

By Senator Wright

8-01271-26

2026970__

A bill to be entitled

An act relating to the Respiratory Care Interstate Compact; creating s. 468.371, F.S.; enacting the Respiratory Care Interstate Compact; providing purpose and intent; defining terms; requiring member states to meet certain requirements to join and participate in the compact; providing that the compact does not prohibit member states from charging a specified fee; providing criteria that a respiratory therapist licensee must satisfy to practice under the compact; authorizing a certain licensing authority or government agency to establish the scope of practice for a licensee providing therapy in a remote state; providing processes for a licensee whose license is removed, encumbered, restricted, or limited; providing requirements for renewal of an equivalent license in a member state; authorizing an active military member and his or her spouse to be deemed as having a home state license under certain circumstances; authorizing member states to impose adverse actions against licensees under certain circumstances; authorizing member states to participate with other member states in joint investigations of licensees under certain circumstances; providing construction; establishing the Respiratory Care Interstate Compact Commission; providing commission membership, duties, and powers; providing for powers, duties, and responsibilities of an executive committee; requiring the committee to adopt and provide an annual report to member states;

8-01271-26

2026970__

30 providing for commission and executive committee
31 meetings; authorizing the commission or executive
32 committee to convene in closed, nonpublic meetings
33 under certain circumstances; requiring the commission
34 to keep meeting minutes in a specified manner;
35 providing for financing of the commission; requiring
36 the commission to keep certain financial
37 documentation; providing for qualified immunity,
38 defense, and indemnification of the commission;
39 providing exceptions; providing for the development,
40 maintenance, and use of a coordinated database and
41 reporting system; requiring member states to submit
42 specified information to the data system; providing
43 requirements for the information in the data system;
44 providing rulemaking procedures; providing for state
45 enforcement of the compact; providing for the
46 termination of compact membership; providing
47 procedures for the resolution of certain disputes;
48 providing for an effective date; providing for
49 withdrawal from the compact; providing compact
50 amendment procedures; providing construction and
51 severability and binding effect of the compact;
52 amending ss. 456.076, 468.353, 468.355, 468.361, and
53 768.28, F.S.; conforming provisions to changes made by
54 the act; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Section 468.371, Florida Statutes, is created to

8-01271-26

2026970__

59 read:

60 468.371 Respiratory Care Interstate Compact.—The
61 Respiratory Care Interstate Compact is hereby enacted into law
62 and entered into by this state with all other states legally
63 joining therein in the form substantially as follows:

64
65 RESPIRATORY CARE INTERSTATE COMPACT

66
67 ARTICLE I

68 PURPOSE AND INTENT

69
70 (1) The purpose of this compact is to facilitate the
71 interstate practice of respiratory therapy with the goal of
72 improving public access to respiratory therapy services by
73 providing respiratory therapists licensed in a member state the
74 ability to practice in other member states. The compact
75 preserves the regulatory authority of states to protect public
76 health and safety through the current system of state licensure.

77 (2) This compact is designed to achieve all of the
78 following objectives:

79 (a) Increase public access to respiratory therapy services
80 by creating a responsible, streamlined pathway for licensees to
81 practice in member states with the goal of improving outcomes
82 for patients.

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

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

87 (d) Ease administrative burdens on states by encouraging

8-01271-26

2026970__

the cooperation of member states in regulating multistate
respiratory therapy practice.

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

(f) Promote mobility and address workforce shortages.

ARTICLE II

DEFINITIONS

As used in this compact, the term:

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

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

(3) "Alternative program" means a nondisciplinary
monitoring or practice remediation process applicable to a
respiratory therapist approved by any state authority with
regulatory authority over respiratory therapists. This includes,
but is not limited to, programs to which licensees with
substance abuse or addiction issues are referred in lieu of
adverse action.

(4) "Charter member states" means those member states who

8-01271-26

2026970__

were the first seven states to enact the compact into law.

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

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

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

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

(9) "Criminal background check" means the submission by the member state of fingerprints or other biometric-based information on license applicants at the time of initial licensing for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. s. 20.3(d) or successor provision, from the Federal Bureau of Investigation and the state's criminal history record repository, as defined in 28 C.F.R. s. 20.3(f) or successor provision.

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

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

8-01271-26

2026970__

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

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

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

153 (15) "Home state license" means an active license to
154 practice respiratory therapy in a home state which is not an
155 encumbered license.

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

159 (17) "Licensee" means an individual who currently holds an
160 authorization from the state to practice as a respiratory
161 therapist.

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

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

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

170 (21) "Respiratory therapist" or "respiratory care
171 practitioner" means an individual who holds a credential issued
172 by the National Board for Respiratory Care or its successor and
173 holds a license in a state to practice respiratory therapy. For
174 purposes of this compact, any other title or status adopted by a

8-01271-26

2026970__

175 state to replace the term "respiratory therapist" or
176 "respiratory care practitioner" is synonymous with "respiratory
177 therapist" and shall confer the same rights and responsibilities
178 to the licensee under the provisions of this compact at the time
179 of its enactment.

180 (22) "Respiratory therapy," "respiratory therapy practice,"
181 "respiratory care," "the practice of respiratory therapy," and
182 "the practice of respiratory care" mean the care and services
183 provided by or under the direction and supervision of a
184 respiratory therapist or respiratory care practitioner.

185 (23) "Respiratory therapy licensing authority" means the
186 agency, board, or other body of a state that is responsible for
187 licensing and regulation of respiratory therapists.

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

190 (25) "Scope of practice" means the procedures, actions, and
191 processes a respiratory therapist licensed in a state or
192 practicing under a compact privilege in a state is permitted to
193 undertake in that state and the circumstances under which the
194 respiratory therapist is permitted to undertake those
195 procedures, actions, and processes. Such procedures, actions,
196 and processes, and the circumstances under which they may be
197 undertaken, may be established through means including, but not
198 limited to, statute, regulations, case law, and other processes
199 available to the state respiratory therapy licensing authority
200 or other government agency.

201 (26) "Significant investigative information" means
202 information, records, and documents received or generated by a
203 state respiratory therapy licensing authority pursuant to an

8-01271-26

2026970__

investigation for which a determination has been made that there
is probable cause to believe that the licensee has violated a
statute or regulation that is considered more than a minor
infraction for which the state respiratory therapy licensing
authority could pursue adverse action against the licensee.

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

ARTICLE III

STATE 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

8-01271-26

2026970__

233 requirements of Article IV in a member state.

234 (i) Complete a criminal background check for each new
235 licensee at the time of initial licensure. Where expressly
236 authorized or permitted by federal law, whether such federal law
237 is in effect before, at, or after the time of a member state's
238 enactment of this compact, a member state's enactment of this
239 compact authorizes the member state's respiratory therapy
240 licensing authority to perform criminal background checks as
241 defined herein. The absence of such a federal law as described
242 in this paragraph does not prevent or preclude such
243 authorization where it may be derived or granted through means
244 other than the enactment of this compact.

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

247
248 ARTICLE IV
249 COMPACT PRIVILEGE

250
251 (1) To exercise the compact privilege under this compact, a
252 licensee shall:

253 (a) Hold and maintain an active home state license as a
254 respiratory therapist.

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

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

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

8-01271-26

2026970__

compact privilege within a remote state.

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

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

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

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

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

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

(3) A licensee providing respiratory therapy in a remote state under the compact privilege functions may practice only

8-01271-26

2026970__

291 within the scope of practice authorized by the remote state for
292 the type of respiratory therapist license the licensee holds.
293 Such procedures, actions, processes, and the circumstances under
294 which they may be undertaken may be established through means
295 including, but not limited to, statute, regulations, case law,
296 and other processes available to the state respiratory therapy
297 licensing authority or other government agency.

298 (4) If a licensee's compact privilege in a remote state is
299 removed by the remote state, the licensee shall lose or be
300 ineligible for the compact privilege in that remote state until
301 the compact privilege is no longer limited or restricted by that
302 state.

303 (5) If a home state license is encumbered, the licensee
304 shall lose the compact privilege in all remote states until both
305 of the following occur:

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

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

309 (6) Once a licensee with a restricted or limited license
310 meets the requirements of subsection (5), the licensee must also
311 meet the requirements of subsection (1) to obtain a compact
312 privilege in a remote state.

314 ARTICLE V

315 ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

316
317 (1) An active military member, or his or her spouse, shall
318 designate a home state where the individual has a current
319 license in good standing. The individual may retain the home

8-01271-26

2026970__

state designation during the period the service member is on
active duty.

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

ARTICLE VI
ADVERSE ACTIONS

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

(2) A member state may take adverse action based on
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.

8-01271-26

2026970__

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

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

358 3. Subpoenas issued by a respiratory therapy licensing
359 authority in a member state for production of evidence from
360 another member state shall be enforced in the latter state,
361 according to the practice and procedure of that court applicable
362 to subpoenas issued in the proceedings pending before it.

363 4. The issuing authority shall pay any witness fees, travel
364 expenses, mileage, and other fees required by the service
365 statutes of the state where the witnesses or evidence are
366 located.

367 (c) Unless otherwise prohibited by general law, recover
368 from the licensee the costs of investigations and disposition of
369 cases resulting from any adverse action taken against that
370 licensee.

371 (d) Notwithstanding paragraph (b), a member state may not
372 issue a subpoena to gather evidence of conduct in another member
373 state which is lawful in such other member state for the purpose
374 of taking adverse action against a licensee's compact privilege
375 or application for a compact privilege in that member state.

376 (e) This compact does not authorize a member state to
377 impose discipline against a respiratory therapist's compact

8-01271-26

2026970__

privilege in that member state for the licensee's otherwise
lawful practice in another state.

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

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

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

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

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

ARTICLE VII

ESTABLISHMENT OF THE RESPIRATORY CARE

INTERSTATE COMPACT COMMISSION

8-01271-26

2026970__

407 (1) ESTABLISHMENT OF THE COMMISSION.—The member states
408 hereby create and establish a joint government agency whose
409 membership consists of all member states that have enacted the
410 compact, to be known as the Respiratory Care Interstate Compact
411 Commission. The commission is an instrumentality of the compact
412 member states acting jointly and not an instrumentality of any
413 one state. The commission shall come into existence on or after
414 the effective date of the compact, as provided in Article XI.

415 (2) MEMBERSHIP, VOTING, AND MEETINGS.—

416 (a) Each member state shall have one commissioner selected
417 by that member state's respiratory therapy licensing authority.

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

421 (c) The commission shall by rule or bylaw establish a term
422 of office for commissioners and may by rule or bylaw establish
423 term limits.

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

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

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

431 (g) A commissioner shall vote in person or by such other
432 means as provided in the bylaws. The bylaws may provide for
433 commissioners to meet by telecommunication, videoconference, or
434 other means of communication.

435 (h) The commission shall meet at least once during each

8-01271-26

2026970__

calendar year. Additional meetings may be held as provided in the bylaws.

(3) POWERS OF THE COMMISSION.—The commission may:

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

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

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

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

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

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

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

(h) Purchase and maintain insurance and bonds.

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

(j) Conduct an annual financial review.

(k) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel,

8-01271-26

2026970__

and other related personnel matters.

(l) Assess and collect fees.

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

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

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

(p) Establish a budget and make expenditures.

(q) Borrow money in a fiscally responsible manner.

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

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

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

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

(v) Determine whether a state's adopted language is materially different from the model compact language such that

8-01271-26

2026970__

the state does not qualify for participation in the compact.

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

(4) THE EXECUTIVE COMMITTEE.—

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

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

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

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

4. Preparing and recommending the budget.

5. Maintaining financial records on behalf of the commission.

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

7. Establishing additional committees as necessary.

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

8-01271-26

2026970__

523 9. Performing other duties as provided in the rules or
524 bylaws of the commission.

525 (b) The executive committee shall be composed of up to nine
526 members, as further provided in the bylaws of the commission:

527 1. Seven voting members who are elected by the commission
528 from the current membership of the commission.

529 2. Two ex-officio, nonvoting members.

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

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

533 1. Executive committee meetings shall be open to the
534 public, except that the executive committee may meet in a
535 closed, nonpublic meeting as provided in paragraph (6) (d).

536 2. The executive committee shall give advance notice of its
537 meetings, posted on its website and as determined to provide
538 notice to persons with an interest in the business of the
539 commission.

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

542 (5) REPORT.—The commission shall adopt and provide to the
543 member states an annual report.

544 (6) MEETINGS OF THE COMMISSION.—

545 (a) All meetings of the commission which are not closed
546 pursuant to paragraph (d) shall be open to the public. Notice of
547 public meetings shall be posted on the commission's website at
548 least 30 days before the public meeting.

549 (b) Notwithstanding paragraph (a), the commission may
550 convene an emergency public meeting by providing at least 24
551 hours' notice on the commission's website, and by any other

8-01271-26

2026970__

means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection (7) of Article IX. The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

(c) Notice of all commission meetings must provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

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

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

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

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

4. Current, threatened, or reasonably anticipated litigation;

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

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

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

8-01271-26

2026970__

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

583 9. Investigative records compiled for law enforcement
584 purposes;

585 10. Information related to any investigative reports
586 prepared by, on behalf of, or for use by the commission or other
587 committee charged with responsibility of investigation or
588 determination of compliance issues pursuant to the compact;

589 11. Legal advice;

590 12. Matters specifically exempted from disclosure by
591 federal or member state law; or

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

593 (e) If a meeting, or portion of a meeting, is closed, the
594 presiding officer shall state that the meeting will be closed
595 and reference each relevant exempting provision, and such
596 reference shall be recorded in the minutes.

597 (f) The commission shall keep minutes in accordance with
598 commission rules and bylaws. All documents considered in
599 connection with an action shall be identified in such minutes.
600 All minutes and documents of a closed meeting shall remain under
601 seal, subject to release only by a majority vote of the
602 commission or order of a court of competent jurisdiction.

603 (7) FINANCING OF THE COMMISSION.—

604 (a) The commission shall pay, or provide for the payment
605 of, the reasonable expenses of its establishment, organization,
606 and ongoing activities.

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

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

8-01271-26

2026970__

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

(d) The commission may not incur obligations of any kind before securing the funds or a loan adequate to meet the same, nor pledge the credit of any of the member states, except by and with the authority of the member state.

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

(8) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

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

(b) The member states, commissioners, officers, executive directors, employees, and agents of the commission are immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that

8-01271-26

2026970__

639 occurred, or that the person against whom the claim is made had
640 a reasonable basis for believing occurred, within the scope of
641 commission employment, duties, or responsibilities. This
642 paragraph does not protect any such person from suit or
643 liability for any damage, loss, injury, or liability caused by
644 the intentional, willful, or wanton misconduct of that person.
645 The procurement of insurance of any type by the commission does
646 not in any way compromise or limit the immunity granted
647 hereunder.

648 (c) The commission shall defend any commissioner, officer,
649 executive director, employee, and agent of the commission in any
650 civil action seeking to impose liability arising out of any
651 actual or alleged act, error, or omission that occurred within
652 the scope of commission employment, duties, or responsibilities,
653 or as determined by the commission that the person against whom
654 the claim is made had a reasonable basis for believing occurred
655 within the scope of commission employment, duties, or
656 responsibilities. This paragraph does not prohibit that person
657 from retaining counsel at his or her own expense; and provided
658 further, that the actual or alleged act, error, or omission did
659 not result from that person's intentional, willful, or wanton
660 misconduct.

661 (d) The commission shall indemnify and hold harmless any
662 commissioner, member, officer, executive director, employee, and
663 agent of the commission for the amount of any settlement or
664 judgment obtained against that person arising out of any actual
665 or alleged act, error, or omission that occurred within the
666 scope of commission employment, duties, or responsibilities, or
667 that such person had a reasonable basis for believing occurred

8-01271-26

2026970__

668 within the scope of commission employment, duties, or
669 responsibilities, provided that the actual or alleged act,
670 error, or omission did not result from the intentional, willful,
671 or wanton misconduct of that person.

672 (e) This compact does not waive or otherwise abrogate a
673 member state's state action immunity or state action affirmative
674 defense with respect to antitrust claims under the Sherman Act,
675 the Clayton Act, or any other state or federal antitrust or
676 anticompetitive law or regulation.

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

680 ARTICLE VIII

681 DATA SYSTEM

682
683 (1) The commission shall provide for the development,
684 maintenance, operation, and utilization of a coordinated
685 database and reporting system containing licensure, adverse
686 action, and the presence of significant investigative
687 information.

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

692 (a) Identifying information.

693 (b) Licensure data.

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

696 (d) Nonconfidential information related to alternative

8-01271-26

2026970__

697 program participation, the beginning and ending dates of such
698 participation, and other information related to such
699 participation not made confidential under member state law.

700 (e) Any denial of application for licensure and the reasons
701 for such denial.

702 (f) The presence of current significant investigative
703 information.

704 (g) Other information that may facilitate the
705 administration of this compact or the protection of the public,
706 as determined by commission rules.

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

710 (4) The records and information provided to a member state
711 pursuant to this compact or through the data system, when
712 certified by the commission or an agent thereof, constitutes the
713 authenticated business records of the commission and are
714 entitled to any associated hearsay exception in any relevant
715 judicial, quasi-judicial, or administrative proceedings in a
716 member state.

717 (5) Significant investigative information pertaining to a
718 licensee in any member state will only be available to other
719 member states.

720 (6) It is the responsibility of the member states to report
721 any adverse action against a licensee and to monitor the
722 database to determine whether adverse action has been taken
723 against a licensee. Adverse action information pertaining to a
724 licensee in any member state will be available to any other
725 member state.

8-01271-26

2026970__

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

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

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 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

8-01271-26

2026970__

755 within 4 years after the date of adoption of the rule, then such
756 rule shall have no further force and effect in any member state.

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

759 (6) Before adoption of a proposed rule, the commission
760 shall hold a public hearing and allow persons to provide oral
761 and written comments, data, facts, opinions, and arguments.

762 (7) Before adoption of a proposed rule by the commission,
763 and at least 30 days before the meeting at which the commission
764 will hold a public hearing on the proposed rule, the commission
765 shall provide a notice of proposed rulemaking in all of the
766 following manners:

767 (a) On the website of the commission or other publicly
768 accessible platform.

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

771 (c) In such other ways as the commission may by rule
772 specify.

773 (8) The notice of proposed rulemaking shall include all of
774 the following information:

775 (a) The time, date, and location of the public hearing at
776 which the commission will hear public comments on the proposed
777 rule and, if different, the time, date, and location of the
778 meeting where the commission will consider and vote on the
779 proposed rule.

780 (b) If the hearing is held via telecommunication, video
781 conference, or other electronic means, the commission shall
782 include the mechanism for access to the hearing in the notice of
783 proposed rulemaking.

8-01271-26

2026970__

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

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

787 (e) The manner in which interested persons may submit
788 written comments.

789 (9) All hearings will be recorded. A copy of the recording
790 and all written comments and documents received by the
791 commission in response to the proposed rule shall be available
792 to the public.

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

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

799 (a) The commission may adopt changes to the proposed rule,
800 provided the changes are consistent with the original purpose of
801 the proposed rule.

802 (b) The commission shall provide an explanation of the
803 reasons for substantive changes made to the proposed rule as
804 well as reasons for substantive changes not made which were
805 recommended by commenters.

806 (c) The commission shall determine a reasonable effective
807 date for the rule. Except for an emergency as provided in
808 subsection (12), the effective date of the rule shall be no
809 sooner than 30 days after issuing the notice that it adopted or
810 amended the rule.

811 (12) Upon determination that an emergency exists, the
812 commission may consider and adopt an emergency rule with 24

8-01271-26

2026970__

hours' notice, and with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:

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

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

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

(d) Protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(14) A member state's rulemaking process or procedural requirements do not apply to the commission. The commission does not have authority over any member state's rulemaking process or

8-01271-26

2026970__

procedural requirements that do not pertain to the compact.

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

ARTICLE X

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

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

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of this compact and has standing to intervene in such a proceeding for all purposes. Failure to provide the

8-01271-26

2026970__

commission service of process shall render a judgment or order void as to the commission, this compact, or adopted rules.

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

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

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

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

(5) A state that has been terminated is responsible for all

8-01271-26

2026970__

assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination, if necessary.

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

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

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

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

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

(10) (a) By majority vote, as may be further provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the

8-01271-26

2026970__

District of Columbia or the federal district where the commission has its principal offices to enforce compliance with this compact and its adopted rules. A member state, by enactment of this compact, consents to venue and jurisdiction in such court for the purposes provided herein. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal law or the defaulting member state's law.

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

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

ARTICLE XI

EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

8-01271-26

2026970__

958 (a) On or after the effective date of the compact, the
959 commission shall convene and review the enactment of each of the
960 first seven member states to determine if the statute enacted by
961 each such charter member state is materially different from the
962 model compact.

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

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

970 (b) Member states enacting the compact subsequent to the
971 seven initial charter member states shall be subject to the
972 process provided herein and commission rule to determine if such
973 state's enactments are materially different from the model
974 compact and whether the state qualifies for participation in the
975 compact.

976 (c) All actions taken for the benefit of the commission or
977 in furtherance of the purposes of the administration of the
978 compact before the effective date of the compact or the
979 commission coming into existence are considered to be actions of
980 the commission unless specifically repudiated by the commission.
981 The commission owns and has all rights to any intellectual
982 property developed on behalf or in furtherance of the commission
983 by individuals or entities involved in organizing or
984 establishing the commission, as may be further provided in
985 commission rules.

986 (d) Any state that joins the compact subsequent to the

8-01271-26

2026970__

commission's initial adoption of the rules and bylaws is subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule or bylaw that has been previously adopted by the commission has the full force and effect of law on the date the compact becomes law in that state.

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

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

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

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

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

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

8-01271-26

2026970__

1016 member states.

1018 ARTICLE XII

1019 CONSTRUCTION AND SEVERABILITY

1021 (1) This compact and the commission's rulemaking authority
1022 shall be liberally construed so as to effectuate the purposes
1023 and the implementation and administration of the compact.
1024 Provisions of the compact expressly authorizing or requiring the
1025 adoption of rules does not limit the commission's rulemaking
1026 authority solely for those purposes.

1027 (2) The provisions of this compact are severable, and if
1028 any phrase, clause, sentence, or provision of this compact is
1029 held by a court of competent jurisdiction to be contrary to the
1030 constitution of any member state, a state seeking participation
1031 in the compact, or the United States, or the applicability
1032 thereof to any government, agency, person, or circumstance is
1033 held to be unconstitutional by a court of competent
1034 jurisdiction, the validity of the remainder of this compact and
1035 the applicability thereof to any other government, agency,
1036 person, or circumstance is not affected.

1037 (3) Notwithstanding subsection (2), the commission may deny
1038 a state's participation in the compact or, in accordance with
1039 the requirements of Article X, terminate a member state's
1040 participation in the compact, if it determines that a
1041 constitutional requirement of a member state is a material
1042 departure from the compact. Otherwise, if the compact is held to
1043 be contrary to the constitution of any member state, the compact
1044 shall remain in full force and effect as to the remaining member

8-01271-26

2026970__

states and in full force and effect as to the member state
affected as to all severable matters.

ARTICLE XIII

CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

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

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

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

456.076 Impaired practitioner programs.—

(5) A consultant shall enter into a participant contract
with an impaired practitioner and shall establish the terms of
monitoring and shall include the terms in a participant
contract. In establishing the terms of monitoring, the
consultant may consider the recommendations of one or more
approved evaluators, treatment programs, or treatment providers.
A consultant may modify the terms of monitoring if the
consultant concludes, through the course of monitoring, that
extended, additional, or amended terms of monitoring are

8-01271-26

2026970__

required for the protection of the health, safety, and welfare of the public. If the impaired practitioner is an audiologist or a speech-language pathologist practicing under the Audiology and Speech-Language Pathology Interstate Compact pursuant to s. 468.1335, a respiratory therapist holding compact privilege under the Respiratory Care Interstate Compact pursuant to s. 468.371, a physical therapist or physical therapist assistant practicing under the Physical Therapy Licensure Compact pursuant 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. Present subsection (3) of section 468.353, Florida Statutes, is redesignated 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

8-01271-26

2026970__

1103 screening in accordance with s. 456.0135. A person licensed as a
1104 respiratory therapist in another state who is practicing under
1105 the Respiratory Care Interstate Compact under s. 468.371, and
1106 only within the scope provided therein, is exempt from the
1107 licensure requirements of this section.

1108 Section 5. Subsection (5) is added to section 468.361,
1109 Florida Statutes, to read:

1110 468.361 Renewal of licensure; continuing education.—

1111 (5) The board may take adverse action against the compact
1112 privilege of a respiratory therapist under s. 468.371 and may
1113 impose any of the penalties in s. 456.072(2) if a respiratory
1114 therapist commits an act specified in s. 468.365(1) or s.
1115 456.072(1).

1116 Section 6. Paragraph (m) is added to subsection (10) of
1117 section 768.28, Florida Statutes, to read:

1118 768.28 Waiver of sovereign immunity in tort actions;
1119 recovery limits; civil liability for damages caused during a
1120 riot; limitation on attorney fees; statute of limitations;
1121 exclusions; indemnification; risk management programs.—

1122 (10)

1123 (m) For purposes of this section, the individual appointed
1124 under s. 468.371 as the state's commissioner on the Respiratory
1125 Care Interstate Compact Commission, when serving in that
1126 capacity pursuant to s. 468.371, and any administrator, officer,
1127 executive director, employee, or representative of the
1128 Respiratory Care Interstate Compact Commission, when acting
1129 within the scope of his or her employment, duties, or
1130 responsibilities in this state, is considered an agent of the
1131 state. The commission shall pay any claims or judgments pursuant

8-01271-26

2026970__

1132 to this section and may maintain insurance coverage to pay any
1133 such claims or judgments.

1134 Section 7. This act shall take effect July 1, 2026.