

1 A bill to be entitled
2 An act relating to the Respiratory Care Interstate
3 Compact; creating s. 468.371, F.S.; enacting the
4 Respiratory Care Interstate Compact; providing purpose
5 and intent; providing definitions; requiring member
6 states to meet certain requirements to join and
7 participate in the compact; providing criteria that a
8 respiratory therapist licensee must satisfy to
9 practice under the compact; providing requirements for
10 renewal of an equivalent license in a member state;
11 providing requirements and procedures for changing a
12 home state license designation; authorizing an active
13 military member and his or her spouse to be deemed as
14 having a home state license under certain
15 circumstances; authorizing member states to impose
16 adverse actions against licensees under certain
17 circumstances; authorizing member states to
18 participate with other member states in joint
19 investigations of licensees under certain
20 circumstances; providing applicability; establishing
21 the Respiratory Care Interstate Compact Commission;
22 providing commission membership, duties, and powers;
23 providing for powers, duties, and responsibilities of
24 an executive committee; requiring the committee to
25 adopt and provide an annual report to member states;

authorizing the commission to convene in closed,
nonpublic meetings under certain circumstances;
providing for financing of the commission; providing
immunity from liability for member states under
certain circumstances; providing for the development,
maintenance, and use of a coordinated database and
reporting system; requiring member states to submit
specified information to the data system; providing
requirements for the information in the data system;
providing rulemaking procedures; providing for state
enforcement of the compact; providing for the
termination of compact membership; providing
procedures for the resolution of certain disputes;
providing compact amendment procedures; providing
construction and severability and binding effect of
the compact; amending ss. 456.076, 468.353, 468.355,
468.361, and 768.28, F.S.; conforming provisions to
changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the state of Florida:

**Section 1. Section 468.371, Florida Statutes, is created
to read:**

468.371 Respiratory Care Interstate Compact.—The
Respiratory Care Interstate Compact is hereby enacted into law

51 and entered into by this state with all other states legally
52 joining therein in the form substantially as follows:

53
54 RESPIRATORY CARE INTERSTATE COMPACT

55
56 ARTICLE I

57 PURPOSE AND INTENT
58

59 (1) The purpose of this compact is to facilitate the
60 interstate practice of respiratory therapy with the goal of
61 improving public access to respiratory therapy services by
62 providing respiratory therapists licensed in a member state the
63 ability to practice in other member states. The compact
64 preserves the regulatory authority of states to protect public
65 health and safety through the current system of state licensure.

66 (2) This compact is designed to achieve all of the
67 following objectives:

68 (a) Increase public access to respiratory therapy services
69 by creating a responsible, streamlined pathway for licensees to
70 practice in member states with the goal of improving outcomes
71 for patients.

72 (b) Enhance states' ability to protect the public's health
73 and safety.

74 (c) Promote the cooperation of member states in regulating
75 the practice of respiratory therapy within such member states.

76 (d) Ease administrative burdens on states by encouraging
77 the cooperation of member states in regulating multistate
78 respiratory therapy practice.

79 (e) Support relocating active military members and their
80 spouses.

81 (f) Promote mobility and address workforce shortages.

82
83 ARTICLE II

84 DEFINITIONS

85
86 As used in this compact, the term:

87 (1) "Active military member" means any person with a full-
88 time duty status in the Armed Forces of the United States,
89 including members of the National Guard and the United States
90 Reserve Forces.

91 (2) "Adverse action" means any administrative, civil,
92 equitable, or criminal action permitted by a state's laws which
93 is imposed by any state authority with regulatory authority over
94 respiratory therapists, such as license denial, censure,
95 revocation, suspension, probation, monitoring of the licensee,
96 or restriction on the licensee's practice, not including
97 participation in an alternative program.

98 (3) "Alternative program" means a nondisciplinary
99 monitoring or practice remediation process applicable to a
100 respiratory therapist approved by any state authority with

101 regulatory authority over respiratory therapists. This includes,
102 but is not limited to, programs to which licensees with
103 substance abuse or addiction issues are referred in lieu of
104 adverse action.

105 (4) "Charter member states" means those member states who
106 were the first seven states to enact the compact into law.

107 (5) "Commission" or "Respiratory Care Interstate Compact
108 Commission" means the government instrumentality and body
109 politic whose membership consists of all member states that have
110 enacted the compact.

111 (6) "Commissioner" means the individual appointed by a
112 member state to serve as the member of the commission for that
113 member state.

114 (7) "Compact" means the Respiratory Care Interstate
115 Compact.

116 (8) "Compact privilege" means the authorization granted by
117 a remote state to allow a licensee from another member state to
118 practice as a respiratory therapist in the remote state under
119 the remote state's laws and rules. The practice of respiratory
120 therapy occurs in the member state where the patient is located
121 at the time of the patient encounter.

122 (9) "Criminal background check" means the submission by
123 the member state of fingerprints or other biometric-based
124 information on license applicants at the time of initial
125 licensing for the purpose of obtaining that applicant's criminal

126 history record information, as defined in 28 C.F.R. s. 20.3(d)
127 or successor provision, from the Federal Bureau of Investigation
128 and the state's criminal history record repository, as defined
129 in 28 C.F.R. s. 20.3(f) or successor provision.

130 (10) "Data system" means the commission's repository of
131 information about licensees as further set forth in Article
132 VIII.

133 (11) "Domicile" means the jurisdiction which is the
134 licensee's principal home for legal purposes.

135 (12) "Encumbered license" means a license that a state's
136 respiratory therapy licensing authority has limited in any way.

137 (13) "Executive committee" means a group of directors
138 elected or appointed to act on behalf of, and within the powers
139 granted to them by, the commission.

140 (14) "Home state," except as provided in Article V, means
141 the member state that is the licensee's primary domicile.

142 (15) "Home state license" means an active license to
143 practice respiratory therapy in a home state that is not an
144 encumbered license.

145 (16) "Jurisprudence requirement" means an assessment of an
146 individual's knowledge of the state laws and regulations
147 governing the practice of respiratory therapy in such state.

148 (17) "Licensee" means an individual who currently holds an
149 authorization from the state to practice as a respiratory
150 therapist.

151 (18) "Member state" means a state that has enacted the
152 compact and been admitted to the commission in accordance with
153 this compact and commission rules.

154 (19) "Model compact" means the model for the Respiratory
155 Care Interstate Compact on file with the Council of State
156 Governments or other entity as designated by the commission.

157 (20) "Remote state" means a member state where a licensee
158 is exercising or seeking to exercise the compact privilege.

159 (21) "Respiratory therapist" or "respiratory care
160 practitioner" means an individual who holds a credential issued
161 by the National Board for Respiratory Care or its successor and
162 holds a license in a state to practice respiratory therapy. For
163 purposes of this compact, any other title or status adopted by a
164 state to replace the term "respiratory therapist" or
165 "respiratory care practitioner" is synonymous with "respiratory
166 therapist" and shall confer the same rights and responsibilities
167 to the licensee under the provisions of this compact at the time
168 of its enactment.

169 (22) "Respiratory therapy," "respiratory therapy
170 practice," "respiratory care," "the practice of respiratory
171 therapy," and "the practice of respiratory care" mean the care
172 and services provided by or under the direction and supervision
173 of a respiratory therapist or respiratory care practitioner.

174 (23) "Respiratory therapy licensing authority" means the
175 agency, board, or other body of a state that is responsible for

176 licensing and regulation of respiratory therapists.

177 (24) "Rule" means a regulation adopted by an entity that
178 has the force and effect of law.

179 (25) "Scope of practice" means the procedures, actions,
180 and processes a respiratory therapist licensed in a state or
181 practicing under a compact privilege in a state is permitted to
182 undertake in that state and the circumstances under which the
183 respiratory therapist is permitted to undertake those
184 procedures, actions, and processes. Such procedures, actions,
185 and processes, and the circumstances under which they may be
186 undertaken, may be established through means including, but not
187 limited to, statute, regulations, case law, and other processes
188 available to the state respiratory therapy licensing authority
189 or other government agency.

190 (26) "Significant investigative information" means
191 information, records, and documents received or generated by a
192 state respiratory therapy licensing authority pursuant to an
193 investigation for which a determination has been made that there
194 is probable cause to believe that the licensee has violated a
195 statute or regulation that is considered more than a minor
196 infraction for which the state respiratory therapy licensing
197 authority could pursue adverse action against the licensee.

198 (27) "State" means any state, commonwealth, district, or
199 territory of the United States.

ARTICLE IIISTATE PARTICIPATION IN THIS COMPACT

(1) In order to participate in this compact and thereafter continue as a member state, a member state shall:

(a) Enact a compact that is not materially different from the model compact.

(b) License respiratory therapists.

(c) Participate in the data system.

(d) Have a mechanism in place for receiving and investigating complaints against licensees and compact privilege holders.

(e) Notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee, a compact privilege holder, or a license applicant.

(f) Notify the commission, in compliance with the terms of this compact and commission rules, of the existence of significant investigative information.

(g) Comply with the rules of the commission.

(h) Grant the compact privilege to a holder of an active home state license and otherwise meet the applicable requirements of Article IV in a member state.

(i) Complete a criminal background check for each new licensee at the time of initial licensure. Where expressly authorized or permitted by federal law, whether such federal law

226 is in effect before, at, or after the time of a member state's
227 enactment of this compact, a member state's enactment of this
228 compact authorizes the member state's respiratory therapy
229 licensing authority to perform criminal background checks as
230 defined herein. The absence of such a federal law as described
231 in this paragraph does not prevent or preclude such
232 authorization where it may be derived or granted through means
233 other than the enactment of this compact.

234 (2) This compact does not prohibit a member state from
235 charging a fee for granting and renewing the compact privilege.

237 ARTICLE IV

238 COMPACT PRIVILEGE

239
240 (1) To exercise the compact privilege under this compact,
241 a licensee shall:

242 (a) Hold and maintain an active home state license as a
243 respiratory therapist.

244 (b) Hold and maintain an active credential from the
245 National Board for Respiratory Care, or its successor, that
246 would qualify him or her for licensure in the remote state in
247 which he or she is seeking the compact privilege.

248 (c) Have not had any adverse action against a license
249 within the previous 2 years.

250 (d) Notify the commission that he or she is seeking the

251 compact privilege within a remote state.

252 (e) Pay any applicable fees, including any state and
253 commission fees and renewal fees, for the compact privilege.

254 (f) Meet any jurisprudence requirements established by the
255 remote state in which he or she is seeking a compact privilege.

256 (g) Report to the commission any adverse action taken by
257 any nonmember state within 30 days after the date the adverse
258 action is taken.

259 (h) Report to the commission, when applying for a compact
260 privilege, the address of his or her domicile and thereafter
261 promptly report to the commission any change of address within
262 30 days after the effective date of the change in address.

263 (i) Consent to accept service of process by mail at the
264 his or her domicile on record with the commission with respect
265 to any action brought against him or her by the commission or a
266 member state, and consent to accept service of a subpoena by
267 mail at the licensee's domicile on record with the commission
268 with respect to any action brought or investigation conducted by
269 the commission or a member state.

270 (2) The compact privilege is valid until the expiration
271 date or revocation of the home state license unless terminated
272 pursuant to adverse action. The licensee must comply with all of
273 the requirements of subsection (1) to maintain the compact
274 privilege in a remote state. If those requirements are met, no
275 adverse actions are taken, and the licensee has paid any

276 applicable compact privilege renewal fees, then the licensee
277 will maintain the compact privilege.

278 (3) A licensee providing respiratory therapy in a remote
279 state under the compact privilege functions within the scope of
280 practice authorized by the remote state for the type of
281 respiratory therapist license the licensee holds. Such
282 procedures, actions, processes, and the circumstances under
283 which they may be undertaken may be established through means
284 including, but not limited to, statute, regulations, case law,
285 and other processes available to the state respiratory therapy
286 licensing authority or other government agency.

287 (4) If a licensee's compact privilege in a remote state is
288 removed by the remote state, the licensee shall lose or be
289 ineligible for the compact privilege in that remote state until
290 the compact privilege is no longer limited or restricted by that
291 state.

292 (5) If a home state license is encumbered, the licensee
293 shall lose the compact privilege in all remote states until the
294 following occur:

295 (a) The home state license is no longer encumbered.

296 (b) Two years have elapsed from the date on which the
297 license is no longer encumbered due to the adverse action.

298 (6) Once a licensee with a restricted or limited license
299 meets the requirements of subsection (5), the licensee must also
300 meet the requirements of subsection (1) to obtain a compact

301 privilege in a remote state.

303 ARTICLE V

304 ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

306 (1) An active military member, or his or her spouse, shall
307 designate a home state where the individual has a current
308 license in good standing. The individual may retain the home
309 state designation during the period the service member is on
310 active duty.

311 (2) An active military member and his or her spouse are
312 not required to pay to the commission for a compact privilege
313 any fee that may otherwise be charged by the commission. If a
314 remote state chooses to charge a fee for a compact privilege, it
315 may choose to charge a reduced fee or no fee to an active
316 military member and his or her spouse for a compact privilege.

318 ARTICLE VI

319 ADVERSE ACTIONS

321 (1) A member state in which a licensee is licensed may
322 impose adverse action against the license issued by that member
323 state.

324 (2) A member state may take adverse action based on
325 significant investigative information of a remote state or the

home state, so long as the member state follows its own
procedures for imposing adverse action.

(3) This compact does not override a member state's
decision that participation in an alternative program may be
used in lieu of adverse action and that such participation shall
remain nonpublic if required by the member state's laws.

(4) A remote state may:

(a) Take adverse actions as provided herein against a
licensee's compact privilege in that state.

(b) Issue subpoenas for both hearings and investigations
that require the attendance and testimony of witnesses and the
production of evidence.

1. Subpoenas may be issued by a respiratory therapy
licensing authority in a member state for the attendance and
testimony of witnesses and the production of evidence.

2. Subpoenas issued by a respiratory therapy licensing
authority in a member state for the attendance and testimony of
witnesses shall be enforced in the latter state by any court of
competent jurisdiction in the latter state, according to the
practice and procedure of that court applicable to subpoenas
issued in proceedings pending before it.

3. Subpoenas issued by a respiratory therapy licensing
authority in a member state for production of evidence from
another member state shall be enforced in the latter state,
according to the practice and procedure of that court applicable

351 to subpoenas issued in the proceedings pending before it.

352 4. The issuing authority shall pay any witness fees,
353 travel expenses, mileage, and other fees required by the service
354 statutes of the state where the witnesses or evidence are
355 located.

356 (c) Unless otherwise prohibited by general law, recover
357 from the licensee the costs of investigations and disposition of
358 cases resulting from any adverse action taken against that
359 licensee.

360 (d) Notwithstanding paragraph (b), a member state may not
361 issue a subpoena to gather evidence of conduct in another member
362 state that is lawful in such other member state for the purpose
363 of taking adverse action against a licensee's compact privilege
364 or application for a compact privilege in that member state.

365 (e) This compact does not authorize a member state to
366 impose discipline against a respiratory therapist's compact
367 privilege in that member state for the licensee's otherwise
368 lawful practice in another state.

369 (5) (a) In addition to the authority granted to a member
370 state by its respective respiratory therapy practice act or
371 other applicable state law, a member state may participate with
372 other member states in joint investigations of licensees,
373 provided, however, that a member state receiving such a request
374 has no obligation to respond to any subpoena issued regarding an
375 investigation of conduct or practice that was lawful in a member

376 state at the time it was undertaken.

377 (b) Member states shall share any significant
378 investigative information, litigation, or compliance materials
379 in furtherance of any joint or individual investigation
380 initiated under the compact. In sharing such information between
381 member state respiratory therapy licensing authorities, all
382 information obtained shall be kept confidential, except as
383 otherwise mutually agreed upon by the sharing and receiving
384 member states.

385 (6) This compact does not permit a member state to:

386 (a) Take any adverse action against a licensee or holder
387 of a compact privilege for conduct or practice that was legal in
388 the member state at the time it was undertaken.

389 (b) Take disciplinary action against a licensee or holder
390 of a compact privilege for conduct or practice that was legal in
391 the member state at the time it was undertaken.

392
393 ARTICLE VII

394 ESTABLISHMENT OF THE RESPIRATORY CARE

395 INTERSTATE COMPACT COMMISSION
396

397 (1) Establishment of the commission.—The member states
398 hereby create and establish a joint government agency whose
399 membership consists of all member states that have enacted the
400 compact known as the Respiratory Care Interstate Compact

401 Commission. The commission is an instrumentality of the compact
402 member states acting jointly and not an instrumentality of any
403 one state. The commission shall come into existence on or after
404 the effective date of the compact, as provided in Article XI.

405 (2) Membership, voting, and meetings.—

406 (a) Each member state shall have and be limited to one
407 commissioner selected by that member state's respiratory therapy
408 licensing authority.

409 (b) The commissioner or his or her designated staff member
410 shall be an administrator of the member state's respiratory
411 therapy licensing authority.

412 (c) The commission shall by rule or bylaw establish a term
413 of office for commissioners and may by rule or bylaw establish
414 term limits.

415 (d) The commission may recommend to a member state the
416 removal or suspension any commissioner from office.

417 (e) A member state's respiratory therapy licensing
418 authority shall fill any vacancy occurring on the commission
419 within 60 days after the vacancy.

420 (f) Each commissioner shall be entitled to one vote on all
421 matters before the commission requiring a vote.

422 (g) A commissioner shall vote in person or by such other
423 means as provided in the bylaws. The bylaws may provide for
424 commissioners to meet by telecommunication, videoconference, or
425 other means of communication.

426 (h) The commission shall meet at least once during each
427 calendar year. Additional meetings may be held as provided in
428 the bylaws.

429 (3) Powers of the commission.—The commission may:

430 (a) Establish and amend the fiscal year of the commission.

431 (b) Establish and amend bylaws and policies, including,
432 but not limited to, a code of conduct and conflict of interest.

433 (c) Establish and amend rules, which shall be binding in
434 all member states.

435 (d) Maintain its financial records in accordance with the
436 bylaws.

437 (e) Meet and take such actions as are consistent with this
438 compact, the commission's rules, and the bylaws.

439 (f) Initiate and conduct legal proceedings or actions in
440 the name of the commission, provided that the standing of any
441 respiratory therapy licensing authority to sue or be sued under
442 applicable law is not affected.

443 (g) Maintain and certify records and information provided
444 to a member state as the authenticated business records of the
445 commission and designate an agent to do so on the commission's
446 behalf.

447 (h) Purchase and maintain insurance and bonds.

448 (i) Accept or contract for services of personnel,
449 including, but not limited to, employees of a member state.

450 (j) Conduct an annual financial review.

451 (k) Hire employees, elect or appoint officers, fix
452 compensation, define duties, grant such individuals appropriate
453 authority to carry out the purposes of the compact, and
454 establish the commission's personnel policies and programs
455 relating to conflicts of interest, qualifications of personnel,
456 and other related personnel matters.

457 (l) Assess and collect fees.

458 (m) Accept any and all appropriate gifts, donations,
459 grants of money, other sources of revenue, equipment, supplies,
460 materials, and services, and receive, use, and dispose of the
461 same, provided that the commission avoids any appearance of
462 impropriety or conflict of interest.

463 (n) Lease, purchase, retain, own, hold, improve, or use
464 any property, real, personal, or mixed, or any undivided
465 interest therein.

466 (o) Sell, convey, mortgage, pledge, lease, exchange,
467 abandon, or otherwise dispose of any property, real, personal,
468 or mixed.

469 (p) Establish a budget and make expenditures.

470 (q) Borrow money in a fiscally responsible manner.

471 (r) Appoint committees, including standing committees,
472 composed of commissioners, state regulators, state legislators
473 or their representatives, and consumer representatives, and such
474 other interested persons as may be designated in this compact
475 and the bylaws.

476 (s) Provide and receive information from, and cooperate
477 with, law enforcement agencies.

478 (t) Establish and elect an executive committee, including
479 a chair, vice-chair, secretary, treasurer, and such other
480 offices as the commission shall establish by rule or bylaw.

481 (u) Enter into contracts or arrangements for the
482 management of the affairs of the commission.

483 (v) Determine whether a state's adopted language is
484 materially different from the model compact language such that
485 the state does not qualify for participation in the compact.

486 (w) Perform such other functions as may be necessary or
487 appropriate to achieve the purposes of this compact.

488 (4) The executive committee.—

489 (a) The executive committee shall have the power to act on
490 behalf of the commission according to the terms of this compact.
491 The powers, duties, and responsibilities of the executive
492 committee include:

493 1. Overseeing the day-to-day activities of the
494 administration of the compact, including enforcement and
495 compliance with the compact, commission rules and bylaws, and
496 other such duties as deemed necessary.

497 2. Recommending to the commission changes to the rules or
498 bylaws, changes to the compact legislation, fees charged to
499 compact member states, fees charged to licensees, and other
500 fees.

501 3. Ensuring compact administration services are
502 appropriately provided, including by contract.

503 4. Preparing and recommending the budget.

504 5. Maintaining financial records on behalf of the
505 commission.

506 6. Monitoring compact compliance of member states and
507 providing compliance reports to the commission.

508 7. Establishing additional committees as necessary.

509 8. Exercising the powers and duties of the commission
510 during the interim between commission meetings, except for
511 adopting or amending rules, adopting or amending bylaws, and
512 exercising any other powers and duties expressly reserved to the
513 commission by rule or bylaw.

514 9. Performing other duties as provided in the rules or
515 bylaws of the commission.

516 (b) The executive committee shall be composed of up to 9
517 members, as further provided in the bylaws of the commission:

518 1. Seven voting members who are elected by the commission
519 from the current membership of the commission.

520 2. Two ex-officio, nonvoting members.

521 (c) The commission may remove any member of the executive
522 committee as provided in the commission's bylaws.

523 (d) The executive committee shall meet at least annually.

524 1. Executive committee meetings shall be open to the
525 public, except that the executive committee may meet in a

526 closed, nonpublic meeting as provided in paragraph (6) (d).

527 2. The executive committee shall give advance notice of
528 its meetings, posted on its website and as determined to provide
529 notice to persons with an interest in the business of the
530 commission.

531 3. The executive committee may hold a special meeting in
532 accordance with paragraph (6) (b).

533 (5) Report.—The commission shall adopt and provide to the
534 member states an annual report.

535 (6) Meetings of the commission.—

536 (a) All meetings of the commission that are not closed
537 pursuant to paragraph (d) shall be open to the public. Notice of
538 public meetings shall be posted on the commission's website at
539 least 30 days before the public meeting.

540 (b) Notwithstanding paragraph (a), the commission may
541 convene an emergency public meeting by providing at least 24
542 hours' notice on the commission's website, and any other means
543 as provided in the commission's rules, for any of the reasons it
544 may dispense with notice of proposed rulemaking under subsection
545 (7) of Article IX. The commission's legal counsel shall certify
546 that one of the reasons justifying an emergency public meeting
547 has been met.

548 (c) Notice of all commission meetings shall provide the
549 time, date, and location of the meeting, and if the meeting is
550 to be held or accessible via telecommunication, video

551 conference, or other electronic means, the notice shall include
552 the mechanism for access to the meeting.

553 (d) The commission or the executive committee may convene
554 in a closed, nonpublic meeting for the commission or executive
555 committee to receive or solicit legal advice or to discuss the
556 following:

557 1. Noncompliance of a member state with its obligations
558 under the compact;

559 2. The employment, compensation, discipline, or other
560 matters, practices, or procedures related to specific employees;

561 3. Current or threatened discipline of a licensee or
562 compact privilege holder by the commission or by a member
563 state's respiratory therapy licensing authority;

564 4. Current, threatened, or reasonably anticipated
565 litigation;

566 5. Negotiation of contracts for the purchase, lease, or
567 sale of goods, services, or real estate;

568 6. Accusing any person of a crime or formally censuring
569 any person;

570 7. Trade secrets or commercial or financial information
571 that is privileged or confidential;

572 8. Information of a personal nature where disclosure would
573 constitute a clearly unwarranted invasion of personal privacy;

574 9. Investigative records compiled for law enforcement
575 purposes;

576 10. Information related to any investigative reports
577 prepared by or on behalf of or for use of the commission or
578 other committee charged with responsibility of investigation or
579 determination of compliance issues pursuant to the compact;

580 11. Legal advice;

581 12. Matters specifically exempted from disclosure by
582 federal or member state law; or

583 13. Other matters as adopted by the commission by rule.

584 (e) If a meeting, or portion of a meeting, is closed, the
585 presiding officer shall state that the meeting will be closed
586 and reference each relevant exempting provision, and such
587 reference shall be recorded in the minutes.

588 (f) The commission shall keep minutes in accordance with
589 commission rules and bylaws. All documents considered in
590 connection with an action shall be identified in such minutes.
591 All minutes and documents of a closed meeting shall remain under
592 seal, subject to release only by a majority vote of the
593 commission or order of a court of competent jurisdiction.

594 (7) Financing of the commission.—

595 (a) The commission shall pay, or provide for the payment
596 of, the reasonable expenses of its establishment, organization,
597 and ongoing activities.

598 (b) The commission may accept any and all appropriate
599 revenue sources as provided herein.

600 (c) The commission may levy on and collect an annual

601 assessment from each member state and impose fees on licensees
602 of member states that are granted compact privilege to cover the
603 cost of the operations and activities of the commission and its
604 staff. The aggregate annual assessment amount for member states,
605 if any, shall be allocated based upon a formula that the
606 commission shall adopt by rule.

607 (d) The commission may not incur obligations of any kind
608 before securing the funds or a loan adequate to meet the same or
609 pledge the credit of any of the member states, except by and
610 with the authority of the member state.

611 (e) The commission shall keep accurate accounts of all
612 receipts and disbursements. The receipts and disbursements of
613 the commission are subject to the financial review and
614 accounting procedures established under its bylaws. However, all
615 receipts and disbursements of funds handled by the commission
616 are subject to an annual financial review by a certified or
617 licensed public accountant, and the report of the financial
618 review shall be included in and become part of the annual report
619 of the commission.

620 (8) Qualified immunity, defense, and indemnification.—

621 (a) This compact does not limit the liability of any
622 licensee for professional malpractice or misconduct, which shall
623 be governed solely by any other applicable state laws.

624 (b) The member states, commissioners, officers, executive
625 directors, employees, and agents of the commission are immune

626 from suit and liability, both personally and in their official
627 capacity, for any claim for damage to or loss of property or
628 personal injury or other civil liability caused by or arising
629 out of any actual or alleged act, error, or omission that
630 occurred, or that the person against whom the claim is made had
631 a reasonable basis for believing occurred, within the scope of
632 commission employment, duties, or responsibilities. This
633 paragraph does not protect any such person from suit or
634 liability for any damage, loss, injury, or liability caused by
635 the intentional or willful or wanton misconduct of that person.
636 The procurement of insurance of any type by the commission does
637 not in any way compromise or limit the immunity granted
638 hereunder.

639 (c) The commission shall defend any commissioner, officer,
640 executive director, employee, and agent of the commission in any
641 civil action seeking to impose liability arising out of any
642 actual or alleged act, error, or omission that occurred within
643 the scope of commission employment, duties, or responsibilities,
644 or as determined by the commission that the person against whom
645 the claim is made had a reasonable basis for believing occurred
646 within the scope of commission employment, duties, or
647 responsibilities. This paragraph does not prohibit that person
648 from retaining their own counsel at their own expense; and
649 provided further, that the actual or alleged act, error, or
650 omission did not result from that person's intentional or

651 willful or wanton misconduct.

652 (d) The commission shall indemnify and hold harmless any
653 commissioner, member, officer, executive director, employee, and
654 agent of the commission for the amount of any settlement or
655 judgment obtained against that person arising out of any actual
656 or alleged act, error, or omission that occurred within the
657 scope of commission employment, duties, or responsibilities, or
658 that such person had a reasonable basis for believing occurred
659 within the scope of commission employment, duties, or
660 responsibilities, provided that the actual or alleged act,
661 error, or omission did not result from the intentional or
662 willful or wanton misconduct of that person.

663 (e) This compact does not waive or otherwise abrogate a
664 member state's state action immunity or state action affirmative
665 defense with respect to antitrust claims under the Sherman Act,
666 the Clayton Act, or any other state or federal antitrust or
667 anticompetitive law or regulation.

668 (f) This compact does not waive sovereign immunity by the
669 member states or by the commission.

670
671 ARTICLE VIII

672 DATA SYSTEM

673
674 (1) The commission shall provide for the development,
675 maintenance, operation, and utilization of a coordinated

676 database and reporting system containing licensure, adverse
677 action, and the presence of significant investigative
678 information.

679 (2) Notwithstanding any other provision of state law to
680 the contrary, a member state shall submit a uniform data set to
681 the data system as required by the rules of the commission,
682 including, but not limited to, all of the following:

683 (a) Identifying information.

684 (b) Licensure data.

685 (c) Adverse actions against a licensee, license applicant,
686 or compact privilege holder and information related thereto.

687 (d) Nonconfidential information related to alternative
688 program participation, the beginning and ending dates of such
689 participation, and other information related to such
690 participation not made confidential under member state law.

691 (e) Any denial of application for licensure and the
692 reasons for such denial.

693 (f) The presence of current significant investigative
694 information.

695 (g) Other information that may facilitate the
696 administration of this compact or the protection of the public,
697 as determined by commission rules.

698 (3) A member state may not submit any information that
699 constitutes criminal history record information, as defined by
700 applicable federal law, to the data system.

701 (4) The records and information provided to a member state
702 pursuant to this compact or through the data system, when
703 certified by the commission or an agent thereof, constitutes the
704 authenticated business records of the commission and are
705 entitled to any associated hearsay exception in any relevant
706 judicial, quasi-judicial, or administrative proceedings in a
707 member state.

708 (5) Significant investigative information pertaining to a
709 licensee in any member state will only be available to other
710 member states.

711 (6) It is the responsibility of the member states to
712 report any adverse action against a licensee and to monitor the
713 database to determine whether adverse action has been taken
714 against a licensee. Adverse action information pertaining to a
715 licensee in any member state will be available to any other
716 member state.

717 (7) Member states contributing information to the data
718 system may designate information that may not be shared with the
719 public without the express permission of the contributing state.

720 (8) Any information submitted to the data system that is
721 subsequently expunged pursuant to federal law or the laws of the
722 member state contributing the information shall be removed from
723 the data system.

724
725 ARTICLE IX

RULEMAKING

(1) The commission shall adopt reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of this compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of this compact, or the powers granted hereunder, or based upon another applicable standard of review.

(2) For purposes of this compact, the rules of the commission shall have the force of law in each member state.

(3) The commission shall exercise its rulemaking powers pursuant to the criteria provided in this article and the rules adopted hereunder. Rules shall become binding as of the date specified in each rule.

(4) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years after the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(5) Rules shall be adopted at a regular or special meeting of the commission.

(6) Before adoption of a proposed rule, the commission

751 shall hold a public hearing and allow persons to provide oral
752 and written comments, data, facts, opinions, and arguments.

753 (7) Before adoption of a proposed rule by the commission,
754 and at least 30 days before the meeting at which the commission
755 will hold a public hearing on the proposed rule, the commission
756 shall provide a notice of proposed rulemaking in all of the
757 following manners:

758 (a) On the website of the commission or other publicly
759 accessible platform.

760 (b) To persons who have requested notice of the
761 commission's notices of proposed rulemaking.

762 (c) In such other ways as the commission may by rule
763 specify.

764 (8) The notice of proposed rulemaking shall include all of
765 the following information:

766 (a) The time, date, and location of the public hearing at
767 which the commission will hear public comments on the proposed
768 rule and, if different, the time, date, and location of the
769 meeting where the commission will consider and vote on the
770 proposed rule.

771 (b) If the hearing is held via telecommunication, video
772 conference, or other electronic means, the commission shall
773 include the mechanism for access to the hearing in the notice of
774 proposed rulemaking.

775 (c) The text of and reason for the proposed rule.

776 (d) A request for comments on the proposed rule from any
777 interested person.

778 (e) The manner in which interested persons may submit
779 written comments.

780 (9) All hearings will be recorded. A copy of the recording
781 and all written comments and documents received by the
782 commission in response to the proposed rule shall be available
783 to the public.

784 (10) This article does not require a separate hearing on
785 each rule. Rules may be grouped for the convenience of the
786 commission at hearings required by this article.

787 (11) The commission shall, by majority vote of all
788 commissioners, take final action on the proposed rule based on
789 the rulemaking record and the full text of the rule.

790 (a) The commission may adopt changes to the proposed rule
791 provided the changes are consistent with the original purpose of
792 the proposed rule.

793 (b) The commission shall provide an explanation of the
794 reasons for substantive changes made to the proposed rule as
795 well as reasons for substantive changes not made that were
796 recommended by commenters.

797 (c) The commission shall determine a reasonable effective
798 date for the rule. Except for an emergency as provided in
799 subsection (12), the effective date of the rule shall be no
800 sooner than 30 days after issuing the notice that it adopted or

801 amended the rule.

802 (12) Upon determination that an emergency exists, the
803 commission may consider and adopt an emergency rule with 24
804 hours' notice, and with opportunity to comment, provided that
805 the usual rulemaking procedures provided in the compact and in
806 this article shall be retroactively applied to the rule as soon
807 as reasonably possible, in no event later than 90 days after the
808 effective date of the rule. For the purposes of this subsection,
809 an emergency rule is one that must be adopted immediately in
810 order to:

811 (a) Meet an imminent threat to public health, safety, or
812 welfare;

813 (b) Prevent a loss of commission or member state funds;

814 (c) Meet a deadline for the adoption of a rule that is
815 established by federal law or rule; or

816 (d) Protect public health and safety.

817 (13) The commission or an authorized committee of the
818 commission may direct revisions to a previously adopted rule for
819 purposes of correcting typographical errors, errors in format,
820 errors in consistency, or grammatical errors. Public notice of
821 any revisions shall be posted on the website of the commission.
822 The revision shall be subject to challenge by any person for a
823 period of 30 days after posting. The revision may be challenged
824 only on grounds that the revision results in a material change
825 to a rule. A challenge shall be made in writing and delivered to

826 the commission before the end of the notice period. If no
827 challenge is made, the revision will take effect without further
828 action. If the revision is challenged, the revision may not take
829 effect without the approval of the commission.

830 (14) A member state's rulemaking process or procedural
831 requirements do not apply to the commission.

832 (a) The commission does not have authority over any member
833 state's rulemaking process or procedural requirements that do
834 not pertain to the compact.

835 (15) This compact, or any rule or regulation of the
836 commission, does not limit, restrict, or in any way reduce the
837 ability of a member state to enact and enforce laws,
838 regulations, or other rules related to the practice of
839 respiratory therapy in that state, where those laws,
840 regulations, or other rules are not inconsistent with the
841 provisions of this compact.

842
843 ARTICLE X

844 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT
845

846 (1) (a) The executive and judicial branches of state
847 government in each member state shall enforce this compact and
848 take all actions necessary and appropriate to implement this
849 compact.

850 (b) Venue is proper and judicial proceedings by or against

851 the commission shall be brought solely and exclusively in a
852 court of competent jurisdiction where the principal office of
853 the commission is located. The commission may waive venue and
854 jurisdictional defenses to the extent it adopts or consents to
855 participate in alternative dispute resolution proceedings.
856 Nothing herein affects or limits the selection or propriety of
857 venue in any action against a licensee for professional
858 malpractice, misconduct, or any such similar matter.

859 (c) The commission is entitled to receive service of
860 process in any proceeding regarding the enforcement or
861 interpretation of this compact and has standing to intervene in
862 such a proceeding for all purposes. Failure to provide the
863 commission service of process shall render a judgment or order
864 void as to the commission, this compact, or adopted rules.

865 (2)(a) If the commission determines that a member state
866 has defaulted in the performance of its obligations or
867 responsibilities under this compact or the adopted rules, the
868 commission shall provide written notice to the defaulting state.
869 The notice of default shall describe the default, the proposed
870 means of curing the default, and any other action that the
871 commission may take and shall offer training and specific
872 technical assistance regarding the default.

873 (b) The commission shall provide a copy of the notice of
874 default to the other member states.

875 (3) If a state in default fails to cure the default, the

876 defaulting state may be terminated from the compact upon an
877 affirmative vote of a majority of the commissioners of the
878 member states, and all rights, privileges, and benefits
879 conferred on that state by this compact may be terminated on the
880 effective date of termination. A cure of the default does not
881 relieve the offending state of obligations or liabilities
882 incurred during the period of default.

883 (4) Termination of membership in this compact shall be
884 imposed only after all other means of securing compliance have
885 been exhausted. Notice of intent to suspend or terminate shall
886 be given by the commission to the Governor, the Majority Leader
887 and Minority Leader of the defaulting state's Legislature, the
888 defaulting state's respiratory therapy licensing authority, and
889 each of the member states' respiratory therapy licensing
890 authorities.

891 (5) A state that has been terminated is responsible for
892 all assessments, obligations, and liabilities incurred through
893 the effective date of termination, including obligations that
894 extend beyond the effective date of termination, if necessary.

895 (6) Upon the termination of a state's membership from this
896 compact, that state shall immediately provide notice to all
897 licensees and compact privilege holders of which the commission
898 has a record within that state of the termination. The
899 terminated state shall continue to recognize all licenses
900 granted pursuant to the compact for a minimum of 180 days after

901 the date of the notice of termination.

902 (7) The commission may not bear any costs related to a
903 state that is found to be in default or that has been terminated
904 from the compact, unless agreed upon in writing between the
905 commission and the defaulting state.

906 (8) The defaulting state may appeal the action of the
907 commission by petitioning the United States District Court for
908 the District of Columbia or the federal district where the
909 commission has its principal offices. The prevailing party shall
910 be awarded all costs of such litigation, including reasonable
911 attorney fees.

912 (9) (a) Upon request by a member state, the commission
913 shall attempt to resolve disputes related to the compact that
914 arise among member states and between member and nonmember
915 states.

916 (b) The commission shall adopt a rule providing for both
917 mediation and binding dispute resolution for disputes, as
918 appropriate.

919 (10) (a) By majority vote, as may be further provided by
920 rule, the commission may initiate legal action against a member
921 state in default in the United States District Court for the
922 District of Columbia or the federal district where the
923 commission has its principal offices to enforce compliance with
924 this compact and its adopted rules. A member state, by enactment
925 of this compact, consents to venue and jurisdiction in such

926 court for the purposes provided herein. The relief sought may
927 include both injunctive relief and damages. In the event
928 judicial enforcement is necessary, the prevailing party shall be
929 awarded all costs of such litigation, including reasonable
930 attorney fees. The remedies herein are not the exclusive
931 remedies of the commission. The commission may pursue any other
932 remedies available under federal law or the defaulting member
933 state's law.

934 (b) A member state may initiate legal action against the
935 commission in the United States District Court for the District
936 of Columbia or the federal district where the commission has its
937 principal offices to enforce compliance with this compact and
938 its adopted rules. The relief sought may include both injunctive
939 relief and damages. In the event judicial enforcement is
940 necessary, the prevailing party shall be awarded all costs of
941 such litigation, including reasonable attorney fees.

942 (c) Only a member state may enforce this compact against
943 the commission.

945 ARTICLE XI

946 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

947
948 (1) This compact shall come into effect on the date on
949 which the compact statute is enacted into law in the seventh
950 member state.

951 (a) On or after the effective date of the compact, the
952 commission shall convene and review the enactment of each of the
953 first seven member states to determine if the statute enacted by
954 each such charter member state is materially different from the
955 model compact.

956 1. A charter member state whose enactment is found to be
957 materially different from the model compact is entitled to the
958 default process provided in Article X.

959 2. If any member state is later found to be in default, or
960 is terminated or withdraws from the compact, the commission
961 shall remain in existence and the compact shall remain in effect
962 even if the number of member states is fewer than seven.

963 (b) Member states enacting the compact subsequent to the
964 seven initial charter member states shall be subject to the
965 process provided herein and commission rule to determine if such
966 state's enactments are materially different from the model
967 compact and whether the state qualifies for participation in the
968 compact.

969 (c) All actions taken for the benefit of the commission or
970 in furtherance of the purposes of the administration of the
971 compact before the effective date of the compact or the
972 commission coming into existence are considered to be actions of
973 the commission unless specifically repudiated by the commission.
974 The commission owns and has all rights to any intellectual
975 property developed on behalf or in furtherance of the commission

976 by individuals or entities involved in organizing or
977 establishing the commission, as may be further provided in
978 commission rules.

979 (d) Any state that joins the compact subsequent to the
980 commission's initial adoption of the rules and bylaws is subject
981 to the rules and bylaws as they exist on the date on which the
982 compact becomes law in that state. Any rule or bylaw that has
983 been previously adopted by the commission has the full force and
984 effect of law on the date the compact becomes law in that state.

985 (2) Any member state may withdraw from this compact by
986 enacting a statute repealing the same.

987 (a) A member state's withdrawal does not take effect until
988 180 days after enactment of the repealing statute.

989 (b) Withdrawal does not affect the continuing requirement
990 of the withdrawing state's respiratory therapy licensing
991 authority to comply with the investigative and adverse action
992 reporting requirements of this compact before the effective date
993 of withdrawal.

994 (c) Upon the enactment of a statute withdrawing from this
995 compact, a state shall immediately provide notice of such
996 withdrawal to all licensees and compact privilege holders of
997 which the commission has a record within that state.
998 Notwithstanding any subsequent statutory enactment to the
999 contrary, such withdrawing state shall continue to recognize all
1000 licenses granted pursuant to this compact for a minimum of 180

1001 days after the date of such notice of withdrawal.

1002 (3) This compact does not invalidate or prevent any
1003 licensure agreement or other cooperative arrangement between a
1004 member state and a nonmember state that does not conflict with
1005 the provisions of this compact.

1006 (4) This compact may be amended by the member states. An
1007 amendment to this compact does not become effective and binding
1008 upon any member state until it is enacted into the laws of all
1009 member states.

1010
1011 ARTICLE XII

1012 CONSTRUCTION AND SEVERABILITY

1013
1014 (1) This compact and the commission's rulemaking authority
1015 shall be liberally construed so as to effectuate the purposes
1016 and the implementation and administration of the compact.
1017 Provisions of the compact expressly authorizing or requiring the
1018 adoption of rules does not limit the commission's rulemaking
1019 authority solely for those purposes.

1020 (2) The provisions of this compact are severable, and if
1021 any phrase, clause, sentence, or provision of this compact is
1022 held by a court of competent jurisdiction to be contrary to the
1023 constitution of any member state, a state seeking participation
1024 in the compact, or the United States, or the applicability
1025 thereof to any government, agency, person, or circumstance is

1026 held to be unconstitutional by a court of competent
1027 jurisdiction, the validity of the remainder of this compact and
1028 the applicability thereof to any other government, agency,
1029 person, or circumstance is not affected.

1030 (3) Notwithstanding subsection (2), the commission may
1031 deny a state's participation in the compact or, in accordance
1032 with the requirements of Article X, terminate a member state's
1033 participation in the compact, if it determines that a
1034 constitutional requirement of a member state is a material
1035 departure from the compact. Otherwise, if the compact is held
1036 to be contrary to the constitution of any member state, the
1037 compact shall remain in full force and effect as to the
1038 remaining member states and in full force and effect as to the
1039 member state affected as to all severable matters.

1041 ARTICLE XIII

1042 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1044 (1) This compact does not prevent or inhibit the
1045 enforcement of any other law of a member state that is not
1046 inconsistent with the compact.

1047 (2) Any laws, statutes, regulations, or other legal
1048 requirements in a member state in conflict with this compact are
1049 superseded to the extent of the conflict, including any
1050 subsequently enacted state laws.

1051 (3) All permissible agreements between the commission and
1052 the member states are binding in accordance with their terms.

1053 (4) Other than as expressly provided herein, this compact
1054 does not impact initial licensure.

1055 **Section 2. Subsection (5) of section 456.076, Florida**
1056 **Statutes, is amended to read:**

1057 456.076 Impaired practitioner programs.—

1058 (5) A consultant shall enter into a participant contract
1059 with an impaired practitioner and shall establish the terms of
1060 monitoring and shall include the terms in a participant
1061 contract. In establishing the terms of monitoring, the
1062 consultant may consider the recommendations of one or more
1063 approved evaluators, treatment programs, or treatment providers.
1064 A consultant may modify the terms of monitoring if the
1065 consultant concludes, through the course of monitoring, that
1066 extended, additional, or amended terms of monitoring are
1067 required for the protection of the health, safety, and welfare
1068 of the public. If the impaired practitioner is an audiologist or
1069 a speech-language pathologist practicing under the Audiology and
1070 Speech-Language Pathology Interstate Compact pursuant to s.
1071 468.1335, a respiratory therapist holding compact privilege
1072 under the Respiratory Care Interstate Compact pursuant to s.
1073 468.371, a physical therapist or physical therapist assistant
1074 practicing under the Physical Therapy Licensure Compact pursuant
1075 to s. 486.112, a psychologist practicing under the Psychology

Interjurisdictional Compact pursuant to s. 490.0075, or a health care practitioner practicing under the Professional Counselors Licensure Compact pursuant to s. 491.017, the terms of the monitoring contract must include the impaired practitioner's withdrawal from all practice under the compact unless authorized by a member state.

Section 3. Subsection (3) of section 468.353, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

468.353 Board of Respiratory Care; powers and duties.—

(3) The board shall appoint an individual to serve as the state's commissioner on the Respiratory Care Interstate Compact Commission pursuant to s. 468.371.

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

468.355 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, and submit to background screening in accordance with s. 456.0135. A person licensed as a respiratory therapist in another state who is practicing under the Respiratory Care Interstate Compact under s. 468.371, and only within the scope provided therein, is exempt from the licensure requirements of this section.

1101 **Section 5. Subsection (5) is added to section 468.361,**
1102 **Florida Statutes, to read:**

1103 468.361 Renewal of licensure; continuing education.—

1104 (5) The board may take adverse action against the compact
1105 privilege of a respiratory therapist under s. 468.371 and may
1106 impose any of the penalties in s. 456.072(2) if a respiratory
1107 therapist commits an act specified in s. 468.365(1) or s.
1108 456.072(1).

1109 **Section 6. Paragraph (m) is added to subsection (10) of**
1110 **section 768.28, Florida Statutes, to read:**

1111 768.28 Waiver of sovereign immunity in tort actions;
1112 recovery limits; civil liability for damages caused during a
1113 riot; limitation on attorney fees; statute of limitations;
1114 exclusions; indemnification; risk management programs.—

1115 (10)

1116 (m) For purposes of this section, the individual appointed
1117 under s. 468.371 as the state's commissioner on the Respiratory
1118 Care Interstate Compact Commission, when serving in that
1119 capacity pursuant to s. 468.371, and any administrator, officer,
1120 executive director, employee, or representative of the
1121 Respiratory Care Interstate Compact Commission, when acting
1122 within the scope of his or her employment, duties, or
1123 responsibilities in this state, is considered an agent of the
1124 state. The commission shall pay any claims or judgments pursuant
1125 to this section and may maintain insurance coverage to pay any

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1126 | such claims or judgments.

1127 | **Section 7.** This act shall take effect July 1, 2026.