

By the Committee on Health, Aging and Long-Term Care; and
Senator Saunders

317-770-02

1 A bill to be entitled
2 An act relating to healthcare practitioners;
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. 468.368,
10 F.S.; revising exemptions from licensure
11 requirements; repealing s. 468.356, F.S.,
12 relating to the approval of educational
13 programs; repealing s. 468.357, F.S., relating
14 to licensure by examination; providing an
15 effective date.

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

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

21 468.302 Use of radiation; identification of certified
22 persons; limitations; exceptions.--

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

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

31

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

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

14 1. Principles of X-ray production and equipment
15 operation.

16 2. Biological effects of radiation.

17 3. Radiation exposure and monitoring.

18 4. Radiation safety and protection.

19 5. Evaluation of radiographic equipment and
20 accessories.

21 6. Radiographic exposure and technique factors.

22 7. Film processing.

23 8. Image quality assurance.

24 9. Patient positioning.

25 10. Administration and complications of contrast
26 media.

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

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

31 (Substantial rewording of section. See

1 s. 468.352, F.S., for present text.)
2 468.352 Definitions.--As used in this part the term:
3 (1) "Board" means the Board of Respiratory Care.
4 (2) "Certified respiratory therapist" means any person
5 licensed pursuant to this part who is certified by the
6 National Board for Respiratory Care or its successor, who is
7 employed to deliver respiratory care services, under the order
8 of a physician licensed pursuant to chapter 458 or chapter
9 459, in accordance with protocols established by a hospital or
10 other health care provider or the board, and who functions in
11 situations of unsupervised patient contact requiring
12 individual judgment.
13 (3) "Critical care" means care given to a patient in
14 any setting involving a life-threatening emergency.
15 (4) "Department" means the Department of Health.
16 (5) "Direct supervision" means practicing under the
17 direction of a licensed, registered, or certified respiratory
18 therapist who is physically on the premises and readily
19 available, as defined by the board.
20 (6) "Physician supervision" means supervision and
21 control by a physician licensed under chapter 458 or chapter
22 459 who assumes the legal liability for the services rendered
23 by the personnel employed in his or her office. Except in the
24 case of an emergency, physician supervision requires the easy
25 availability of the physician within the office or the
26 physical presence of the physician for consultation and
27 direction of the actions of the persons who deliver
28 respiratory care services.
29 (7) "Practice of respiratory care" or "respiratory
30 therapy" means the allied health specialty associated with the
31 cardiopulmonary system that is practiced under the orders of a

1 physician licensed under chapter 458 or chapter 459 and in
2 accordance with protocols, policies, and procedures
3 established by a hospital or other health care provider or the
4 board, including the assessment, diagnostic evaluation,
5 treatment, management, control, rehabilitation, education, and
6 care of patients.

7 (8) "Registered respiratory therapist" means any
8 person licensed under this part who is registered by the
9 National Board for Respiratory Care or its successor, and who
10 is employed to deliver respiratory care services under the
11 order of a physician licensed under 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 patient contact requiring
15 individual judgment.

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

21 (10) "Respiratory care services" include:

22 (a) Evaluation and disease management;

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

25 (c) Administration of drugs, as duly ordered or
26 prescribed by a physician licensed under chapter 458 or
27 chapter 459 and in accordance with protocols, policies, and
28 procedures established by a hospital or other health care
29 provider or the board;

30 (d) Initiation, management, and maintenance of
31 equipment to assist and support ventilation and respiration;

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 requirements.--To be eligible for
24 licensure by the board, an applicant must be certified as a
25 Certified Respiratory Therapist or be registered as a
26 Registered Respiratory Therapist by the National Board for
27 Respiratory Care, or its successor.

28 Section 4. Section 468.368, Florida Statutes, is
29 amended to read:

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

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 or its equivalent as
9 determined by the board, while performing related duties. This
10 subsection does not, however, authorize the practice of
11 respiratory care without a license.

12 Section 5. Sections 468.356 and 468.357, Florida
13 Statutes, are repealed.

14 Section 6. This act shall take effect July 1, 2002.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 370

19 The Committee Substitute for Senate Bill 370 revises licensure
20 requirements for respiratory therapists to require an
21 applicant for licensure to be certified as a Certified
22 Respiratory Therapist or registered as a Registered
23 Respiratory Therapist by the National Board for Respiratory
24 Care, or its successor. The committee substitute deletes
25 provisions in the bill that would require the Florida Society
26 for Respiratory Care to approve continuing education courses
27 rather than the Board of Respiratory Care. The committee
28 substitute revises a modality included within the definition
29 of "respiratory care services" relating to the administration
30 of drugs. The committee substitute authorizes the Florida
31 Board of Respiratory Care to determine an equivalent to a
credentialing organization for hyperbaric medicine for
purposes of an exemption to the respiratory care practice act,
and revises the effective date of the bill to July 1, 2002.