Florida Laws and Rules

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Approved for 2 Hours of Laws and Rules Credits for Florida

CE Broker Tracking Numbers:

Live: 20-653877

Self-Directed: 20-653881

Learning Objectives

- Describe the purpose and intent of the Florida Laws and Rules
- Define the terms used in the Florida Laws and Rules
- Explain the powers and duties of the Florida Board of Respiratory Care
- List the requirements for licensure, renewal, and re-activation of a Florida license
- List the continuing education requirements for renewal of respiratory care licenses
- Describe the disciplinary grounds and actions as well as penalties for violations
- Describe the general provisions for health professionals and occupations in Florida

Purpose

- Purpose: To provide for the licensure of persons who deliver respiratory care services and who meet certain requirements
- The Legislature has found that the delivery of respiratory care services by unskilled and incompetent persons presents a danger to public health and safety
- It is difficult for the public to make informed choices related to respiratory care services
- Since the consequences of wrong choices can seriously endanger public health and safety, the Legislature seeks to prohibit the delivery of respiratory care services by persons who are determined to possess less than minimum competencies or are otherwise a danger to the public

Intent

- The intent of the Legislature that the department regulates blood gas laboratories and the supervision of health care practitioners performing blood gas analysis and specimen collection for the purpose of such analysis be subjected to the same rules in this act

Definitions

Florida Laws and Rules: 468.352

Definitions

- "Board" – Board of Respiratory Care
- "Department" – Department of Health
- "Certified respiratory therapist" – Any person who is certified by the NBRC who is employed to deliver respiratory care services under the order of a licensed physician and who functions in situations of unsupervised patient contact requiring judgment
- "Registered respiratory therapist" - Any person who is certified by the NBRC who is employed to deliver respiratory care services under the order of a licensed physician and who functions in situations of unsupervised patient contact requiring judgment

Definitions

- "Respiratory care practitioner" - any person licensed and is employed to deliver respiratory care services
- "Direct supervision" – Practicing under the direction of a licensed, registered, or certified respiratory therapist who is physically on the premises and readily available
- "Physician services" – Supervision and control by a licensed physician who assumes the legal liability for the services rendered by the personnel employed in his or her office
  - Except in the case of emergency, physician supervision requires the easy availability of the physician within the office or the physical presence of the physician for consultation and direction

Definitions

- "Practice of respiratory care" or "respiratory therapy" means the allied health specialty associated with the cardiopulmonary system that is practiced under the orders of a licensed physician and in accordance with protocols, policies, and procedures established by a hospital or other healthcare provider or the board
  - Includes the assessment, diagnostic evaluation, treatment, management, control, rehabilitation, education, and care of patients in all care settings

- "Critical Care" – Care given to a patient in any setting involving a life threatening emergency

What are Respiratory Care Services?

Florida Laws and Rules: 468.352 (10)

Respiratory Care Services

- Evaluation and disease management
- Diagnostic and therapeutic use of respiratory equipment, devices, or medical gas
- Administration of drugs, as duly ordered or prescribed by a licensed physician and in accordance with protocols, policies, and procedures established by a hospital or other healthcare provider or the board
- Initiation, management, and maintenance of equipment to assist and support ventilation and respiration
- Diagnostic procedures, research, and therapeutic treatment and procedures, including measurement of ventilatory volumes, pressures, and flows; specimen collection and analysis of blood for gas transport and acid/base determinations; PFTs, and other related physiological monitoring of cardiopulmonary systems

Respiratory Care Services

- Cardiopulmonary rehabilitation
- Cardiopulmonary resuscitation, advanced cardiac life support, neonatal resuscitation, and pediatric advanced life support, or equivalent functions
- Insertion and maintenance of artificial airways and intravascular catheters
- Education of patients, families, the public or other healthcare providers, including disease process and management programs and smoking prevention/cessation programs
- Initiation and management of hyperbaric oxygen

The Board of Respiratory Care

Florida Laws and Rules: 468.354

Powers and Duties

- The Board establishes minimum standards for the delivery of respiratory care services and to adopt those rules necessary to administer the standards
- The Board may administer oaths, summon witnesses, and take testimony in all matters relating to its duties
- The Board may adopt rules governing the investigation, inspection, and review of school and colleges that offer courses in respiratory care in order to ascertain their compliance with standards established by the board or appropriate accrediting agencies

Organization and Function

- The Board is composed of seven members, appointed by the Governor and confirmed by the senate
  - One registered respiratory therapist
  - One certified respiratory therapist
  - A respiratory care professional from each of the following areas:
    - Respiratory care education
    - Respiratory care management and supervision
    - Homecare/subacute
    - Two consumer members who have never been licensed as health care practitioners

Organization and Function

- Each respiratory care practitioner on the Board must have been actively engaged in the delivery of respiratory care services in this state for at least 4 consecutive years prior to appointment
- The term of office is 4 years, and the term limit is 2 consecutive terms
- When there is a vacancy, professional organizations dealing with respiratory therapy incorporated in Florida may recommend at least twice as many persons to fill the vacancy as the number of vacancies to be filled
- The Governor may appoint from the submitted list, at his or her discretion
- The Governor will try to appoint persons from different geographical areas

Organization and Function

- The Board annually elects a chair and vice chair
- The Board meets at least twice a year and holds additional meetings as deemed necessary
- Four members of the council constitute a quorum, the minimum number of members of an assembly or society that must be present at any of its meetings to make the proceedings of that meeting valid
- Board members are compensated $50 each day he or she attends an official Board meeting or participates in any other board business
- The Board may recommend to the department a code of ethics for respiratory therapists

Organization and Function

- Board members must attend all regularly scheduled Board meetings unless prevented from doing so by court order, subpoena, business with a court, death of a family member, illness of the Board member, illness of the members family, or similar extenuating circumstances

- No board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated above

- Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board

Public Comments

- The Board invites and encourages all members of the public to provide comment on matters or propositions before the Board

- The opportunity to provide comment is subjected to the following:
  - Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting
  - Members of the public are limited to 10 minutes to comment – not including time spent by the presenter responding to questions posed by Board members, staff, or counsel. If time permits, the chair may extend this time.
  - Members of the public will notify board staff in writing of his or her interest to be heard on a proposition or matter before the board

Licensure Requirements and Fees

Florida Laws and Rules: 468.355 - 364

Licensure by Endorsement

- Licensure shall be granted to any respiratory therapist that:
  - Holds the "Certified Respiratory Therapist" credential issued by the National Board for Respiratory Care, or an equivalent credential
  - Holds the "Registered Respiratory Therapist" credential issued by the National Board for Respiratory Care, or an equivalent credential
  - Has been granted licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services in another state or country
  - Has submitted a proper application
  - Has paid the requisite fees

Licensure by Endorsement

- An applicant who has not practiced respiratory care for 2 or more years must complete a Board-approved comprehensive review course within 2 years prior to the filing of the licensure application, or be re-credentialed in the level in which he or she is applying to practice

- A Board-approved comprehensive course means any course which includes, at a minimum, 14 hours in the topics and numbers of hours below:
  - Patient assessment – 3 hours
  - Hemodynamics – 3 hours
  - Pulmonary Function – 1 hour
  - Arterial blood gases – 1 hour
  - Respiratory equipment – 2 hours
  - Airway care – 1 hour
  - Mechanical ventilation – 2 hours
  - Emergency care/special procedures – 1 hour
  - General respiratory care (including medication) – 1 hour

Address of Licensee

- Each person holding a license pursuant to Part V of Chapter 468, Florida Statutes, must maintain on file with the Board the current place of practice and the residence address at which any notice required by law may be served by the department, the Board, or its agents

- You must notify the Department by written notification within 60 days of changing either address

Fees for Application and Initial Licensure

- Application fee for a person desiring to be granted licensure - $50
- Initial licensure fee for a person who becomes licensed - $110
- In addition to these fees, there will be a $5 fee collected for each initial licensure and each renewal for the purpose of combating unlicensed activity

Fees

- Biennial fee for licensure - $120
- Reactivation fee for renewing the inactive status of a license - $50
- Duplicate license for a replacement of a lost or destroyed license - $25, and a written request
- Delinquency - $120
- Change in status - $35
- Retired status - $50

Discipline and Licensure Provisions

Florida Laws and Rules: 468.365

Disciplinary Guidelines

- The board may impose disciplinary penalties when it is determined that an applicant:
  - Has violated any provision of Chapter 468
  - Has violated any provision of Chapter 456, which outlines specific offenses that prohibit the Board from issuing or renewing a license, certificate, or registration if the candidate has been convicted of, pled nolo contendere, or guilty to, regardless of adjudication, a felony under:
    - Chapter 409
    - Chapter 817
    - Chapter 893
- Not applicable if the sentence and any subsequent period of probation for such conviction ended more than 15 years prior to the date of the application

Reporting to the Board

- Section 456.072(1)(x) – Provides that failing to report to the Board, or the Department if there is no Board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction constitutes grounds for discipline by the Board of Respiratory Care

- Extremely important

- People may be convicted of crimes that do not subject them to revocation and they could face lighter disciplinary actions, such as 'obligations imposed' or required fines

- There have been cases where the practitioner was only required to pay a fine after not reporting the conviction, but because they failed to do so or failed to respond to the Board their license was revoked

Disciplinary Guidelines

- The board may also impose disciplinary penalties when it is determined that an applicant:
  - Has committed an act defined as "unprofessional conduct", described later in this course

- When determining the appropriate disciplinary action to be imposed, the board will consider the following factors:
  - Danger to the public
  - Length of time since the date of the violation
  - Number of previous disciplinary cases filed against the applicant or licensee
  - The length of time the applicant or licensee has practiced

Disciplinary Guidelines

- When determining the appropriate disciplinary action to be imposed, the board will also consider the following factors:
  - The actual damage, physical or otherwise, to the patient
  - The deterrent effect of the penalty imposed
  - The effect of the penalty upon the applicant's or licensee's livelihood
  - Any efforts for rehabilitation
  - Any other mitigating or aggravating circumstances

Violations and Range of Penalties

Florida Laws and Rules: 468.366

Fines

- All fines imposed by the Board must be paid within 30 days from the date of the final order entered by the Board, unless the final order extends the deadline in any given case

Violations and Range of Penalties

- The actual penalty depends on whether it was a first, second, or third offense
- The range of the penalty we present will include the minimum from the first offense and maximum penalty from the second or third offense
- Fines listed are the maximum fine that may be issued
- Because the list of possible violations is extensive, we will only cover the ones we believe are most common or likely to occur

Violations and Range of Penalties: Licenses

- Attempting to obtain a license by bribery, fraud or through an error of the Department or the Board
  - Penalty: From one year of probation with conditions to revocation, with a fine between $250 and $10,000
  - If the violation is not through an error but is for fraud or making a false or fraudulent representation, the fine is increased to $10,000 per offense
- Actions taken against license by another jurisdiction
  - Penalty: From imposition of discipline comparable to what Florida would have administered if the violation occurred in Florida to revocation and a fine of $10,000

Violations and Range of Penalties: Crime and Conduct

- Guilt of crime directly relating to practice or ability to practice
  - Penalty: From a minimum of six months probation with conditions and a fine of $300 to revocation and a fine of $10,000
- False, deceptive, or misleading advertising
  - Penalty: From reprimand to revocation and a fine of $10,000
- Unprofessional conduct
  - Penalty: From one year of probation with conditions to revocation and a fine of $10,000

Violations and Range of Penalties: Unlicensed Practice

- Unlicensed practice
  - Penalty: From a reprimand to revocation with no ability to reapply and a fine of $10,000

- Aiding unlicensed practice
  - Penalty: From a reprimand to revocation with no ability to reapply and a fine of $10,000

Violations and Range of Penalties: Incompetence and Malpractice

- Practicing beyond competence level
  - Penalty: From reprimand to revocation with no ability to reapply and a possible fine of up to $10,000
- Delegation of professional responsibilities to unqualified person
  - Penalty: From one year probation with conditions to revocation with no ability to reapply and a possible fine of up to $10,000
- Malpractice
  - Penalty: From one year probation with conditions to revocation with no ability to reapply and a possible fine of up to $10,000
  - See FYI Link for a 1986 Medical Malpractice Case Study on Florida

Violations and Range of Penalties: Kickbacks and Influence

- Kickbacks or split fee arrangements
  - Penalty: From refund of fees billed and six months suspension followed by probation to Revocation with no ability to reapply and a possible fine of up to $10,000
- Exercising influence or engage patient in sex
  - From one year suspension followed by at least one year of probation to revocation with no ability to reapply and a possible fine of up to $10,000
- Improper solicitation of patients
  - Penalty: From a minimum of one year probation with conditions to revocation with no ability to reapply and a possible fine of up to $10,000

Violations and Range of Penalties: Directly Related to Respiratory Care

- Testing positive in a pre-employer ordered drug screen
  - Penalty: From reprimand to revocation, plus an administrative fine from $250 to $2,000

- Termination of PRN (Professionals Resource Network) Contract (Covered in a following section)
  - Penalty: Reprimand to revocation, plus an administrative fine from $250 to $2,000

Violations and Range of Penalties: Directly Related to Respiratory Care

- Deceptive, untrue, or fraudulent representations in the practice of respiratory care
  - Penalty: From a minimum of one year probation with conditions to revocation with no ability to reapply and a fine of $10,000 per count or offense
- Failure to keep written medical records
  - Penalty: From a letter of concern to revocation and a fine of up to $10,000
- Inability to practice respiratory care with skill and safety
  - Penalty: From referral to PRN for submission to a mental or physical examination directed towards the problem to revocation and a fine of up to $5,000

Case Study #1

- RT charged with:
  - Making deceptive, untrue, or fraudulent representations related to practice of respiratory therapy
  - Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of use of alcohol, drugs, narcotics, chemicals, or any other material
  - By pretending to be a doctor, he was performing professional responsibilities which the licensee knows he is not competent to perform

Case Study #2

- RT charged with:
  - Unprofessional behavior by the changing of the trach tube sizes, improperly placing pillow over the patient, failing to use sterile techniques, cancelling the mucomyst treatment without a doctor's order, and arguing with patient's families
  - He was also found to be unable to deliver respiratory care services with reasonable skill and safety to patients by reason of use of alcohol, drugs, narcotics, and chemicals

Case Study #3

- Charged with not reporting to the board within 30 days a plea of nolo contendere for driving under the influence
- Fine of $683.79

Unprofessional Conduct

Florida Laws and Rules: 64B32-5.003

Unprofessional Conduct

- Unprofessional conduct is defined as any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services

- Acceptable standards is defined as practicing respiratory care with the level of care, skill, and treatment which is recognized by a reasonably prudent respiratory therapist as being acceptable under similar conditions and circumstances

Unprofessional Conduct

- Examples of unprofessional conduct include:
  - Violating the confidentiality of information or knowledge concerning a patient
  - Falsely misrepresenting the facts on an application for employment as a respiratory therapist
  - Leaving a respiratory therapy assignment before properly advising appropriate personnel
  - Providing false or incorrect information to an employer regarding the status of the certification, registration, or licensure
  - Using foul or abusive language in patient care or public areas

Continuing Education Requirements

Florida Laws and Rules: 64B32-6.001

Purpose

- Why do we have to do continuing education?
- The Legislature and Board determined that competency in delivery of respiratory care services is enhanced by continuous updating of knowledge and skills
- Continuing education is required as a condition for renewal of licensure of all respiratory care licensees

Definitions: 64B32-6.002

- "Continuing Education" – Planned offerings designed to enhance learning and promote the continued development of knowledge, skills and attitudes consistent with contemporary standards for the individual's respiratory care practice
- "Academic Quarter Credit Hour" – 10 hours
- "Academic Semester Credit Hour" – 15 hours
- "Approve" – Acceptable to the Board
- "Biennium" – Time period of 2 calendar years, as designated by the Department
- "Hour" – Minimum of 50 minutes
- "1/2 or .5 Hour" – Minimum of 25 minutes

Continuing Education Requirements

- Each licensee must submit proof of participation in appropriate continuing education totaling 24 hours
- BLS training does not count as continuing education
- No more than 5 hours can be on courses focusing on risk management
- If you have licenses in multiple states, Florida allows you to use the same CE courses you submitted in the other state, provided that they meet the Florida criteria for CE

Types of Credits Required

- Florida Laws and Rules – 2 Hours
  - Licensees may earn up to 8 CE hours by attending meetings of the Board of Respiratory Care, but no more than 2 of those will be credited under the Florida Laws and Rules requirement
- Prevention of Medical Errors – 2 Hours
  - Offered on our website
  - Preventing Medical Errors 1 and 2
- HIV/AIDS – At least 3 hours but no more than 5
  - For initial renewal only
  - Optional for subsequent renewals

Approved Credits

- Licensees must retain receipts, vouchers, certificates, or other papers that may be necessary to document completion of the CE offerings listed on the renewal form for at least 4 years from the date the course was taken

- Excluding recertification, review, refresher, or preparatory courses, CE hours will be awarded for:
  - Attendance at offerings that are approved by:
    - The American Association of Respiratory Care (AARC)
    - The Florida Society for Respiratory Care
    - The Accreditation Council for Continuing Medical Education
    - American College of Cardiology, American College of Chest Physicians
    - National Society for Cardiopulmonary Technologists
    - American Heart Association
    - American and Florida Nurses Associations

Approved Credits

- Excluding recertification, review, refresher, or preparatory courses, CE hours will be awarded for:
  - Attendance at offerings approved by the Commission on Accreditation for Respiratory Care (CoARC)
  - Successful completion, for the first time, of any college or university course if such course is part of the curriculum within an accredited respiratory therapy program, up to the maximum hours
  - Successful completion of the following certification classes, up to a maximum total of 16 hours
    - ACLS
    - NRP
    - PALS
    - Any course offered by the NBRC

Approved Credits

- Successful completion of the following recertification classes, up to a maximum of 8 hours
  - ACLS
  - NRP
  - PALS
- Attendance at scheduled public meetings of the Board, at which disciplinary hearings are conducted and the licensee has not been required by the Board to appear – up to a maximum of 8 CE hours in risk management

Approved Credits

- Credit for 2 hours will be awarded for completion of a FEMA Emergency Management/Preparedness CE course approved by FEMA
- If you present your own CE courses, we recommend you review 64B32-6.004, Section 4
- The Board will make exemptions from the CE requirements, involving a waiver of part or all of the hours or an extension of time to complete them upon a finding of good cause by majority vote of the Board following receipt of a written request for exemption based upon emergency or hardship

AIDS Education

- In the initial renewal, at least 3 CE hours of HIV/AIDS education are required
  - To receive Board approval, courses on HIV/AIDS must be at least 1 hour and include the following subject areas
    - Modes of transmission
    - Infection control procedures
    - Clinical management
    - Prevention
    - Current Florida law on AIDS and the impact on testing, confidentiality, and treatment
    - This course may be home study/self-directed

Medical Errors

- Each licensee must complete a Board approved 2 hour CE course relating to the prevention of medical errors

- Course should include:
  - Medication errors
  - Missed treatments
  - Documentation errors
  - Equipment errors
  - Patient errors
  - Communication errors

- See FYI link for article "Florida Hospital Accused of Covering Up Medical Error to Avoid Lawsuit"

CE Requirements for Reactivation of License

- Documented proof of completion of 24 hours of CEs, including medical error prevention
- Documented proof of 12 hours of approved continuing education for each year the license was inactive

Payment or Reimbursement by Hospitals

- Hospitals are not required to pay for or reimburse the costs of compliance, including the costs of continuing education

Continuing Education & CE Broker

- The Department's Continuing Education Tracking system is powered by CE Broker

- Two options in CE Broker:
  - Free "Just the Basics" Account – provides all the necessary tools for you to comply with the departments reporting requirements
    - You can view your basic course history – including course name, educational provider name, date of completion and hours reported
    - It is up to you to determine whether all of the courses that have been reported will complete all of your CE requirements
    - You can also self-report any continuing education that may be missing

Continuing Education & CE Broker

- Two options in CE Broker:
  - Professional Account (Paid Subscription, Optional) – Provides you with all of the tracking tools that CE Broker offers
  - Transcript displays what your specific CE requirements are and calculates what requirements have been met and what is still outstanding
  - Can be a useful tool in managing your Florida CE requirements if you choose to subscribe
  - Offered in a 7 day trial

FAQ for CE Broker

- Is my CE information in the electronic CE tracking system a public record?
  - Yes, it is public record.
- How will I know what has been reported?
  - You will be able to view your course history free of charge when you log in.
- Do I have to wait until the license renewal period to report my CE credits to the electronic tracking system?
  - No, you can report your hours at any time during the biennium.

Probable Cause and Related Matters

Florida Laws and Rules: 64B32-7.001

Probable Cause Panel

- The Board enters final orders in disciplinary cases against respiratory therapists
- The determination of probable cause to issue an administrative complaint against an RT will be made by the Probable Cause Panel of the Board
- The Chair of the Board appoints at least two people (at least one current Board member, and either a current or previous member of the Board) to the probable cause panel and designates its chair
- If a Board member has reviewed a case as a member of the Probable Cause Panel, that member, if available, will be on the panel for reconsideration of that case if reconsideration is requested by the prosecutor

Mediation

Florida Laws and Rules: 64B32-5.006

What is mediation?

- "Mediation" is a process where a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint
- It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement
- When an offense subject to mediation is also a citation violation, the mediator shall be informed regarding the citation penalty for the offense

What is appropriate for mediation?

- The Board designates the following as being appropriate for mediation:
  - Failure to respond to a continuing education audit
  - Failure to notify the Department of a change of address
  - Issuance of a bad check to the Department
  - Violation of continuing education requirements
  - Unprofessional conduct violations
  - Exercising influence on a patient to exploit the patient for financial gain
  - Failure to pay required fees/fines in a timely manner

Citations

Florida Laws and Rules: 64B32-5.007

Citations

- There are certain violations where there is no substantial threat to the public health, safety, and welfare
- If there is a substantial threat, such potential harm has been removed prior to the issuance of the citation
- All citations include a requirement that the subject correct the violation, if remediable, within a specific period of time, max 90 days

Citations – Continuing Education

- Violations of CE requirements are to be completed within 90 days of the date of filing of the final order
  - Licensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued
  - Prior to renewing for the next biennium, all CE requirements from the previous biennium must be completed
  - Failure to document HIV/AIDS CE results in a fine of $100
  - Documentation of some but not all of the 24 hours of CEs results in a charge of $50 per hour not documented

Citations

- Fine for unprofessional conduct is $300
- Failure to notify the Board of current address - $50 fine
- Failure to keep written respiratory care records justifying the action taken on only one patient - $100 fine
- Circulating misleading advertising - $500 fine
- Exercising influence on patient for financial gain by promoting or selling services, goods, appliances or other drugs - $1,000 fine
- Failure to submit compliance documentation after receipt of CE audit notification - $150 fine
- Returned check due to insufficient funds - $150
- Failure to pay fines or fees in a timely manner - $150

Treatment Programs for Impaired Practitioners

Florida Laws and Rules: 456.076

Treatment Programs for Impaired Practitioners

- PRN – Professionals Resource Network
- One of the two programs designated as the State of Florida's Impaired Practitioners Program
- Serves as Consultant to the Department of Health on matters resulting to practitioner impairment
- Mission Statement: To protect the health, safety, and welfare of the public, while also supporting the health and integrity of Florida's healthcare and other professionals

PRN – Advantages of Monitoring

- Protection of public safety
- Improved prognosis for recovery
- Assurance of high quality treatment by experienced providers
- Advocacy with regulatory agencies, employers, insurance plans

What is Impairment?

- The condition of being unable to perform one's professional duties and responsibilities in a reasonable manner and consistent with professional standards
- Cognitive function, judgment, reaction time, and ability to handle stress are increasingly affected
- As impairment progresses the potential for compromised patient care increases

What is Impairment?

- Impairment may result from dependence or use of mind or mood altering substances, distorted thought processes resulting from mental illness or physical condition, or disruptive social tendencies
- Coworkers and Staff of impaired professionals often feel frustrated and helpless
- Staff morale and performance tend to deteriorate while the impaired professional becomes more impaired
- Associated problems usually stay unresolved without effective intervention and treatment of impairment and its cause

What signs indicate impairment?

- Compiling a definitive list is impossible – but co-workers, friends and family may generally notice when "something is up"
- Increased absenteeism which may be more pronounced following weekends, holidays, or scheduled days off
- Subtle changes in behavior or appearance
- Mood swings or personality changes
- They may disproportionately overreact in situations that were handled appropriately in the past

What should I do if I suspect a professional is impaired?

- Any person suspecting impairment of a professional's ability to provide safe care may make a report to PRN and/or the Department of Health

- Referrals of individuals occur through various avenues, including self, hospitals, group practices, individual partners, staff, patients, family, friends and others

How does the evaluation and treatment process work?

- Upon referral of an individual with a suspected illness, and given sufficient evidence, the individual is required to undergo an independent evaluation with a Department Approved Provider (DAP)

- In those cases where there is a recommendation for treatment following evaluation, PRN will offer 3 options for a DAP
  - Selection will be made based on the illness identified, type of treatment needed, intensity of treatment required and the geographic location
  - Treatment modalities will vary from office follow-up for medication management and/or therapy to extended residential treatment for several months

Future Practice and Licensure

- Initially, the participant may be required to refrain from practice during evaluation and any resulting treatment
  - May resume when given authorization to do by PRN
  - Approval to return is based upon recommendations from approved treatment providers in consultation with PRN staff
  - Practice limitations are often required during the early phase of return to practice

Does PRN protect Practitioner's license?

- Participants will receive support as long as they are in compliance with the recommendations of the program in the evaluation, treatment, and monitoring phases
- PRN will work with hospitals, practice partners, insurance carriers, HMOs, disability carriers, DEA, criminal courts, other state impairment programs, and licensing agencies

Penalties for Non-Compliance

- Termination of PRN contract
  - Penalty: Reprimand to revocation, plus an administrative fine from $250 to $2,000

Summary and Review

Florida Laws and Rules

Purpose and Intent

- Purpose: To provide for the licensure of persons who deliver respiratory care services and who meet certain requirements

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The Board

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  - Has been granted licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services in another state or country
  - Has submitted a proper application
  - Has paid the requisite fees

Licensure Requirements

- You must keep an updated address on file with the Board
- Fees for initial licensure, renewals, and other various fees

Disciplinary Guidelines

- When determining the appropriate disciplinary action to be imposed, the board will also consider the following factors:
  - The actual damage, physical or otherwise, to the patient
  - The deterrent effect of the penalty imposed
  - The effect of the penalty upon the applicant's or licensee's livelihood
  - Any efforts for rehabilitation
  - Any other mitigating or aggravating circumstances

Violations and Range of Penalties

- Attempting to obtain a license by bribery, fraud, or through an error of the Department or Board
- Actions taken against license by another jurisdiction
- Guilt of crime directly relating to practice or ability to practice
- False, deceptive, or misleading advertising
- Unprofessional conduct
- Unlicensed practice
- Practicing beyond competence level
- Malpractice
- Exercising influence or engage patient in sex

Reporting to the Board

- Section 456.072(1)(x) – Provides that failing to report to the Board, or the Department if there is no Board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction constitutes grounds for discipline by the Board of Respiratory Care

- Extremely important

- People may be convicted of crimes that do not subject you to revocation and you could face lighter disciplinary actions, such as 'obligations imposed' or required fines

- There have been cases where the practitioner was only required to pay a fine after not reporting the conviction, but because they failed to do so or failed to respond to the Board their license was revoked

Fines

- All fines imposed by the Board must be paid within 30 days from the date of the final order entered by the Board, unless the final order extends the deadline in any given case

Continuing Education Requirements

- The Legislature and Board determined that competency in delivery of respiratory care services is enhanced by continuous updating of knowledge and skills
- Continuing education is required as a condition for renewal of licensure of all respiratory care licensees
- Each licensee must submit proof of participation in appropriate continuing education totaling 24 hours
- BLS training does not count as continuing education
- No more than 5 hours can be on courses focusing on risk management

Continuing Education Requirements

- Florida Laws and Rules – 2 Hours
  - Licensees may earn up to 8 CE hours by attending meetings of the Board of Respiratory Care, but no more than 2 of those will be credited under the Florida Laws and Rules requirement
- Prevention of Medical Errors – 2 Hours
- HIV/AIDS – At least 3 hours but no more than 5
  - Initial renewal only

Treatment Programs for Impaired Practitioners

- PRN – Professionals Resource Network
- Protection of public safety
- Improved prognosis for recovery
- Assurance of high quality treatment by experienced providers
- Advocacy with regulatory agencies, employers, insurance plans

References

- Board of Respiratory Care Laws and Rules. (2019, January). Retrieved March 25, 2019, from https://floridasrespiratorycare.gov/forms/laws-and-rules-booklet.pdf
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- Florida Board of Respiratory Care. (n.d.). Florida Board of Respiratory Care - Licensing, Renewal, Resources, Meetings and Information. Retrieved March 25, 2019, from https://floridasrespiratorycare.gov/