

Bill No. CS for CS for SB 400

Amendment No.      Barcode 985678

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Saunders moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 73, after line 31,		
15			
16	insert:		
17	Section 34. Section 468.352, Florida Statutes, is		
18	amended to read:		
19	<u>(Substantial rewording of section. See</u>		
20	<u>s. 468.352, F.S., for present text.)</u>		
21	<u>468.352 Definitions.--As used in this part, the term:</u>		
22	<u>(1) "Board" means the Board of Respiratory Care.</u>		
23	<u>(2) "Certified respiratory therapist" means any person</u>		
24	<u>licensed pursuant to this part who is certified by the</u>		
25	<u>National Board for Respiratory Care or its successor; who is</u>		
26	<u>employed to deliver respiratory care services, under the order</u>		
27	<u>of a physician licensed pursuant to chapter 458 or chapter</u>		
28	<u>459, in accordance with protocols established by a hospital or</u>		
29	<u>other health care provider or the board; and who functions in</u>		
30	<u>situations of unsupervised patient contact requiring</u>		
31	<u>individual judgment.</u>		

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

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

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

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

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

26           (8) "Registered respiratory therapist" means any  
27 person licensed under this part who is registered by the  
28 National Board for Respiratory Care or its successor, and who  
29 is employed to deliver respiratory care services under the  
30 order of a physician licensed under chapter 458 or chapter  
31 459, in accordance with protocols established by a hospital or

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1 other health care provider or the board, and who functions in  
2 situations of unsupervised patient contact requiring  
3 individual judgment.

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

9 (10) "Respiratory care services" includes:

10 (a) Evaluation and disease management.

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

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

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

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

26 (f) Cardiopulmonary rehabilitation.

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

30 (h) Insertion and maintenance of artificial airways  
31 and intravascular catheters.

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1           (i) Performing sleep-disorder studies.

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

6           (k) Initiation and management of hyperbaric oxygen.

7           Section 35. Section 468.355, Florida Statutes, is  
8 amended to read:

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

11           468.355 Licensure requirements.--To be eligible for  
12 licensure by the board, an applicant must be an active  
13 "Certified Respiratory Therapist" or be an active "Registered  
14 Respiratory Therapist" by the National Board for Respiratory  
15 Care, or its successor.

16           Section 36. Section 468.368, Florida Statutes, is  
17 amended to read:

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

20           468.368 Exemptions.--This part may not be construed to  
21 prevent or restrict the practice, service, or activities of:

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

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

29           (3) A friend or family member who is providing  
30 respiratory care services to an ill person and who does not  
31 represent himself or herself to be a respiratory care

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1 practitioner or respiratory therapist.

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

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

10 (6) Any individual performing polysomnography under  
11 medical direction, as related to the diagnosis and evaluation  
12 of treatment for sleep disorders.

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

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

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

25 (10) Any individual credentialed by the Underseas  
26 Hyperbaric Society in hyperbaric medicine or its equivalent as  
27 determined by the board, while performing related duties. This  
28 subsection does not, however, authorize the practice of  
29 respiratory care without a license.

30 Section 37. Sections 468.356 and 468.357, Florida  
31 Statutes, are repealed, effective January 1, 2004.

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(Redesignate subsequent sections.)

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

On page 4, line 2, after the semicolon

insert:

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;