

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: General Requirements  
 RULE NO.: 64B8-45.001

PURPOSE AND EFFECT: This rule is being amended to clarify continuing education requirements approved by any Board of the MQA of the Department of Health and to clarify home study requirements.

SUBJECT AREA TO BE ADDRESSED: General Requirements.

SPECIFIC AUTHORITY: 456.013(7),(8), 468.507 FS.  
 LAW IMPLEMENTED: 456.013(7),(8), 468.514, 468.515 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Medicine, Dietetics and Nutrition Practice Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-45.001 General Requirements.

(1) As a condition of biennial licensure renewal all licensees shall complete a minimum of thirty ~~contact~~ hours of continuing education in dietetics and nutrition practice within the twenty-four (24) month period prior to the expiration date of the license, of which no more than ten (10) hours may be in management, risk management, personal growth, and educational techniques. Up to fifteen (15) hours of credit shall be accepted per biennium for approved home study courses. Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium. One ~~contact~~ hour of continuing education equals a minimum of fifty minutes of instruction. Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health are approved continuing education, provided that such courses enhance skills and knowledge necessary to the safe and competent practice of dietetics and nutrition.

(2) Home study education is independent study and requires a certificate of completion. Web based, satellite transmitted, video or audio transmitted or on line instruction programs that allow or require the licensee to interact or communicate back and forth with the instructor during the presentation of the program are not considered home study education, but can be counted as continuing education.

(2) through (6) renumbered (3) through (7) No change.

Specific Authority 456.013(7),(8), 468.507 FS. Law Implemented 456.013(7),(8), 468.514, 468.515 FS. History–New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended 9-26-01, 3-4-02, 3-24-03, \_\_\_\_\_.

**Section II  
 Proposed Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Medical Consultations by Non-Department Providers  
 RULE NO.: 33-401.601

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification as to the responsibility for payment of costs to have inmates examined by non-department medical providers.

SUMMARY: The proposed rule provides that costs of outside consultations shall be the responsibility of the requestor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.091 FS.

LAW IMPLEMENTED: 944.09, 945.091 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-401.601 Medical Consultations by Non-Department Providers.

(1) through (2) No change.

(3) All non-department provider consultation and evaluation costs, including security and transport costs and costs resulting from the evaluation or preparation for the evaluation, shall be made at the expense of the requestor inmate and at no expense whatsoever to the Department of Corrections.

(4) through (5) No change.

(6) Requests for Consultations outside the Institution.

(a) No change.

(b) After reaching agreement with the requestor representative of the inmate, the Sheriff should contact the Secretary or his designee to make the necessary transport arrangements. The Secretary or his designee shall confirm that the Sheriff has determined to his satisfaction that the request is valid and the date and place the consultation is to be held. The Sheriff must agree to secure the inmate, keep him in custody at all times, and return him to the institution from which he obtained custody at no expense to the Department of Corrections.

(c) through (8) No change.

Specific Authority 20.315, 944.09, 945.091 FS. Law Implemented 944.09, 945.091 FS. History—New 4-6-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick H. Brown, M.D.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Provider Reimbursement Schedule  
RULE NO.: 59G-4.002

PURPOSE AND EFFECT: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference update April 2005 to the Florida Medicaid Provider Reimbursement Schedule. The reimbursement schedule was updated to include a ten percent reduction in Independent Laboratory fees effective for dates of service beginning April 1, 2005. The reduction was mandated by the Florida Legislature because no contract was in place by April 1, 2005. Conference Report HB 1835 – FY 2004-2005, line 210 reads, “If by April 1, 2005, because of litigation or for other reasons, the agency has been unable to enter into a risked-based contract with a single or

multiple independent laboratories where Medicaid payment is made on a per eligible per month basis, the agency shall reduce all Medicaid fees for all independent laboratory procedures by 10 percent.” The effect will be to incorporate by reference update April 2005 to Rule 59G-4.002, F.A.C.

SUMMARY: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference update April 2005 to the Florida Medicaid Provider Reimbursement Schedule. The reimbursement schedule was updated to include a ten percent reduction in Independent Laboratory fees effective for dates of service beginning April 1, 2005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., Tuesday, September 6, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-4.002 Medicaid Provider Reimbursement Schedule. Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2005, updated April 2005: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Rinaldi

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 15, 2005

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLES:	RULE NOS.:
Penalties	64B18-14.002
Citations	64B18-14.010

**PURPOSE AND EFFECT:** The Board proposed the amendment to Rule 64B18-14.002, F.A.C., to add penalties for not submitting or updating required information within the 45 day time limit. The Board proposes the amendment to Rule 64B18-14.010, F.A.C., to add penalties for failure to comply with Section 456.039(3)(b), Florida Statutes.

**SUMMARY:** The proposed amendment to Rule 64B18-14.002, F.A.C., is to add penalties for not submitting or updating required information within the 45 day time limit and to Rule 64B18-14.010, F.A.C., is to add penalties for failure to comply with Section 456.039(3)(b), Florida Statutes.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 456.078, 456.079(1), 461.005, 461.013(4) FS.

**LAW IMPLEMENTED:** 456.039(3)(b), 456.057, 456.062, 456.077, 456.079, 456.012, 461.013(4), 461.013(7) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B18-14.002 Penalties.

(1) No change.

(2) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, F.S., has committed any of the acts set forth in either Section 461.013(1), 456.013(7), 456.033, 456.053, 456.062, 456.067 or 456.072, F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) through (qq) No change.

(rr) Failure to submit or update required information within 45 days. The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$2,500.00 to \$5,000.00.

Specific Authority 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History—New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-68, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04, \_\_\_\_\_.

64B18-14.010 Citations.

(1) through (2) No change.

(3) The following violations may be disposed of by the Department by citation with the specified penalty:  
**VIOLATIONS PENALTY**

(a) through (i) No change.

(j) Failure to comply with Section 456.039(3)(b), F.S., a fine of \$50.00 per day up to \$2,500.00.

(4) through (5) No change.

Specific Authority 456.072, 461.005 FS. Law Implemented 456.057, 456.072, 456.077, 461.012, 461.013(7) FS. History—New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Podiatric Medicine

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Podiatric Medicine

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 14, 2005

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** March 24, 2005