

Bill No. CS for SB 560

Amendment No. ____ Barcode 661512

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 11, between lines 20 and 21,

insert:

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

5 (j) Initiation and management of hyperbaric oxygen.

6 Section 4. Section 468.355, Florida Statutes, is
7 amended to read:

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

10 468.355 Licensure requirements.--To be eligible for
11 licensure by the board, an applicant must be an active
12 "Certified Respiratory Therapist" or an active "Registered
13 Respiratory Therapist" as designated by the National Board for
14 Respiratory Care, or its successor.

15 Section 5. Section 468.368, Florida Statutes, is
16 amended to read:

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

19 468.368 Exemptions.--This part may not be construed to
20 prevent or restrict the practice, service, or activities of:

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

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

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

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

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

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

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

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

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

26 Section 6. Effective January 1, 2005, sections 468.356
27 and 468.357, Florida Statutes, are repealed.

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

31 And the title is amended as follows:

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On page 1, line 15, 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;