

By Senator Saunders

25-263-02

1                                   A bill to be entitled  
2           An act relating to respiratory therapists;  
3           amending s. 468.302, F.S.; exempting certain  
4           licensees from licensure under provisions that  
5           regulate radiologic technologist certification  
6           procedures; amending s. 468.352, F.S.;  
7           providing definitions; amending s. 468.355,  
8           F.S.; revising provisions relating to licensure  
9           and testing requirements; amending s. 468.361,  
10          F.S.; revising continuing education  
11          requirements; amending s. 468.368, F.S.;  
12          revising exemptions from licensure  
13          requirements; repealing s. 468.356, F.S.,  
14          relating to the approval of educational  
15          programs; repealing s. 468.357, F.S., relating  
16          to licensure by examination; providing  
17          effective dates.

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19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Subsection (6) of section 468.302, Florida  
22 Statutes, is amended to read:

23           468.302 Use of radiation; identification of certified  
24 persons; limitations; exceptions.--

25           (6) Requirement for certification does not apply to:

26           (a) A hospital resident who is not a licensed  
27 practitioner in this state or a student enrolled in and  
28 attending a school or college of medicine, osteopathic  
29 medicine, chiropody, podiatric medicine, or chiropractic  
30 medicine or a radiologic technology educational program and  
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1 who applies radiation to a human being while under the direct  
2 supervision of a licensed practitioner.

3 (b) A person who is engaged in performing the duties  
4 of a radiologic technologist in his or her employment by a  
5 governmental agency of the United States.

6 (c) A person who is trained and skilled in invasive  
7 cardiovascular ~~cardiopulmonary~~ technology, including the  
8 radiologic technology duties associated with such procedures,  
9 and who provides invasive cardiovascular ~~cardiopulmonary~~  
10 technology services at the direction, and under the direct  
11 supervision, of a licensed practitioner who is trained and  
12 skilled in performing invasive cardiovascular procedures. Such  
13 persons must have successfully completed a didactic and  
14 clinical training program in the following areas before  
15 performing radiologic technology duties:

16 1. Principles of X-ray production and equipment  
17 operation.

18 2. Biological effects of radiation.

19 3. Radiation exposure and monitoring.

20 4. Radiation safety and protection.

21 5. Evaluation of radiographic equipment and

22 accessories.

23 6. Radiographic exposure and technique factors.

24 7. Film processing.

25 8. Image quality assurance.

26 9. Patient positioning.

27 10. Administration and complications of contrast  
28 media.

29 11. Specific fluoroscopic and digital X-ray imaging  
30 procedures related to invasive cardiovascular technology.

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1           Section 2. Section 468.352, Florida Statutes, is  
2 amended to read:

3           (Substantial rewording of section. See  
4           s. 468.352, F.S., for present text.)

5           468.352 Definitions.--As used in this part the term:

6           (1) "Board" means the Board of Respiratory Care.

7           (2) "Certified respiratory therapist" means any person  
8 licensed pursuant to this part who is certified by the  
9 National Board for Respiratory Care or its successor, who is  
10 employed to deliver respiratory care services, under the order  
11 of a physician licensed pursuant to chapter 458 or chapter  
12 459, in accordance with protocols established by a hospital or  
13 other health care provider or the board, and who functions in  
14 situations of unsupervised contact requiring individual  
15 judgment.

16           (3) "Critical care" means care given to a patient in  
17 any setting involving a life-threatening emergency.

18           (4) "Department" means the Department of Health.

19           (5) "Direct supervision" means practicing under the  
20 direction of a licensed, registered, or certified respiratory  
21 therapist who is physically on the premises and readily  
22 available, as defined by the board.

23           (6) "Physician supervision" means supervision and  
24 control by a physician licensed under chapter 458 or chapter  
25 459 who assumes the legal liability for the services rendered  
26 by the personnel employed in his or her office. Except in the  
27 case of an emergency, physician supervision requires the easy  
28 availability of the physician within the office or the  
29 physical presence of the physician for consultation and  
30 direction of the actions of the persons who deliver  
31 respiratory care services.

1           (7) "Practice of respiratory care" or "respiratory  
2 therapy" means the allied health specialty associated with the  
3 cardiopulmonary system that is practiced under the orders of a  
4 physician licensed under chapter 458 or chapter 459 and in  
5 accordance with protocols, policies, and procedures  
6 established by a hospital or other health care provider or the  
7 board, including the assessment, diagnostic evaluation,  
8 treatment, management, control, rehabilitation, education, and  
9 care of patients.

10           (8) "Registered respiratory therapist" means any  
11 person licensed under this part who is registered by the  
12 National Board for Respiratory Care or its successor, and who  
13 is employed to deliver respiratory care services under the  
14 order of a physician licensed under chapter 458 or chapter  
15 459, in accordance with protocols established by a hospital or  
16 other health care provider or the board, and who functions in  
17 situations of unsupervised contact requiring individual  
18 judgment.

19           (9) "Respiratory care practitioner" means any person  
20 licensed under this part who is employed to deliver  
21 respiratory care services, under direct supervision, pursuant  
22 to the order of a physician licensed under chapter 458 or  
23 chapter 459.

24           (10) "Respiratory care services" include:

25           (a) Evaluation and disease management;

26           (b) Diagnostic and therapeutic use of respiratory  
27 equipment, devices, or medical gas;

28           (c) Administration of drugs, as directed by the board;

29           (d) Initiation, management, and maintenance of  
30 equipment to assist and support ventilation and respiration;  
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1           (e) Diagnostic procedures, research, and therapeutic  
2 treatment and procedures, including measurement of ventilatory  
3 volumes, pressures, and flows; specimen collection and  
4 analysis of blood for gas transport and acid/base  
5 determinations; pulmonary-function testing; and other related  
6 physiological monitoring of cardiopulmonary systems;

7           (f) Cardiopulmonary rehabilitation;

8           (g) Cardiopulmonary resuscitation, advanced cardiac  
9 life support, neonatal resuscitation, and pediatric advanced  
10 life support, or equivalent functions;

11           (h) Insertion and maintenance of artificial airways  
12 and intravascular catheters;

13           (i) Performing sleep-disorder studies;

14           (j) Education of patients, families, the public, or  
15 other health care providers, including disease-process and  
16 management programs and smoking prevention and cessation  
17 programs; or

18           (k) Initiation and management of hyperbaric oxygen.

19           Section 3. Section 468.355, Florida Statutes, is  
20 amended to read:

21           (Substantial rewording of section. See  
22 s. 468.355, F.S., for present text.)

23           468.355 Licensure and testing requirements;  
24 educational programs.--

25           (1) To be eligible for licensure by the board an  
26 applicant must:

27           (a) Be at least 18 years old;

28           (b) Possess a high school diploma or a graduate  
29 equivalency diploma;

30           (c) Have successfully completed an accredited training  
31 program or equivalent training, as approved by the board; and

1           (d) Be registered as a "Registered Respiratory  
2 Therapist" or certified as a "Certified Respiratory  
3 Therapist."

4           (2) Educational programs must be accredited by the  
5 Commission on Accreditation for Respiratory Care or its  
6 successors.

7           (3) The examination of an applicant for licensure as a  
8 Certified Respiratory Therapist must be in accordance with  
9 testing established by the National Board for Respiratory  
10 Care, or its successor, to test the applicant's  
11 qualifications.

12           Section 4. Section 468.361, Florida Statutes, is  
13 amended to read:

14           468.361 Renewal of licensure; continuing education.--

15           (1) The department shall provide by rule a method for  
16 the biennial renewal of licensure at fees set by the board.

17           (2) The board shall prescribe by rule continuing  
18 education requirements, not to exceed 24 hours biennially, as  
19 a condition for renewal of licensure. The program criteria  
20 with respect thereto shall be approved by the board.

21           (3) The Florida Society for Respiratory Care ~~board~~  
22 shall approve continuing education courses which may be  
23 accepted in meeting the requirements of this part. Providers  
24 of such courses shall also be approved by the board.

25           (4) The board may make exceptions from the  
26 requirements of this section in emergency or hardship cases.

27           Section 5. Section 468.368, Florida Statutes, is  
28 amended to read:

29           (Substantial rewording of section. See  
30 s. 468.368, F.S., for present text.)

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1           468.368 Exemptions.--This part may not be construed to  
2 prevent or restrict the practice, service, or activities of:

3           (1) Any person licensed in this state by any other law  
4 from engaging in the profession or occupation for which he or  
5 she is licensed.

6           (2) Any legally qualified person in the state or  
7 another state or territory who is employed by the United  
8 States government or any agency thereof while such person is  
9 discharging his or her official duties.

10           (3) A friend or family member who is providing  
11 respiratory care services to an ill person and who does not  
12 represent himself or herself to be a respiratory care  
13 practitioner or respiratory therapist.

14           (4) An individual providing respiratory care services  
15 in an emergency who does not represent himself or herself as a  
16 respiratory care practitioner or respiratory therapist.

17           (5) Any individual employed to deliver, assemble,  
18 setup, or test equipment for use in a home, upon the order of  
19 a physician licensed pursuant to chapter 458 or chapter 459.  
20 This subsection does not, however, authorize the practice of  
21 respiratory care without a license.

22           (6) Any individual credentialed by the Board of  
23 Registered Polysomnographic Technologists, as a registered  
24 polysomnographic technologist, as related to the diagnosis and  
25 evaluation of treatment for sleep disorders.

26           (7) Any individual certified or registered as a  
27 pulmonary function technologist who is credentialed by the  
28 National Board for Respiratory Care from performing  
29 cardiopulmonary diagnostic studies.

30           (8) Any student who is enrolled in an accredited  
31 respiratory care program approved by the board, while

1 performing respiratory care as an integral part of a required  
2 course.

3 (9) The delivery of incidental respiratory care to  
4 noninstitutionalized persons by surrogate family members who  
5 do not represent themselves as registered or certified  
6 respiratory care therapists.

7 (10) Any individual credentialed by the Underseas  
8 Hyperbaric Society in hyperbaric medicine, while performing  
9 related duties. This subsection does not, however, authorize  
10 the practice of respiratory care without a license.

11 Section 6. Sections 468.356 and 468.357, Florida  
12 Statutes, are repealed.

13 Section 7. This act shall take effect upon becoming a  
14 law, except that section 4 shall take effect January 1, 2002.

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17 SENATE SUMMARY

18 Revises provisions relating to the licensure and  
19 regulation of respiratory therapists. Exempts certain  
20 licensees from licensure under provisions regulating  
21 radiologic technologists. Revises definitions, provisions  
22 relating to licensure and testing requirements,  
23 continuing education provisions, licensure exemptions,  
24 and educational programs. (See bill for details.)  
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