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A bill to be entitled  
 An act relating to respiratory therapy; 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  
situations of unsupervised patient contact requiring individual  
judgment.

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

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

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

37       (6) "Physician supervision" means supervision and control  
38 by a physician licensed under chapter 458 or chapter 459 who  
39 assumes the legal liability for the services rendered by the  
40 personnel employed in his or her office. Except in the case of  
41 an emergency, physician supervision requires the easy  
42 availability of the physician within the office or the physical  
43 presence of the physician for consultation and direction of the  
44 actions of the persons who deliver respiratory care services.

45       (7) "Practice of respiratory care" or "respiratory  
46 therapy" means the allied health specialty associated with the  
47 cardiopulmonary system that is practiced under the orders of a  
48 physician licensed under chapter 458 or chapter 459 and in  
49 accordance with protocols, policies, and procedures established  
50 by a hospital or other health care provider or the board,  
51 including the assessment, diagnostic evaluation, treatment,  
52 management, control, rehabilitation, education, and care of  
53 patients in all care settings.

54       (8) "Registered respiratory therapist" means any person  
55 licensed under this part who is registered by the National Board  
56 for Respiratory Care or its successor; who is employed to  
57 deliver respiratory care services under the order of a physician  
58 licensed under chapter 458 or chapter 459, in accordance with

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59 protocols established by a hospital or other health care  
60 provider or the board; and who functions in situations of  
61 unsupervised patient contact requiring individual judgment.

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

66 (10) "Respiratory care services" includes:

67 (a) Evaluation and disease management.

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

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

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

76 (e) Diagnostic procedures, research, and therapeutic  
77 treatment and procedures, including measurement of ventilatory  
78 volumes, pressures, and flows; specimen collection and analysis  
79 of blood for gas transport and acid/base determinations;  
80 pulmonary-function testing; and other related physiological  
81 monitoring of cardiopulmonary systems.

82 (f) Cardiopulmonary rehabilitation.

83 (g) Cardiopulmonary resuscitation, advanced cardiac life  
84 support, neonatal resuscitation, and pediatric advanced life  
85 support, or equivalent functions.

86 (h) Insertion and maintenance of artificial airways and  
87 intravascular catheters.

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88        (i) Education of patients, families, the public, or other  
 89 health care providers, including disease process and management  
 90 programs and smoking prevention and cessation programs.

91        (j) Initiation and management of hyperbaric oxygen.

92        Section 2. Section 468.355, Florida Statutes, is amended  
 93 to read:

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

96        468.355 Licensure requirements.--To be eligible for  
 97 licensure by the board, an applicant must be an active  
 98 "Certified Respiratory Therapist" or an active "Registered  
 99 Respiratory Therapist" as designated by the National Board for  
 100 Respiratory Care or its successor.

101        Section 3. Section 468.368, Florida Statutes, is amended  
 102 to read:

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

105        468.368 Exemptions.--This part may not be construed to  
 106 prevent or restrict the practice, service, or activities of:

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

110        (2) Any legally qualified person in this state or another  
 111 state or territory who is employed by the United States  
 112 Government or any agency thereof, while such person is  
 113 discharging his or her official duties.

114        (3) A friend or family member who is providing respiratory  
 115 care services to an ill person and who does not represent

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116 himself or herself as a respiratory care practitioner or  
 117 respiratory therapist.

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

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

126 (6) Any individual certified or registered as a pulmonary  
 127 function technologist who is credentialed by the National Board  
 128 for Respiratory Care for performing cardiopulmonary diagnostic  
 129 studies.

130 (7) Any student who is enrolled in an accredited  
 131 respiratory care program approved by the board, while performing  
 132 respiratory care as an integral part of a required course.

133 (8) A surrogate family member who is delivering incidental  
 134 respiratory care to a noninstitutionalized person and who does  
 135 not represent himself or herself as a respiratory care  
 136 practitioner or respiratory therapist.

137 (9) Any individual credentialed by the Underseas  
 138 Hyperbaric Society in hyperbaric medicine or its equivalent, as  
 139 determined by the board, while performing related duties. This  
 140 subsection does not authorize the practice of respiratory care  
 141 without a license.

142 Section 4. Effective January 1, 2005, sections 468.356 and  
 143 468.357, Florida Statutes, are repealed.

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144           Section 5. Except as otherwise provided herein, this act  
145 shall take effect upon becoming a law.