

By Senator Saunders

37-644-04

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.

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

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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  
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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 an active "Registered  
16 Respiratory Therapist" as designated by the National Board for  
17 Respiratory 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. Effective January 1, 2005, sections 468.356  
4 and 468.357, Florida Statutes, are repealed.

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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SENATE SUMMARY

10 Revises and provides definitions applicable to the  
11 regulation of respiratory therapy. Revises provisions  
12 relating to respiratory therapy licensure and testing  
13 requirements. Revises exemptions from respiratory therapy  
14 licensure requirements. Repeals legislation relating to  
15 the approval of educational programs. Repeals laws  
16 governing licensure by examination.

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