

Introduced by Senator NielsenFebruary 26, 2015

An act to amend Sections 3701, 3702, and 3702.7 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 525, as introduced, Nielsen. Respiratory care practice.

Existing law, the Respiratory Care Practice Act, provides for the licensure and regulation of the practice of respiratory therapy. A violation of the act is a crime.

Existing law declares it is the intent of the Legislature to recognize the existence of overlapping functions between physicians and surgeons, registered nurses, physical therapists, respiratory care practitioners, and other licensed health care personnel, and to permit additional sharing of functions within organized health care systems, as specified. Existing law also states that nothing in the act shall be construed to authorize a respiratory care practitioner to practice medicine, surgery, or any other form of healing, except as authorized by the act.

This bill would define, for intent purposes, "overlapping functions" to include providing therapy, management, rehabilitation, diagnostic evaluation, and care for nonrespiratory-related diagnoses or conditions provided certain requirements are met.

Under existing law, respiratory care as a practice means a health care profession employed under the supervision of a medical director in the therapy, management, rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities which affect the pulmonary system and associated aspects of cardiopulmonary and other systems functions, and includes, among other things, direct and indirect

pulmonary care services that are safe, aseptic, preventive, and restorative to the patient.

This bill would provide that the scope of practice includes patients with deficiencies and abnormalities affecting the heart and cardiovascular system. The bill would expand the scope of practice to include, among other things, the administration of medical gases and pharmacological agents for the purpose of inducing conscious or deep sedation under specified supervision and direct orders and all forms of specified life support. By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3701 of the Business and Professions
2 Code is amended to read:

3 3701. (a) The Legislature finds and declares that the practice
4 of respiratory care in California affects the public health, safety,
5 and welfare and is to be subject to regulation and control in the
6 public interest to protect the public from the unauthorized and
7 unqualified practice of respiratory care and from unprofessional
8 conduct by persons licensed to practice respiratory care. The
9 Legislature also recognizes the practice of respiratory care to be
10 a dynamic and changing art and science, the practice of which is
11 continually evolving to include newer ideas and more sophisticated
12 techniques in patient care.

13 ¶

14 (b) It is the intent of the Legislature in this chapter to provide
15 clear legal authority for functions and procedures which have
16 common acceptance and usage. It is the intent also to recognize
17 the existence of overlapping functions between physicians and
18 surgeons, registered nurses, physical therapists, respiratory care
19 practitioners, and other licensed health care personnel, and to
20 permit additional sharing of functions within organized health care

1 systems. The organized health care systems include, but are not
2 limited to, health facilities licensed pursuant to Chapter 2
3 (commencing with Section 1250) of Division 2 of the Health and
4 Safety Code, clinics, home health agencies, physicians' offices,
5 and public or community health services.

6 *(c) For purposes of this section, it is the intent of the Legislature*
7 *that "overlapping functions" includes, but is not limited to,*
8 *providing therapy, management, rehabilitation, diagnostic*
9 *evaluation and care for nonrespiratory-related diagnoses or*
10 *conditions provided (1) a health care facility has authorized the*
11 *respiratory care practitioner to provide these services and (2) the*
12 *respiratory care practitioner has maintained current competencies*
13 *in the services provided.*

14 SEC. 2. Section 3702 of the Business and Professions Code is
15 amended to read:

16 3702. (a) Respiratory care as a practice means a health care
17 profession employed under the supervision of a medical director
18 in the therapy, management, rehabilitation, diagnostic evaluation,
19 and care of patients with deficiencies and abnormalities which
20 affect the pulmonary system and associated aspects of
21 cardiopulmonary and other systems functions, and includes all of
22 the following:

23 (a)

24 (1) Direct and indirect pulmonary care services that are safe,
25 aseptic, preventive, and restorative to the patient.

26 (b)

27 (2) Direct and indirect respiratory care services, including, but
28 not limited to, the administration of pharmacological and diagnostic
29 and therapeutic agents related to respiratory care procedures
30 necessary to implement a treatment, disease prevention, pulmonary
31 rehabilitative, or diagnostic regimen prescribed by a physician and
32 surgeon.

33 (c)

34 (3) Observation and monitoring of signs and symptoms, general
35 behavior, general physical response to respiratory care treatment
36 and diagnostic testing and ~~(1)~~ (A) determination of whether such
37 signs, symptoms, reactions, behavior, or general response exhibits
38 abnormal characteristics; ~~(2)~~ (B) implementation based on observed
39 abnormalities of appropriate reporting or referral or respiratory
40 care protocols, or changes in treatment regimen, pursuant to a

1 prescription by a physician and surgeon or the initiation of
2 emergency procedures.

3 ~~(d)~~

4 (4) The diagnostic and therapeutic use of any of the following,
5 in accordance with the prescription of a physician and surgeon:
6 administration of medical gases, exclusive of general anesthesia;
7 aerosols; humidification; environmental control systems and
8 baromedical therapy; pharmacologic agents related to respiratory
9 care procedures; mechanical or physiological ventilatory support;
10 bronchopulmonary hygiene; cardiopulmonary resuscitation;
11 maintenance of the natural airways; insertion without cutting tissues
12 and maintenance of artificial airways; diagnostic and testing
13 techniques required for implementation of respiratory care
14 protocols; collection of specimens of blood; collection of specimens
15 from the respiratory tract; analysis of blood gases and respiratory
16 secretions.

17 ~~(e)~~

18 (5) The transcription and implementation of the written and
19 verbal orders of a physician and surgeon pertaining to the practice
20 of respiratory care.

21 “Respiratory care protocols” as used in this section means
22 policies and protocols developed by a licensed health facility
23 through collaboration, when appropriate, with administrators,
24 physicians and surgeons, registered nurses, physical therapists,
25 respiratory care practitioners, and other licensed health care
26 practitioners.

27 (b) *“Associated aspects of cardiopulmonary and other systems
28 functions” includes patients with deficiencies and abnormalities
29 affecting the heart and cardiovascular system.*

30 SEC. 3. Section 3702.7 of the Business and Professions Code
31 is amended to read:

32 3702.7. ~~Mechanical~~ *In addition to the matters described in
33 Section 3702, respiratory care as a practice also includes the
34 following:*

35 (a) *Mechanical* or physiological ventilatory support as used in
36 ~~subdivision (d) paragraph (4) of subdivision (a) of Section 3702~~
37 includes, but is not limited to, any system, procedure, machine,
38 catheter, equipment, or other device used in whole or in part, to
39 provide ventilatory or oxygenating support.

1 **(b)** *Administration of medical gases and pharmacological agents*
2 *for the purpose of inducing conscious or deep sedation under*
3 *physician and surgeon supervision and the direct orders of the*
4 *physician and surgeon performing the procedure.*

5 **(c)** *All forms of extracorporeal life support, including, but not*
6 *limited to, extracorporeal membrane oxygenation (ECMO) and*
7 *extracorporeal carbon dioxide removal (ECCO(2)R).*

8 **(d)** *Educating students, health care professionals, or consumers*
9 *about respiratory care, including, but not limited to, education of*
10 *respiratory core courses or clinical instruction provided as part*
11 *of a respiratory educational program and educating health care*
12 *professionals or consumers about the operation or application of*
13 *respiratory care equipment and appliances.*

14 SEC. 4. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.