

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

317-2259-03

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A bill to be entitled
An act relating to health regulation; amending
s. 468.352, F.S.; revising and providing
definitions applicable to the regulation of
respiratory therapy; amending s. 468.355, F.S.;
revising provisions relating to respiratory
therapy licensure and testing requirements;
amending s. 468.368, F.S.; revising exemptions
from respiratory therapy licensure
requirements; repealing s. 468.356, F.S.,
relating to the approval of educational
programs; repealing s. 468.357, F.S., relating
to licensure by examination; providing
effective dates.

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

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

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

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

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

(2) "Certified respiratory therapist" means any person
licensed pursuant to this part who is certified by the
National Board for Respiratory Care or its successor; who is
employed to deliver respiratory care services, under the order
of a physician licensed pursuant to chapter 458 or chapter
459, in accordance with protocols established by a hospital or
other health care provider or the board; and who functions in

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.

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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 performing polysomnography under
14 medical direction, as related to the diagnosis and evaluation
15 of treatment for sleep disorders.

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

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

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

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

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 2618

11 An exemption to respiratory care services licensure is created
12 for any individual performing polysomnography under medical
13 direction as related to the diagnosis and evaluation of
14 treatment for sleep disorders. The exemption no longer
15 requires an individual to be credentialed by the Board of
16 Registered Polysomnographic Technologists as a registered
17 polysomnographic technologist.