

By Senator Saunders

37-389A-03

1 A bill to be entitled
 2 An act relating to health regulation; amending
 3 s. 468.352, F.S.; revising and providing
 4 definitions applicable to the regulation of
 5 respiratory therapy; amending s. 468.355, F.S.;
 6 revising provisions relating to respiratory
 7 therapy licensure and testing requirements;
 8 amending s. 468.368, F.S.; revising exemptions
 9 from respiratory therapy licensure
 10 requirements; repealing s. 468.356, F.S.,
 11 relating to the approval of educational
 12 programs; repealing s. 468.357, F.S., relating
 13 to licensure by examination; providing
 14 effective dates.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 468.352, Florida Statutes, is
 19 amended to read:
 20 (Substantial rewording of section. See
 21 s. 468.352, F.S., for present text.)
 22 468.352 Definitions.--As used in this part, the term:
 23 (1) "Board" means the Board of Respiratory Care.
 24 (2) "Certified respiratory therapist" means any person
 25 licensed pursuant to this part who is certified by the
 26 National Board for Respiratory Care or its successor; who is
 27 employed to deliver respiratory care services, under the order
 28 of a physician licensed pursuant to chapter 458 or chapter
 29 459, in accordance with protocols established by a hospital or
 30 other health care provider or the board; and who functions in
 31

1 situations of unsupervised patient contact requiring
2 individual judgment.

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

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

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

10 (6) "Physician supervision" means supervision and
11 control by a physician licensed under chapter 458 or chapter
12 459 who assumes the legal liability for the services rendered
13 by the personnel employed in his or her office. Except in the
14 case of an emergency, physician supervision requires the easy
15 availability of the physician within the office or the
16 physical presence of the physician for consultation and
17 direction of the actions of the persons who deliver
18 respiratory care services.

19 (7) "Practice of respiratory care" or "respiratory
20 therapy" means the allied health specialty associated with the
21 cardiopulmonary system that is practiced under the orders of a
22 physician licensed under chapter 458 or chapter 459 and in
23 accordance with protocols, policies, and procedures
24 established by a hospital or other health care provider or the
25 board, including the assessment, diagnostic evaluation,
26 treatment, management, control, rehabilitation, education, and
27 care of patients in all care settings.

28 (8) "Registered respiratory therapist" means any
29 person licensed under this part who is registered by the
30 National Board for Respiratory Care or its successor, and who
31 is employed to deliver respiratory care services under the

1 order of a physician licensed under chapter 458 or chapter
2 459, in accordance with protocols established by a hospital or
3 other health care provider or the board, and who functions in
4 situations of unsupervised patient contact requiring
5 individual judgment.

6 (9) "Respiratory care practitioner" means any person
7 licensed under this part who is employed to deliver
8 respiratory care services, under direct supervision, pursuant
9 to the order of a physician licensed under chapter 458 or
10 chapter 459.

11 (10) "Respiratory care services" includes:

12 (a) Evaluation and disease management.

13 (b) Diagnostic and therapeutic use of respiratory
14 equipment, devices, or medical gas.

15 (c) Administration of drugs, as duly ordered or
16 prescribed by a physician licensed under chapter 458 or
17 chapter 459 and in accordance with protocols, policies, and
18 procedures established by a hospital or other health care
19 provider or the board.

20 (d) Initiation, management, and maintenance of
21 equipment to assist and support ventilation and respiration.

22 (e) Diagnostic procedures, research, and therapeutic
23 treatment and procedures, including measurement of ventilatory
24 volumes, pressures, and flows; specimen collection and
25 analysis of blood for gas transport and acid/base
26 determinations; pulmonary-function testing; and other related
27 physiological monitoring of cardiopulmonary systems.

28 (f) Cardiopulmonary rehabilitation.

29 (g) Cardiopulmonary resuscitation, advanced cardiac
30 life support, neonatal resuscitation, and pediatric advanced
31 life support, or equivalent functions.

1 (h) Insertion and maintenance of artificial airways
2 and intravascular catheters.

3 (i) Performing sleep-disorder studies.

4 (j) Education of patients, families, the public, or
5 other health care providers, including disease process and
6 management programs and smoking prevention and cessation
7 programs.

8 (k) Initiation and management of hyperbaric oxygen.

9 Section 2. Section 468.355, Florida Statutes, is
10 amended to read:

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

13 468.355 Licensure requirements.--To be eligible for
14 licensure by the board, an applicant must be an active
15 "Certified Respiratory Therapist" or be an active "Registered
16 Respiratory Therapist" by the National Board for Respiratory
17 Care, or its successor.

18 Section 3. Section 468.368, Florida Statutes, is
19 amended to read:

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

22 468.368 Exemptions.--This part may not be construed to
23 prevent or restrict the practice, service, or activities of:

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

27 (2) Any legally qualified person in the state or
28 another state or territory who is employed by the United
29 States Government or any agency thereof while such person is
30 discharging his or her official duties.

31

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

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

8 (5) Any individual employed to deliver, assemble, set
9 up, or test equipment for use in a home, upon the order of a
10 physician licensed pursuant to chapter 458 or chapter 459.
11 This subsection does not, however, authorize the practice of
12 respiratory care without a license.

13 (6) Any individual credentialed by the Board of
14 Registered Polysomnographic Technologists as a registered
15 polysomnographic technologist, as related to the diagnosis and
16 evaluation of treatment for sleep disorders.

17 (7) Any individual certified or registered as a
18 pulmonary function technologist who is credentialed by the
19 National Board for Respiratory Care for performing
20 cardiopulmonary diagnostic studies.

21 (8) Any student who is enrolled in an accredited
22 respiratory care program approved by the board, while
23 performing respiratory care as an integral part of a required
24 course.

25 (9) The delivery of incidental respiratory care to
26 noninstitutionalized persons by surrogate family members who
27 do not represent themselves as registered or certified
28 respiratory care therapists.

29 (10) Any individual credentialed by the Underseas
30 Hyperbaric Society in hyperbaric medicine or its equivalent as
31 determined by the board, while performing related duties. This

1 subsection does not, however, authorize the practice of
2 respiratory care without a license.

3 Section 4. Sections 468.356 and 468.357, Florida
4 Statutes, are repealed, effective January 1, 2004.

5 Section 5. Except as otherwise expressly provided in
6 this act, this act shall take effect upon becoming a law.

7

8 *****

9

SENATE SUMMARY

10 Revises provisions relating to the regulation of
11 respiratory therapists; revises definitions; revises
12 licensure and testing requirements; revises exemptions
13 from licensure requirements; repeals provisions relating
14 to the approval of educational programs and licensure by
15 examination. (See bill for details.)
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31