; redefining the term "board";
4 amending s. 468.353, F.S.; conforming
5 provision; providing for the adoption of rules;
6 amending s. 468.354, F.S.; creating the Board
7 of Respiratory Care; providing for membership,
8 powers, and duties; amending s. 468.355, F.S.;
9 providing for periodic rather than annual
10 review of certain examinations and standards;
11 amending s. 458.357, F.S.; conforming
12 provisions; deleting obsolete provisions;
13 amending s. 468.364, F.S.; deleting an
14 examination fee; amending s. 468.365, F.S.;
15 conforming provisions; providing an effective
16 date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (1) of section 468.352, Florida
21 Statutes, is amended to read:

22 468.352 Definitions.--As used in this part, unless the
23 context otherwise requires, the term:

24 (1) "Board" means the Board of Respiratory Care
25 ~~Medicine~~.

26 Section 2. Section 468.353, Florida Statutes, is
27 amended to read:

28 468.353 Board of Respiratory Care ~~Medicine~~; powers and
29 duties.--

30 (1) ~~The board, with the assistance of the Advisory~~
31 ~~Council on Respiratory Care,~~ is authorized to establish

1 minimum standards for the delivery of respiratory care
2 services and to adopt those rules necessary to administer this
3 part.

4 (2) The board may administer oaths, summon witnesses,
5 and take testimony in all matters relating to its duties under
6 this part.

7 (3) The board may adopt rules to administer this part,
8 including rules governing the investigation, inspection, and
9 review of schools and colleges that offer courses in
10 respiratory care in order to ascertain their compliance with
11 standards established by the board or appropriate accrediting
12 agencies ~~delegate such powers and duties to the council as it~~
13 ~~may deem proper.~~

14 Section 3. Section 468.354, Florida Statutes, is
15 amended to read:

16 468.354 Board of ~~Advisory Council on~~ Respiratory Care;
17 organization; function.--

18 (1) There is created within the department, the Board
19 of ~~Advisory Council on~~ Respiratory Care, composed of seven
20 members appointed by the Governor and confirmed by the Senate
21 ~~under the supervision of the board.~~

22 (2) The board council ~~shall consist of five members~~
23 ~~appointed by the board and shall include:~~

24 (a) A registered respiratory therapist.

25 (b) A certified respiratory therapist ~~care~~
26 ~~practitioner.~~

27 (c) A respiratory care professional from each of the
28 following areas:

29 1. Respiratory care education.

30 2. Respiratory care management and supervision.

31 3. Homecare/subacute ~~Cardiopulmonary diagnostics.~~

1 (d) Two consumer members, who are residents of this
2 state and have never been licensed as health care
3 practitioners.

4
5 Each ~~member of the council shall be~~ a respiratory care
6 professional on the board must have ~~who has~~ been actively
7 engaged in the delivery of respiratory care services in this
8 state for at least 4 consecutive years prior to appointment.

9 (3)(a) Except as provided in paragraph (b), the term
10 of office for each board ~~council~~ member shall be 4 years. No
11 member shall serve for more than two consecutive terms. Any
12 time there is a vacancy to be filled ~~on the council~~, all
13 professional organizations dealing with respiratory therapy
14 incorporated within the state as not for profit which register
15 their interest ~~with the board~~ shall recommend at least twice
16 as many persons to fill the vacancy ~~to the council~~ as the
17 number of vacancies to be filled, and the Governor ~~board~~ may
18 appoint from the submitted list, in his ~~its~~ discretion, any of
19 those persons so recommended. The Governor ~~board~~ shall,
20 insofar as possible, appoint persons from different
21 geographical areas.

22 (b) ~~In order~~ To achieve staggering of terms, within
23 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor
24 ~~board~~ shall appoint the board members ~~of the council~~ as
25 follows:

- 26 1. Two members ~~One member~~ shall be appointed for terms
27 ~~a term~~ of 2 years.
- 28 2. Two members shall be appointed for terms of 3
29 years.
- 30 3. Three ~~Two~~ members shall be appointed for terms of 4
31 years.

1 (c) All provisions of part II of chapter 455, relating
2 to boards apply to this part.

3 (4)(a) The board ~~council~~ shall annually elect from
4 among its members a chair and vice chair.

5 (b) The board ~~council~~ shall meet at least twice a year
6 and shall hold ~~such~~ additional meetings as are deemed
7 necessary ~~by the board~~. Four ~~Three~~ members of the council
8 constitute a quorum.

9 (c) Unless otherwise provided by law, a board ~~council~~
10 member shall be compensated \$50 for each day he or she attends
11 an official board meeting ~~of the council~~ and for each day he
12 or she participates in any other board business ~~involving the~~
13 ~~council~~. A board ~~council~~ member shall also be entitled to
14 reimbursement for expenses pursuant to s. 112.061. Travel out
15 of the state shall require the prior approval of the secretary
16 of the department.

17 (5)~~(a)~~ The board ~~may council~~ ~~shall~~ recommend to the
18 department a code of ethics for those persons licensed
19 pursuant to this part.

20 ~~(b) The council shall make recommendations to the~~
21 ~~department for the approval of continuing education courses.~~

22 Section 4. Section 468.355, Florida Statutes, is
23 amended to read:

24 468.355 Eligibility for licensure; temporary
25 licensure.--

26 (1) To be eligible for licensure by the board as a
27 respiratory care practitioner, an applicant must:

28 (a) Be at least 18 years old.

29 (b) Possess a high school diploma or a graduate
30 equivalency diploma.

31 (c) Meet at least one of the following criteria:

1 1. The applicant has successfully completed a training
2 program for respiratory therapy technicians or respiratory
3 therapists approved by the Commission on Accreditation of
4 Allied Health Education Programs, or the equivalent thereof,
5 as accepted by the board.

6 2. The applicant is currently a "Certified Respiratory
7 Therapy Technician" certified by the National Board for
8 Respiratory Care, or the equivalent thereof, as accepted by
9 the board.

10 3. The applicant is currently a "Registered
11 Respiratory Therapist" registered by the National Board for
12 Respiratory Care, or the equivalent thereof, as accepted by
13 the board.

14 ~~4. The applicant is currently employed in this state
15 as a respiratory care practitioner or respiratory therapist on
16 October 1, 1984.~~

17
18 The criteria set forth in subparagraphs 2. and 3.
19 notwithstanding, the board shall periodically ~~annually~~ review
20 the examinations and standards of the National Board for
21 Respiratory Care and may reject those examinations and
22 standards if they are deemed inappropriate.

23 (2) To be eligible for licensure by the board as a
24 respiratory therapist, an applicant must:

25 (a) Be at least 18 years old.

26 (b) Possess a high school diploma or a graduate
27 equivalency diploma.

28 (c) Meet at least one of the following criteria:

29 1. The applicant has successfully completed a training
30 program for respiratory therapists approved by the Commission
31

1 on Accreditation of Allied Health Education Programs, or the
2 equivalent thereof, as accepted by the board.

3 2. The applicant is currently a "Registered
4 Respiratory Therapist" registered by the National Board for
5 Respiratory Care, or the equivalent thereof, as accepted by
6 the board.

7
8 The criteria set forth in subparagraphs 1. and 2.
9 notwithstanding, the board shall periodically ~~annually~~ review
10 the examinations and standards of the National Board for
11 Respiratory Care and may reject those examinations and
12 standards if they are deemed inappropriate.

13 (3) With respect to the delivery of respiratory care
14 services, the board shall establish procedures for temporary
15 licensure of eligible individuals entering the state and
16 temporary licensure of those persons who have graduated from a
17 program approved by the board. Such temporary licensure shall
18 be for a period not to exceed 1 year.

19 Section 5. Section 468.357, Florida Statutes, is
20 amended to read:

21 468.357 Licensure by examination.--

22 (1) A person who desires to be licensed as a
23 respiratory care practitioner may submit an application ~~to the~~
24 ~~department~~ to take the examination, in accordance with board
25 rule to be administered by the department.

26 (a) ~~The department shall examine~~ Each applicant may
27 take the examination who is determined by the board to have:

28 1. Completed the application form and remitted the
29 applicable fee set by the board;

30 2. Submitted required documentation as required in s.
31 468.355; and

1 3. Remitted an examination fee set by the examination
2 provider board.

3 ~~(b) The department shall conduct~~ Examinations for
4 licensure of respiratory care practitioners must be conducted
5 no less than two times a year in such geographical locations
6 or by such methods as are deemed advantageous to the majority
7 of the applicants.

8 (c) The examination given for respiratory care
9 practitioners shall be the same as that given by the National
10 Board for Respiratory Care for entry-level certification of
11 respiratory therapy technicians. However, an equivalent
12 examination may be accepted by the board in lieu of that
13 examination.

14 (2) Each applicant who passes the examination shall be
15 entitled to licensure as a respiratory care practitioner, and
16 the department shall issue a license pursuant to this part to
17 any applicant who successfully completes the examination in
18 accordance with this section. However, the department shall
19 not issue a license to any applicant who is under
20 investigation in another jurisdiction for an offense which
21 would constitute a violation of this part. Upon completion of
22 such an investigation, if the applicant is found guilty of
23 such an offense, the applicable provisions of s. 468.365 will
24 apply.

25 ~~(3) Any person who was employed in this state on or~~
26 ~~before September 30, 1983, as a respiratory therapy technician~~
27 ~~or respiratory therapist, and who has performed services in~~
28 ~~such professional capacity for 4 years or more by October 1,~~
29 ~~1987, under the supervision of a licensed physician or in a~~
30 ~~hospital or licensed health care facility, shall be issued a~~
31 ~~license without examination, if such person provides~~

1 ~~acceptable documentation of performance of such services to~~
2 ~~the board. Such documentation shall include certification by~~
3 ~~a physician licensed pursuant to chapter 458 or chapter 459~~
4 ~~who has direct knowledge of the practice of, or who has~~
5 ~~supervised, the person. If such person is not determined to~~
6 ~~have performed critical care respiratory services for at least~~
7 ~~4 years, the board may limit the license of such person to the~~
8 ~~performance of noncritical care respiratory services.~~

9 Section 6. Section 468.364, Florida Statutes, 1998
10 Supplement, is amended to read:

11 468.364 Fees; establishment; disposition.--

12 (1) The board shall establish by rule fees for the
13 following purposes:

14 (a) Application, a fee not to exceed \$50.

15 ~~(b) Examination, a fee not to exceed \$125 plus the~~
16 ~~actual per applicant cost to the department for purchase of~~
17 ~~the examination from the National Board for Respiratory Care~~
18 ~~or a similar national organization.~~

19 (b)(c) Initial licensure, a fee not to exceed \$200.

20 (c)(d) Renewal of licensure, a fee not to exceed \$200
21 biennially.

22 (d)(e) Renewal of inactive licensure, a fee not to
23 exceed \$50.

24 (e)(f) Reactivation, a fee not to exceed \$50.

25 (2) The fees established pursuant to subsection (1)
26 shall be based upon the actual costs incurred by the
27 department in carrying out its responsibilities under this
28 part.

29 (3) All moneys collected by the department under this
30 part shall be deposited as required by s. 455.587.

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