

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

317-773-04

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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

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

7 (j) Initiation and management of hyperbaric oxygen.

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

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

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

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

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

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

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

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

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

1 represent himself or herself to be a respiratory care
2 practitioner or respiratory therapist.

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

6 (5) Any individual employed to deliver, assemble, set
7 up, or test equipment for use in a home, upon the order of a
8 physician licensed pursuant to chapter 458 or chapter 459.

9 This subsection does not, however, authorize the practice of
10 respiratory care without a license.

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

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

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

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

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 476

The bill's title is narrowed from an act relating to health regulation to an act relating to respiratory therapy. The definition of respiratory care services is revised to delete the performance of sleep disorder studies as a modality used by a certified respiratory therapist or a registered respiratory therapist who is licensed in Florida. An exemption to the respiratory care practice act is deleted for individuals performing polysomnography under medical direction, as related to the diagnosis and evaluation of treatment for sleep disorders.