

Smith Seminars
Online Continuing Education
AARC-Approved for 2 CRCE
Florida Rules and Laws

Objectives

- Learn the requirements for Florida respiratory therapists, including the mandatory Laws and Rules requirement.
- Understand the renewal process for the Florida respiratory care license including continuing education requirement and fees.
- Learn the laws of the Florida Board of Respiratory Care and the Florida Department of Health pertaining to licensed respiratory therapists.
- Become familiar with the disciplinary grounds and actions including violations and recommended range of penalties.

In order for the Florida Respiratory Therapist to be eligible for licensure by the board, an applicant must be an active “certified respiratory therapist” or an active “registered respiratory therapist” as designated by the National Board for Respiratory Care, or its successor.

When renewal of the Respiratory Therapy license is being planned, requirements are as follows:
To ensure you receive your renewal notification from the department, your current mailing address must be on file. Failure to renew an active or inactive license by the expiration date will result in the license being placed in delinquent status. Failure by a delinquent licensee to renew before the expiration of the current licensure cycle renders the license null and void without any further action by the board or the department.

Licensees requesting to reactivate their license from inactive or retired status are required to pay additional fees and comply with specific continuing education requirements. Please contact the board office at info@floridasrespiratorycare.gov to request your reactivation requirements.

Military Exemption: To receive an exemption from the renewal requirements, please provide a copy of your orders which provides the beginning and end date of your current enlistment or a copy of your spouse’s orders. If you are a Commissioned Officer, you may provide a letter from your commanding officer that reflects the length of your contract with a beginning and end date to fulfill this requirement.

Renewal Fees

BEFORE your license

expires:

Active to Active - \$125.00
Inactive to Inactive - \$55.00
Active to Inactive - \$55.00
Inactive to Active - \$175.00
Active to Retired - \$55.00
Inactive to Retired - \$55.00

AFTER your license expires:

Active to Active - \$245.00
Inactive to Inactive - \$175.00
Active to Inactive - \$210.00
Inactive to Active - \$330.00
Active to Retired - \$210.00
Inactive to Retired - \$210.00

120-day Notified Delinquent:

Active to Active - \$370.00
Inactive to Inactive - \$230.00
Active to Inactive - \$300.00
Inactive to Active - \$350.00
Active to Retired - \$300.00
Inactive to Retired - \$230.00

Licenses become Null & Void (The licensed practitioner failed to renew their licensure status for two renewal cycles, resulting in their license expiring) on June 1 after the current renewal year.

By submitting the appropriate renewal fees to the department, a licensee acknowledges compliance with all requirements for renewal, including continuing education.

A licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements.

You may renew online if you have a credit or debit card to complete the transaction. Please note that you can now renew online, print a copy of your application summary and mail it with your cashier's check or money order to: Division of Medical Quality Assurance, P.O. Box 6320, Tallahassee, FL 32314-6320. If you are renewing your license after the expiration date and your status still indicates Clear/Active, you will be assessed a delinquency fee. The delinquency fee will be in addition to your renewal fees.

If your license was Delinquent/Active before the renewal deadline, it will be moved to Null and Void status after the renewal deadline. You should contact your board office for further instruction.

The process of renewing a license and receiving a printed license in the mail may take 7-10 business days. Initiating contact to confirm the receipt of fees or the status of your license prior to this time will not expedite the renewal process.

Do not submit certificates of completion of in-service hours to the Florida Board of Respiratory Care.

Continuing Education Requirements: Total 24 Hours

20 General Hours

2 Medical Errors - Mandatory for all licensees: 2 hours in a board-approved continuing education course.

2 Laws and Rules - Mandatory for all licensees: 2 credit hours.

Licensees may earn up to 8 continuing education hours per biennium by attending meetings of the Board of Respiratory Care, but no more than 2 of those hours will be credited to satisfying the Florida laws and rules requirement.

As of August 3, 2016, home study/online courses are no longer limited to 12 hours starting the 2017 renewal biennium. All courses, including home study/online courses, must be completed by an approved respiratory care provider. Live courses are still acceptable, available and are not limited, but are not mandatory starting 2017 renewal biennium. Home study/online self-study courses are no longer limited per renewal.

If you are delinquent or reactivating your license you will be required to meet the prior biennium requirements for the previous cycles, before reactivating or renewal of your license.

First Biennium Renewal: Respiratory Therapists renewing a license for the first time and were issued the license in the second half of the biennium (on or after June 1, even year) are exempt from general continuing education. You are only required to complete 2 hours on prevention of medical errors, 2 hours on laws and rules, and the 3 hours on HIV/AIDS, the first time renewing. (The 3 hours HIV/AIDS is for the first renewal only requirement). All continuing education requirements must be met for each biennium thereafter. This board approves any HIV/AIDS course approved by any Board within the Division of Medical Quality Assurance of the Department of Health.

Respiratory Therapists renewing a license for the first time and were licensed in the first half of the biennium (from 6/1/odd year to 5/31/second odd year) are required to complete all 24 hours as stated above, including the 3 hours on HIV/AIDS, for the first only.

If you are changing your status from CRT to RRT, regardless of when the license is issued, you are not exempt from the continuing education requirements.

Other Methods of Obtaining Continuing Education per Biennium:

- Licensees may earn up to 8 hours of continuing education for attending a public meeting of the Board – but no more than 2 hours can be credited for laws and rules
- College or university courses in respiratory care program
- ACLS, PALS and Neonatal resuscitation certification or any course offered/credential by the NBRC during the biennium (maximum of 16 hours)
- ACLS, PALS and Neonatal resuscitation recertification classes (maximum of 8 hours)
- Successful completion of the National Board of Respiratory Care re-credentialing exam
- Continuing education may be awarded to a lecturer or an author presenting an initial course approved by the Board (maximum of 12 hours)
- Members of the Board's Probable Cause Panel (may earn medical errors and 3 general hours for serving on the panel)

BLS training does not count as CE credit for any of the 24 hours.

The renewal process may be completed online at <http://flhealthsource.gov/mqa-services>

CE Broker is the official continuing education tracking system for the Florida Department of Health. Healthcare professionals in Florida must create accounts in CE Broker to demonstrate continuing education compliance to the Florida Department of Health. The website for CE Broker is <https://www.cebroker.com>

An applicant who has not practiced respiratory care for 2 years or more must complete a Board-approved comprehensive review course within two (2) years immediately prior to the filing of the licensure application or be recertified in the level in which he or she is applying to practice in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which include, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:

Patient assessment 3 hours; Hemodynamics 2 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; and General respiratory care (including medication) 1 hour.

A retired status licensee for less than five years may change to active status provided:

A licensee pays any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status. A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT). A licensee must meet the continuing education requirements for each biennium the licensee was in retired status.

A licensee must take a medical errors course.

A retired status licensee for five years or more may change to active status provided:

A licensee pays any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status. A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT). A licensee must meet the continuing education requirements for each biennium the licensee was in retired status. A licensee is required to provide evidence of attendance of a Board-approved comprehensive review course, within six months prior to reactivation of a license, in order to ensure that he or she has the sufficient skills to re-enter the profession. A licensee must take a medical errors course.

Board-approved comprehensive course means any course or courses which include, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:
Patient assessment 3 hours; Hemodynamics 2 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; and General respiratory care (including medication) 1 hour.

Purpose and Intent:

The purpose in enacting this part is to provide for the licensure of persons who deliver respiratory care services and who meet certain requirements. The delivery of respiratory care services by persons licensed pursuant to this part shall not be construed to permit the practice of medicine.

It is the finding of the Legislature that the delivery of respiratory care services by unskilled and incompetent persons presents a danger to the public health and safety. Because it is difficult for the public to make informed choices related to respiratory care services and since the consequences of wrong choices can seriously endanger public health and safety, it is the intent of the Legislature to prohibit the delivery of respiratory care services by persons who are determined to possess less than minimum competencies or who otherwise present a danger to the public.

It is the intent of the Legislature that the department regulates blood gas laboratories and that the supervision of healthcare practitioners performing blood gas analysis and specimen collection for the purpose of such analysis be specified in rules pursuant to the applicable practice act. Further, it is the intent of the Legislature that personnel licensed pursuant to this part shall be exempt from the licensure provisions of chapter 483 (Health Testing Services). (Title XXXII, Chapter 468, Part V, Respiratory Therapy 468.351)

Board of Respiratory Care Powers and Duties:

The board is authorized to establish minimum standards for the delivery of respiratory care services and to adopt those rules necessary. The board may administer oaths, summon witnesses, and take testimony in all matters relating to its duties. The board may adopt rules to administer this part, including rules governing the investigation, inspection, and review of schools and colleges that offer courses in respiratory care in order to ascertain their compliance with standards established by the board or appropriate accrediting agencies. (468.353)

Board of Respiratory Care Organization and Function:

There is created within the department, the Board of Respiratory Care, composed of seven members appointed by the Governor and confirmed by the Senate.

The board shall include: A registered respiratory therapist; A 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 are residents of this state and have never been licensed as healthcare practitioners.

Each respiratory care professional 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.

No member shall serve for more than two consecutive terms. Any time there is a vacancy to be filled, all professional organizations dealing with respiratory therapy incorporated within the state as not for profit which register their interest shall recommend at least twice as many persons to fill the vacancy as the number of vacancies to be filled, and the Governor may appoint from the submitted list, in his or her discretion, any of those persons so recommended. The Governor shall, insofar as possible, appoint persons from different geographical areas.

To achieve staggering of terms, the Governor shall appoint the board members as follows:

1. Two members shall be appointed for terms of 2 years.
2. Two members shall be appointed for terms of 3 years.
3. Three members shall be appointed for terms of 4 years.

The board shall annually elect from among its members a chair and vice chair.

The board shall meet at least twice a year and shall hold additional meetings as are deemed necessary. Four members of the council constitute a quorum.

Unless otherwise provided by law, a board member shall be compensated \$50 for each day he or she attends an official board meeting and for each day he or she participates in any other board business. A board member shall also be entitled to reimbursement for expenses. Travel out of the state shall require the prior approval of the State Surgeon General.

The board may recommend to the department a code of ethics for those persons licensed pursuant to this part. (468.354)

Licensure Requirements:

To be eligible for licensure by the board, an applicant must be an active "certified respiratory therapist" or an active "registered respiratory therapist" as designated by the National Board for Respiratory Care, or its successor. (468.355)

Licensure by Endorsement:

Licensure as a certified respiratory therapist shall be granted by endorsement to an individual who holds the "Certified Respiratory Therapist" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

Licensure as a registered respiratory therapist shall be granted by endorsement to an individual who holds the "Registered Respiratory Therapist" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

An individual who has been granted licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services in another state or country may petition the board for consideration for licensure in this state and, upon verification by oath and submission of evidence of licensure, certification, registration, or other authority acceptable to the board, may be granted licensure by endorsement.

Licensure shall not be granted by endorsement as provided in this section without the submission of a proper application and the payment of the requisite fees therefor. (468.358)

Assumption of Title and Use of Abbreviations:

Only persons who are licensed as respiratory care practitioners have the right to use the title "Respiratory Care Practitioner" and the abbreviation "RCP." Only persons who are licensed as registered respiratory therapists have the right to use the title "Registered Respiratory Therapist" and the abbreviation "RRT" when delivering services. Only persons who are licensed as certified respiratory therapists have the right to use the title "Certified Respiratory Therapist" and the abbreviation "CRT" when delivering services. (468.359)

Current Address:

Every licensee shall file with the department the licensee's current residence address as defined by board rule. (468.36)

Renewal of Licensure; Continuing Education:

The department shall provide by rule a method for the biennial renewal of licensure at fees set by the board. The board shall prescribe by rule continuing education requirements, not to exceed 24 hours biennially, as a condition for renewal of licensure. The program criteria with respect thereto shall be approved by the board. The board shall approve continuing education courses which may be accepted in meeting the requirements of this part. Providers of such courses shall also be approved by the board.

The board may make exceptions from the requirements of this section in emergency or hardship cases. (468.361)

Reactivation of Licensure; Continuing Education:

The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the license was inactive. (468.363)

Fees; Establishment; Disposition:

(1) The board shall establish by rule fees for the following purposes:

- (a) Application, a fee not to exceed \$50.
- (b) Initial licensure, a fee not to exceed \$200.
- (c) Renewal of licensure, a fee not to exceed \$200 biennially.
- (d) Renewal of inactive licensure, a fee not to exceed \$50.
- (e) Reactivation, a fee not to exceed \$50.

(2) The fees established pursuant to subsection (1) shall be based upon the actual costs incurred by the department in carrying out its responsibilities under this part.

(3) All money collected by the department under this part shall be deposited as required by Section 456.025. (468.364)

Disciplinary Grounds and Actions:

The following acts constitute grounds for denial of a license or disciplinary action:

Procuring, attempting to procure, or renewing a license as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

Having licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of licensure, certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.

Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so.

Such reports or records include only those reports or records which require the signature of a respiratory care practitioner or respiratory therapist.

Circulating false, misleading, or deceptive advertising.

Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board in rules adopted.

Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

Willfully failing to report any violation.

Violating a lawful order of the board or department previously entered in a disciplinary hearing.

Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive license.

Permitting, aiding, assisting, procuring, or advising any person who is not licensed.

Failing to perform any statutory or legal obligation placed upon a respiratory care practitioner or respiratory therapist licensed.

Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.

Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist with similar professional training as being acceptable under similar conditions and circumstances.

Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of healthcare goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies.

The provisions shall not be construed to prevent the licensee from receiving a fee for professional consultation services.

Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity.

A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.

Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other licensees within the community.

Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.

Failing to keep written respiratory care records justifying the reason for the action taken by the licensee.

Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

Performing professional services which have not been duly ordered by a physician and which are not in accordance with protocols established by the hospital, other healthcare provider, or the board.

Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. The department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of the examination shall be borne by the licensee being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against her or him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent delivery of respiratory care services with reasonable skill and safety to her or his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.

Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

The board may enter an order denying licensure or imposing any of the penalties against any applicant for licensure or licensee who is found guilty of violating any provision of this section

The board shall not reinstate licensure, or cause a license to be issued to a person it has deemed unqualified, until such time as it is satisfied that such person has complied with all the terms and conditions set forth in the final order and that the respiratory care practitioner or respiratory therapist is capable of safely engaging in the delivery of respiratory care services.

The board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a license. (468.365)

Penalties for Violations:

It is a violation of law for any person, including any firm, association, or corporation, to:

Sell or fraudulently obtain, attempt to obtain, or furnish to any person a diploma, license, or record, or aid or abet in the sale, procurement, or attempted procurement thereof. Deliver respiratory care services, as defined by this part or by the rule of the board, under cover of any diploma, license, or record that was illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation. Deliver respiratory care services, as defined by this part or by the rule of the board, unless such person is duly licensed to do so under the provisions of this part or unless such person is exempted. Use, in connection with his or her name, any designation tending to imply that he or she is a respiratory care practitioner or a respiratory therapist, duly licensed, unless he or she is so licensed. Advertise an educational program as meeting the requirements of this part, or conduct an educational program for the preparation of respiratory care practitioners or respiratory therapists, unless such program has been approved by the board. Knowingly employ unlicensed persons in the delivery of respiratory care services, unless exempted by this part. Knowingly conceal information relative to any violation. Any violation of this section is a felony of the third degree. (468.366)

Injunctive relief:

The department may, in its discretion, in lieu of or in addition to any remedy set forth in this part, file a proceeding in the name of the state seeking issuance of a restraining order, an injunction, or a writ of mandamus against any person who is or has been violating any of the provisions of this part or the lawful rules, orders, or subpoenas of the department or board. (468.367)

Exemptions:

This part may not be construed to prevent or restrict the practice, service, or activities of:

Any person licensed in this state by any other law from engaging in the profession or occupation for which he or she is licensed. Any legally qualified person in the state or another state or territory who is employed by the United States Government or any agency thereof while such person is discharging his or her official duties. A friend or family member who is providing respiratory care services to an ill person and who does not represent himself or herself to be a respiratory care practitioner or respiratory therapist. An individual providing respiratory care services in an emergency who does not represent himself or herself as a respiratory care practitioner or respiratory therapist. Any individual employed to deliver, assemble, set up, or test equipment for use in a home, upon the order of a physician licensed. This does not, however, authorize the practice of respiratory care without a license. Any individual certified or registered as a pulmonary function technologist who is credentialed by the National Board for Respiratory Care for performing cardiopulmonary diagnostic studies. Any student who is enrolled in an accredited respiratory care program approved by the board, while performing respiratory care as an integral part of a required course. The delivery of incidental respiratory care to noninstitutionalized persons by surrogate family members who do not represent themselves as registered or certified respiratory care therapists. Any individual credentialed by the Underseas Hyperbaric Society in hyperbaric medicine or its equivalent as determined by the board, while performing related duties. This does not, however, authorize the practice of respiratory care without a license. (468.368)

Payment or reimbursement by hospitals of costs of compliance with part:

A hospital shall not be required to pay for or reimburse any person for the costs of compliance with any of the requirements of this part, including costs of continuing education. (468.369)

Chapter 64B32-1 Board of Respiratory Care – Organization, Procedures, and General Provisions

Address of Licensee

Each person holding a license issued 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. Within 60 days of changing either address, whether or not within this state, the licensee shall notify the Department by serving written notification of the new address to the Board. (64B32-1.006)

Attendance at Board Meetings.

Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member's family, or other 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 in subsection (1), of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification. (64B32-1.008)

Spouses of Members of Armed Forces Exemption.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time when the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board. The licensee is required to notify the Board of a change in status within six months of the licensee's return to the State of Florida or the spouse's discharge from active duty. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium. (64B32-1.010)

Public Comment.

The Board of Respiratory Care invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject 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 shall be limited to 10 minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

A member of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of three or more persons. Any person or entity appearing before the Board may use a pseudonym if he or she does not wish to be identified. (64B32-1.011)

Chapter 64B32-4 Board of Respiratory Care License Renewal and Reactivation; Inactive Licenses Fees

The biennial renewal fee for licensure shall be \$120.00.

The reactivation fee for activating an inactive license shall be \$50.00.

The renewal fee for renewing the inactive status of a license shall be \$50.00.

If a licensee wishes to request the Board or the Department to provide a duplicate license for replacement of a lost or destroyed license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of \$25.00.

In addition to all other fees collected from each licensee, there shall be a \$5.00 fee collected upon license renewal for the purpose of combating unlicensed activity.

The delinquency fee shall be \$120.00.

The change in status fee shall be \$35.00.

The retired status fee shall be \$50.00.

(64B32-4.001)

Reactivation of Retired Status License

A retired status licensee for less than five years may change to active status provided:

A licensee pays any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT)

A licensee must meet the continuing education requirements for each biennium the licensee was in retired status.

A licensee must take a medical errors course.

A retired status licensee for five years or more may change to active status provided:

A licensee pays any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT)

A licensee must meet the continuing education requirements for each biennium the licensee was in retired status.

A licensee is required to provide evidence of attendance of a Board-approved comprehensive review course, within six months prior to reactivation of a license, in order to ensure that he or she has the sufficient skills to re-enter the profession.

A licensee must take a medical errors course.

Board-approved comprehensive course means any course or courses which include, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:

Patient assessment 3 hours; Hemodynamics 2 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

(64B32-4.002)

Chapter 64B32-5 Violation and Recommended Range of Penalty

Attempting to obtain a license by bribery, fraud or through an error of the Department or the Board. (Sections 468.365(1)(a), 456.072(1)(h), Florida Statutes)

First Offense - From one year probation with conditions to revocation and payment of a fine of \$250.00 to \$1,000.00.

Second Offense - From revocation with the ability to reapply and a fine from \$2,000.00 to \$6,000.00.

Third Offense - From revocation with no ability to reapply and a fine from \$6,000.00 to \$10,000.00.

However, if the violation is not through an error but is for fraud or making a false or fraudulent representation, the fine is increased to \$10,000.00 per count or offense.

Actions taken against license by another jurisdiction. (Sections 468.365(1)(b), 456.072(l)(f), Florida Statutes)

First Offense - From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation occurred in Florida to the suspension of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$300.00 to \$1,000.00. Impaired practitioners working in this state may be ordered into the PRN.

Second Offense - Same as for a first offense except a fine shall range from \$1,000.00 to \$2,000.00.

Third Offense - Same minimum as for the first offense with a maximum penalty of revocation and a fine from \$2,000.00 to \$10,000.00.

Guilt of crime directly relating to practice or ability to practice. (Sections 468.365(1)(c), 456.072(1)(c), Florida Statutes)

First Offense - From a minimum of six months probation with conditions to revocation of the license and an administrative fine ranging from \$300.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.

Second Offense - From one year suspension and \$5,000.00 fine to revocation and fine of \$10,000.00.

Willfully failing to file a report as required. (Sections 468.365(1)(d), 456.072(1)(l), Florida Statutes)

First Offense - From six months to one year probation with conditions, and an administrative fine from \$300.00 to \$1,000.00.

Second Offense - From one year probation with conditions to six months suspension and a fine from \$500.00 to \$3,000.00.

Third Offense - From one year suspension to revocation and a fine from \$3,000.00 to \$10,000.00.

However, if the offense is for fraud or for willfully making a false or fraudulent report, the fine is increased to \$10,000.00 per count or offense.

False, deceptive, or misleading advertising. (Section 468.365(1)(e), Florida Statutes)

First Offense - From reprimand to one year suspension, and an administrative fine from \$250.00 to \$1,000.00.

Second Offense - From one year probation with conditions to one year suspension and a fine from \$500.00 to \$3,000.00.

Third Offense - From one year suspension to revocation and a fine from \$3,000.00 to \$10,000.00.

Unprofessional conduct. (Section 468.365(1)(f), Florida Statutes)

First Offense - From a minimum of one year probation with conditions to revocation, and an administrative fine from \$300.00 to \$2,000.00.

Second Offense - From one year suspension to revocation and a fine from \$2,000.00 to \$10,000.00.

Controlled substances. (Section 468.365(1)(g), Florida Statutes)

First Offense - From a minimum of six months probation with conditions to revocation of the license and an administrative fine ranging from \$1,000.00 to \$5,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.

Second Offense - From one year suspension to revocation and a fine from \$5,000.00 to \$10,000.00.

Failure to report another licensee in violation. (Sections 468.365(1)(h), 456.072(1)(i), Florida Statutes)

First Offense - From a letter of concern to six months probation with conditions, and an administrative fine from \$300.00 to \$1,000.00.

Second Offense - From six months probation with conditions to one year suspension and a fine from \$500.00 to \$3,000.00.

Third Offense - From one year suspension to revocation and a fine from \$3,000.00 to \$10,000.00.

Violation of order of the Board or Department or failure to comply with the subpoena. (Sections 468.365(1)(i), 456.072(1)(q), Florida Statutes)

First Offense - From a reprimand to six months suspension, and an administrative fine from \$300.00 to \$1,000.00. For failure to comply with subpoena, \$250.00 minimum fine and ninety-day suspension and thereafter until compliance.

Second Offense - From one year suspension to revocation and a fine from \$2,000.00 to \$10,000.00.

Unlicensed practice. (Section 468.365(1)(j), Florida Statutes)

First Offense - A reprimand to six months suspension followed by one year, and probation with conditions, and an administrative fine from \$500.00 to \$1,000.00.

Second Offense - From six months suspension to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - Revocation with no ability to reapply and a fine from \$5,000.00 to \$10,000.00.

Aiding unlicensed practice. (Sections 468.365(1)(k), 456.072(1)(j), Florida Statutes)

First Offense - From a minimum of one year probation with conditions to six months suspension followed by one year of probation with conditions, and an administrative fine from \$500.00 to \$3,000.00.

Second Offense - From six months suspension followed by one year of probation with conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - From one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$6,000.00 to \$10,000.00.

Failure to perform legal obligation. (Sections 468.365(1)(l), 456.072(1)(k), Florida Statutes)

First Offense - From a reprimand to revocation, and an administrative fine from \$300.00 to \$1,000.00.

Second Offense - From one year probation with conditions to six months suspension and a fine from \$500.00 to \$5,000.00.

Third Offense - From one year suspension to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

Practicing beyond competence level. (Sections 468.365(1)(m), 456.072(1)(o), Florida Statutes)

First Offense - From reprimand to one year suspension followed by two years probation and an administrative fine from \$300.00 to \$2,000.00.

Second Offense - From six months suspension followed by one year probation with conditions to revocation and a fine from \$1,000.00 to \$10,000.00.

Third Offense - From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

Delegation of professional responsibilities to unqualified person. (Sections 468.365(1)(n), 456.072(1)(p), Florida Statutes)

First Offense - From one year probation with conditions to revocation, and an administrative fine from \$300.00 to \$1,000.00.

Second Offense - From six months suspension followed by one year of probation with conditions to revocation and a fine from \$1,000.00 to \$10,000.00.

Third Offense - From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

Malpractice. (Section 468.365(1)(o), Florida Statutes)

First Offense - From one year probation with conditions to revocation, and an administrative fine from \$500.00 to \$2,000.00.

Second Offense - From two years probation with conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - From one year suspension followed by two years probation to revocation with no ability to

reapply and a fine from \$3,000.00 to \$10,000.00.

Kickbacks or split fee arrangements. (Section 468.365(1)(p), Florida Statutes)

First Offense - From refund of fees billed and six months suspension followed by at least one year probation with conditions to revocation, and administrative fine from \$300.00 to \$3,000.00.

Second Offense - From one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$2,000.00 to \$10,000.00.

Exercising influence or engage patient in sex. (Sections 468.365(1)(q), 456.072(1)(v), Florida Statutes)

First Offense - From one year suspension followed by at least one year probation with conditions and possible referral to the PRN to revocation, and an administrative fine from \$500.00 to \$2,000.00.

Second Offense - From one year suspension followed by at least one year probation with conditions to revocation with no ability to reapply and possible referral to PRN a fine from \$1,000.00 to \$10,000.00.

Deceptive, untrue, or fraudulent representations in the practice of respiratory care.

(Sections 468.365(1)(r), 456.072(1)(a), (m), Florida Statutes)

First Offense - From a minimum of one year probation with conditions to revocation, and an administrative fine from \$10,000.00 per count or offense.

Second Offense - From two years of probation with conditions to revocation with no ability to reapply and a fine of \$10,000.00 per count or offense.

Improper solicitation of patients. (Section 468.365(1)(s), Florida Statutes)

First Offense - From a minimum of one year probation with conditions to revocation, and an administrative fine from \$300.00 to \$1,000.00.

Second Offense - From two years probation with conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

However, if the violation is for fraud or soliciting patients by making a false or fraudulent representation, the fine is increased to \$10,000.00 per count or offense.

Failure to keep written medical records. (Section 468.365(1)(t), Florida Statutes)

First Offense - From a letter of concern to one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from \$300.00 to \$1,000.00.

Second Offense - From a reprimand to two years probation with conditions and a fine from \$500.00 to \$5,000.00.

Third Offense - From six months suspension followed by one year probation to revocation and a fine from \$3,000.00 to \$10,000.00.

Exercising influence on patient for financial gain. (Sections 468.365(1)(u), 456.072(1)(n), Florida Statutes)

First Offense - From refund of fees billed and a minimum of one year probation with conditions, to two years suspension and an administrative fine from \$500.00 to \$3,000.00.

Second Offense - From refund of fees billed and two years probation with conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - From refund of fees billed and one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

Performing professional services not authorized by a physician. (Section 468.365(1)(v), Florida Statutes)

First Offense - From a reprimand to one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from \$300.00 to \$1,000.00.

Second Offense - From six months probation with conditions to revocation and a fine from \$1,000.00 to \$10,000.00.

Third Offense - From six months suspension followed by one year probation to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

Inability to practice respiratory care with skill and safety. (Sections 468.365(1)(w), 456.072(1)(z), Florida Statutes)

First Offense - From referral to PRN for submission to a mental or physical examination directed towards the problem and/or one year probation with conditions, to revocation and an administrative fine from \$100.00 to \$1,000.00.

Second Offense - From referral to PRN and/or two years of probation with conditions to revocation and a fine from \$300.00 to \$5,000.00.

Violation of this chapter, Chapter 456, Florida Statutes, or any rules adopted pursuant thereto. (Sections 468.365(1)(x), 456.072(1)(b), (dd), Florida Statutes)

First Offense - From a reprimand to revocation and a fine from \$300.00 to \$2,000.00.

Second Offense - From six months of probation with conditions to revocation and a fine from \$1,000.00 to \$10,000.00.

Third Offense - From one year of probation with conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Improper interference with investigation, inspection or discipline. (Section 456.072(1)(r), Florida Statutes)

First Offense - From six months of probation with conditions to revocation and a fine from \$500.00 to \$5,000.00.

Second Offense - From six months suspension followed by one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000.00 to \$10,000.00.

Failure to report conviction or plea. (Section 456.072(1)(x), Florida Statutes)

First Offense - From reprimand to six months suspension and a fine from \$300.00 to \$1,000.00.

Second Offense - From one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000.00 to \$10,000.00.

Wrong patient, wrong site, or wrong or unauthorized procedure. (Section 456.072(1)(bb), Florida Statutes)

First Offense - From one year probation with conditions to revocation and a fine from \$500.00 to \$2,000.00.

Second Offense - From two years probation with conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

Leaving a foreign body in a patient. (Section 456.072(1)(bb), (cc), Florida Statutes)

First Offense - From one year probation with conditions to revocation and a fine from \$500.00 to \$2,000.00.

Second Offense - From two years probation with conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000.00 to \$10,000.00.

Testing positive in a pre-employer ordered drug screen. (Section 456.072(1)(aa), Florida Statutes)

First Offense - From six months probation with referral to PRN to revocation employment condition and/or

and a fine from \$500.00 to \$2,000.00.

Second Offense - From one year probation with conditions and referral to PRN to revocation and an administrative fine from \$1,000.00 to \$10,000.00.

Termination of PRN Contract. (Section 456.072(1)(hh), Florida Statutes)

Any Offense - Reprimand to revocation, plus an administrative fine from \$250.00 to \$2,000.00.

Practicing with a delinquent, retired, or inactive status license. (Section 456.072(1)(o), Florida Statutes)

Any Offense - Reprimand to revocation, plus an administrative fine from \$2,000.00 to \$10,000.00. If fraud is shown, \$10,000.00 fine per count.

Failure to notify a patient through written or oral notice of the type of license the practitioner holds.

(Section 456.072(1)(t), Florida Statutes) First Offense - Read laws and rules and submit an affidavit attesting that the licensee has read the laws and rules.

Second Offense - A fine from \$100.00 to \$500.00.

Any felony offense classified under Chapter 409, 817, 893, Florida Statutes, or 21 U.S.C ss. 801-970, or 42 U.S.C. ss. 1395-1396. (Section 456.0635, Florida Statutes)

Any Offense - The board is prohibited from issuing or renewing a license, certificate, or registration, unless the sentence and any subsequent period of probation for such conviction or pleas ended more than 15 years prior to the date of the application.

Terminated for cause from the Florida Medicaid program pursuant to Section 409.913, Florida Statutes (Section 456.0635, Florida Statutes)

Any Offense - The board is prohibited from issuing or renewing a license, certificate, or registration, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years.

Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from any other state Medicaid program. (Section 456.0635, Florida Statutes)

Any Offense - The board is prohibited from issuing or renewing a license, certificate, or registration, unless the applicant has been in good standing with a state Medicaid program or the Federal Medicare program for the most recent 5 years and the termination occurred at least 20 years prior to the date of the application.

Willfully failing to comply with Section 627.64194 or 641.513, Florida Statutes, with such frequency as to indicate a general business practice. (Section 456.072(1)(oo), Florida Statutes)

First Offense - From refund of fees billed and a minimum of one year probation with conditions, to two years suspension and an administrative fine from \$500.00 to \$3,000.00.

Second Offense - From refund of fees billed and two years probation with Conditions to revocation and a fine from \$2,000.00 to \$10,000.00.

Third Offense - Refund of fees billed, revocation with no ability to reapply and a Fine from \$3,000.00 to \$10,000.00.

However, if the offense is for fraud, the fine is increased to \$10,000.00 per count or offense.

Payment of Fine.

All fines imposed by the Board shall be paid within thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case. (64B32-5.002)

Unprofessional Conduct; Acceptable Standards Definition.

A licensee is guilty of unprofessional conduct, which is defined as any departure from, or failure to

conform to, acceptable standards related to the delivery of respiratory care services. Some examples of unprofessional conduct shall include the following acts: 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 supervisory personnel; Providing false or incorrect information to an employer regarding the status of the certification, registration, or licensure; Failing to report another licensee in violation of the laws and/or rules pertaining to the profession; Using foul or abusive language in patient care or public areas.

Acceptable standards means 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. (64B32-5.003)

CHAPTER 64B32-7 PROBABLE CAUSE AND RELATED MATTERS

Probable Cause Panel

The Board shall enter final orders in disciplinary cases against respiratory therapists. The determination of probable cause to issue an administrative complaint against a respiratory therapist shall be made by the Probable Cause Panel of the Board.

The Chair of the Board shall appoint at least two people to the probable cause panel and shall designate its chair. The appointed people shall be either current Board members or at least one current Board member and one or more former members of the Board. If available, one member of the panel shall be a consumer member and at least one member shall be a licensed member of the profession. Once appointed, a panel shall serve for no less than six months. With regard to violations of Part V of Chapters 468 and 456, Florida Statutes, and/or the rules promulgated pursuant thereto, the determination as to whether there is probable cause that a violation has occurred shall be made by a majority vote of the Probable Cause Panel of the Board.

The Chair of the Board may make temporary appointments to the panel as necessary to conduct the business of the panel in the absence or unavailability of a regularly appointed panel member.

If a Board member has reviewed a case as a member of the Probable Cause Panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is requested by the prosecutor. (64B32-7.001)

Hepatitis B or HIV carriers:

The department and each appropriate board within the Division of Medical Quality Assurance shall have the authority to establish procedures to handle, counsel, and provide other services to healthcare professionals within their respective boards who are infected with hepatitis B or the human immunodeficiency virus.

Any person licensed by the department and any other person employed by a healthcare facility who contracts a blood-borne infection shall have a rebuttable presumption that the illness was contracted in the course and scope of his or her employment, provided that the person, as soon as practicable, reports to the person's supervisor or the facility's risk manager any significant exposure to blood or body fluids.

The employer may test the blood or body fluid to determine if it is infected with the same disease contracted by the employee. The employer may rebut the presumption by the preponderance of the evidence. (Health Professions and Occupations: General Provisions under Title XXXIII, Chapter 456456.032)

Requirement for instruction for certain licensees on HIV and AIDS:

Each person shall be required by the appropriate board to complete no later than upon first renewal a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and

prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification.

Each person shall submit confirmation of having completed the course required on a form as provided by the board when submitting fees for first renewal.

The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements. Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing education requirements as required by law.

Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

Failure to comply with the above requirements shall constitute grounds for disciplinary action. In addition to discipline by the board, the licensee shall be required to complete the course. (456.033)

Duty to notify patients:

Every licensed healthcare practitioner shall inform each patient, or an individual identified, in person about adverse incidents that result in serious harm to the patient. Notification of outcomes of care that result in harm to the patient under this section shall not constitute an acknowledgment of admission of liability, nor can such notifications be introduced as evidence. (456.0575)

Practitioner disclosure of confidential information; immunity from civil or criminal liability:

A practitioner regulated through the Division of Medical Quality Assurance of the department shall not be civilly or criminally liable for the disclosure of otherwise confidential information to a sexual partner or a needle-sharing partner under the following circumstances:

If a patient of the practitioner who has tested positive for human immunodeficiency virus discloses to the practitioner the identity of a sexual partner or a needle-sharing partner;

The practitioner recommends the patient notify the sexual partner or the needle-sharing partner of the positive test and refrain from engaging in sexual or drug activity in a manner likely to transmit the virus and the patient refuses, and the practitioner informs the patient of his or her intent to inform the sexual partner or needle-sharing partner; and if pursuant to a perceived civil duty or the ethical guidelines of the profession, the practitioner reasonably and in good faith advises the sexual partner or the needle-sharing partner of the patient of the positive test and facts concerning the transmission of the virus.

However, any notification of a sexual partner or a needle-sharing partner pursuant to this section shall be done in accordance with protocols developed pursuant to rule of the Department of Health.

Notwithstanding the foregoing, a practitioner regulated through the Division of Medical Quality Assurance of the department shall not be civilly or criminally liable for failure to disclose information relating to a positive test result for human immunodeficiency virus of a patient to a sexual partner or a needle-sharing partner. (456.061)

Sexual misconduct; disqualification for license, certificate, or registration:

Sexual misconduct in the practice of a healthcare profession means violation of the professional relationship through which the healthcare practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member, guardian, or representative of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such healthcare profession. Sexual misconduct in the practice of a healthcare profession is prohibited.

Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue a license, certificate, or registration to any applicant if the candidate or applicant has:

Had any license, certificate, or registration to practice any profession or occupation revoked or surrendered based on a violation of sexual misconduct in the practice of that profession under the laws of any other state or any territory or possession of the United States and has not had that license, certificate, or registration reinstated by the licensing authority of the jurisdiction that revoked the license, certificate, or registration; or

Committed any act in any other state or any territory or possession of the United States which if committed in this state would constitute sexual misconduct.

For purposes of this subsection, a licensing authority's acceptance of a candidate's relinquishment of a license which is offered in response to or in anticipation of the filing of administrative charges against the candidate's license constitutes the surrender of the license.

Licensed healthcare practitioners shall report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred. (456.063)

Penalty for giving false information:

In addition to, or in lieu of, any other discipline imposed, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his or her official duties, or the act of attempting to obtain or obtaining a license from the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree. (456.067)

Practitioners in default on a student loan or scholarship obligations; investigation; report:

The Department of Health shall obtain from the United States Department of Health and Human Services information necessary to investigate and prosecute healthcare practitioners for failing to repay a student loan or comply with scholarship service obligations. The department shall obtain from the United States Department of Health and Human Services a list of default healthcare practitioners each month, along with the information necessary to investigate a complaint. The department may obtain evidence to support the investigation and prosecution from any financial institution or educational institution involved in providing the loan or education to the practitioner. The department shall report to the Legislature as part of the annual report the number of practitioners in default, along with the results of the department's investigations and prosecutions, and the amount of fines collected from practitioners prosecuted for the violations. (456.0721)

Criminal proceedings against licensees; appearances by department representatives:

In any criminal proceeding against a person licensed by the department to practice a healthcare profession in this state, a representative of the department may voluntarily appear and furnish pertinent information, make recommendations regarding specific conditions of probation, or provide any other assistance necessary to promote justice or protect the public. The court may order a representative of the department to appear in any criminal proceeding if the crime charged is substantially related to the qualifications, functions, or duties of a healthcare professional licensed by the department. (456.075)

References:

1. Florida Board of Respiratory Care, Statutes and Rules, Florida Statute, Chapter 456: Health Professions and Occupations: General Provisions. 2017 Sept 16.
<http://floridasrespiratorycare.gov/renewals>
2. Florida Board of Respiratory Care, Statutes and Rules, Florida Statute, Chapter 468, Part V: Respiratory Care. 2017 Sept 16. <http://floridasrespiratorycare.gov/renewals>
3. Florida Board of Respiratory Care, Statutes and Rules, Florida Administrative Code, Rules: Chapter 64B32: Board of Respiratory Care, Florida Administrative Code. 2017 Sept 16.
<http://floridasrespiratorycare.gov/renewals>
4. Florida Board of Respiratory Care, Statutes and Rules, Florida Administrative Code, Rules: Chapter 64B: Division of Medical Quality Assurance. 2017 Sept 16.
<http://floridasrespiratorycare.gov/renewals>