

b. Employee SSN and Date of Injury (unless Form DFS-FS-DWC-4, Notice of Action/Change adopted in Rule Chapter 69L-3, F.A.C., was filed to report a change in Employee SSN and Date of Injury that explains the different value sent on the test EDI filing compared to the value sent on the prior paper or EDI filing :

c. Benefit Type reported on the Division paper form promulgated under Rule Chapter 69L-3, F.A.C., compared to the test Electronic First Report of Injury or Illness filing;

d. Initial Date of Lost Time;

e. Date Claim Administrator Had Knowledge of Lost Time; and

f. Any penalties and/or Interest reported on the prior paper filing compared to the test Electronic First Report of Injury or Illness, and

(c) The claim administrator has responded to all parallel pilot analysis reports issued during the test period(s).

(10) The claim administrator shall send a minimum of two transmissions containing the test MTC's pursuant to subsections (8) of this section for evaluation by the Division before the claim administrator will be approved for production status.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History--New _____.

69L-56.330 Electronic Formats for Reporting the Employee's 8th Day of Disability and the Claim Administrator's Knowledge of 8th Day of Disability.

(1) Until required by this rule to report Claims EDI filings using the IAIABC Release 3 standard, if a claim administrator is voluntarily reporting Claims EDI information using the IAIABC EDI Release 1 standard and reports the electronic First Report of Injury or Illness ~~If the electronic form equivalent of the DFS F2-DWC 1, First Report of Injury or Illness, as incorporated by reference in Rule 69L-3, F.A.C., is voluntarily sent via EDI~~ with Claim Type "L" ("Became Lost Time", a.k.a., Medical Only to Lost Time), the claim administrator shall report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability at the same time the electronic form equivalent of Form DFS-F2-DWC-1 is required to be sent to the Division as specified in Rule ~~69L-56.301, 69L-24.0234~~, F.A.C, using any of the electronic formats approved by the Division and adopted by reference in this ~~rule section~~.

(2) If the initial payment of benefits is for Impairment Income Benefits or settlement agreement or order for indemnity benefits, or follows a total or partial denial, the claim administrator is not required to electronically report the employee's 8th day of disability and the claim administrator's knowledge of 8th day of disability.

(3) The claim administrator shall utilize the electronic format, "Electronic Supplement to the First Report of Injury (DWC-1) Transaction (January 2005)", from the Division's

web site at www.fldfs.com/wc/edi.html, or the "8th Day of Disability For EDI Submitters" database located at www.fldfs.com/wc/ to report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability required in Rule Chapter 69L-3, F.A.C. ~~The requirement to report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability via an alternative electronic format shall commence upon the effective date of this rule.~~

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History--New 5-29-05, Amended _____.

69L-56.500 Insurer Responsibilities Where Third Party Services are Utilized.

If an insurer contracts with a claim administrator or third party vendor to electronically send transactions to the Division on the insurer's behalf, or uses a claim administrator or third party vendor's software product for electronically sending transactions to the Division, the insurer shall remain responsible for the timely filing of transactions required by this rule, processing of acknowledgements, electronic form equivalents and any penalties and fines that may result from untimely electronic filings.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.20(8)(b), 440.593 FS. History--New 5-29-05, Amended _____.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.820	Maximum Management

PURPOSE AND EFFECT The purpose and effect of the proposed rule is to reflect the Deputy Director of Health Services (Clinical) as a member of the MMRT instead of the Deputy Assistant Secretary of Health Services (Clinical) and modify Form DC6-171 to include information to assist staff in correctly processing the form.

SUMMARY: Amends the rule to reflect the Deputy Director of Health Services (Clinical) as a member of the MMRT instead of the Deputy Assistant Secretary of Health Services (Clinical) and modify Form DC6-171 to include information to assist staff in correctly processing the form.

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 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: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.820 Maximum Management.

(1) Definitions.

(a) No change.

(b) Maximum Management Review Team – refers to the committee in Central Office that has approval authority for placement in maximum management and the modification of conditions and restrictions imposed at the time an inmate is initially placed in maximum management. The Maximum Management Review Team shall consist of the following staff or those acting in that capacity:

1. Deputy Assistant Secretary of Institutions – Operations (Chairperson);

2. Chief, Bureau of Classification and Central Records;

3. Chief, Bureau of Security Operations; and

4. Deputy ~~Director~~ ~~Assistant Secretary~~ of Health Services (Clinical).

(2) through (4) No change.

(5) Initial Placement Hearing and Decision Process.

(a) No change.

(b) The inmate shall be present for the hearing, unless:

1. through 2. No change.

3. If the inmate did not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered on Form DC6-171, Report of Maximum Management. Form DC6-171 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. The effective date of this form is 4-13-06.

(c) through (m) No change.

(6) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

RULE TITLE:

59G-4.250

Prescribed Drug Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, June 2006. The handbook incorporates statutory changes making the Preferred Drug List mandatory and removes the four brand cap limit. It also removes the 34-day supply limit for some maintenance drugs when identified by the P&T committee; eliminates the Silver Saver program; moves coverage of certain supplies and nutritional items to the Durable Medical Equipment program; defines the process for approval of a brand name drug when generic equivalent products are available; removes coverage for erectile dysfunction; adopts statutory ingredient cost reimbursement levels; and specifies a \$7.50 dispensing fee for providers using 340b purchasing contracts. The effect will be to incorporate by reference in the rule the Florida Medicaid Prescribed Drug Coverage, Limitations and Reimbursement Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, June 2006. The effect will be to incorporate by reference in the rule the Florida Medicaid Prescribed Drug Coverage, Limitations and Reimbursement Handbook.

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: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Thursday, September 14, 2006, 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marie Donnelly, Agency for Health Care Administration, Medicaid Pharmacy Services, 2727 Mahan Drive, Mail Stop 38, Tallahassee, Florida 32308, (850)922-0683

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook, June 2006 July 2004, which is incorporated by reference, and available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History--New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-01, 4-24-01, 10-6-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marie Donnelly

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.001	General Definitions
61D-14.004	Denial Criteria for Applications and Renewals
61D-14.005	Occupational License Requirements for Individual Persons

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rules address the following subject matter areas: A correction to the definition of "ticket" contained in Rule 61D-14.001, F.A.C.; clarification of the definition of convictions referenced in Section 550.1815, Florida Statutes, referenced in Rule 61D-14.004, F.A.C.; and to correct a cross-reference to a rule contained in Rule 61D-14.005, F.A.C. 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 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: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (d), (e), (g), (i), 551.104(4), 551.107(4)(a), 551.117, 551.118(1) FS.

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

DATE AND TIME: September 19, 2006, 10:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.001 General Definitions.

(1) through (15) No change.

(16) "Ticket" means a receipt for credits printed by a slot machine or ticket issuing machine used for slot machine play or redeemed for cash by the slot machine licensee.

(17) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a),(1)(b), (d), (e), (g), (i), 551.104(4) FS. History--New 6-25-06, Amended _____.

61D-14.004 Denial Criteria for Application and Renewals.

(1) through (9) No change.

(10) A conviction, as specified in Section 550.1815(1)(b), or a conviction or disqualifying administrative sanction as provided in Section 551.107(6)(a), Florida Statutes, of the applicant or of any person or entity referenced in Section 550.1815(1)(a), Florida Statutes ~~referenced in that section required to be licensed of any disqualifying offense listed in Section 550.1815, Florida Statutes.~~

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (i), 551.104(4), 551.117, 551.118(1) FS. History--New 6-25-06, Amended _____.

61D-14.005 Occupational License Requirements for Individual Persons.

(1) through (4) No change.

(5) In the event the division determines that the licensee has applied for multiple positions that have been determined as incompatible functions as set forth in the internal controls of the employing slot machine licensee under Rule 61D-14.015(4)(1)(b), F.A.C., the licensee shall be informed in writing and allowed to amend the application to select the position of his or her preference.

(6) through (7) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), 551.107(4)(a) FS. History--New 6-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-17.001
RULE TITLE: Professional Fees and Penalties for Architects

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify an application fee to reinstate a void license.

SUMMARY: An application fee of \$500 to reinstate a void license will be added to the rule.

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

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

SPECIFIC AUTHORITY: 455.217(2), 455.2281, 481.207 FS.

LAW IMPLEMENTED: 455.217(2), 455.2281, 455.207, 455.271, 481.207, 481.209, 481.219 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-17.001 Professional Fees and Penalties for Architects.

(1) through (12) No change.

(13) The application fee to reinstate a void license is \$500.00.

Specific Authority 455.217(2), 455.2281, 481.207 FS. Law Implemented 455.217(2), 455.2281, 455.207, 455.271, 481.207, 481.209, 481.219 FS. History--New 12-23-79, Amended 12-19-82, 5-18-83, 6-12-84, 7-30-85, Formerly 21B-17.01, Amended 9-23-86, 5-16-87, 12-6-87, 12-24-89, 3-14-91, Formerly 21B-17.001, Amended 9-27-93, 8-21-94, 11-21-94, 4-22-97, 3-15-99, 9-7-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.009
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: To indicate the continuing education hours that must be taken in a live classroom.

SUMMARY: Provides for live classroom continuing education.

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

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

SPECIFIC AUTHORITY: 456.013(7), (8), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7), (8), 480.0415 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B7-28.009 Continuing Education.
(1) through (2) No change.
(3)(a) At least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration, 6 hours of which may be performed as pro bono services pursuant to Rule 64B7-28.0095, F.A.C.
(b) through (5) No change.

Specific Authority 456.013(7), (8), (9), 480.035(7), 480.0415 FS. Law Implemented 456.013(7), (8), (9), 480.0415 FS. History--New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99, 11-28-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2006

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-33.001
RULE TITLE: Advertisement

PURPOSE AND EFFECT: To address permissible advertising.
SUMMARY: Clarifies the type of telephone directory listings which do not require a license number to be included.

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

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

SPECIFIC AUTHORITY: 480.035(7) FS.
LAW IMPLEMENTED: 480.046(1)(d), (f), 480.0465 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B7-33.001 Advertisement.
(1) through (2) No change.
(3) For purposes of this rule, "advertising medium" means: any newspaper, airwave or computer transmission, telephone directory listing other than an in-column listing consisting only of a name, address, and telephone number a listing for which no additional advertising charge is made, business card, handbill, flier, sign other than a building directory listing all building tenants and their room or suite numbers, or other form of written advertising.
(4) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.046(1)(d), (f), 480.0465 FS. History--New 12-7-92, Formerly 21L-33.001, Amended 2-13-95, 7-13-97, Formerly 61G11-33.001, Amended 11-21-02, 12-13-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.007 RULE TITLE: Medical Error Prevention Education for Initial Licensure

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to remove unnecessary language and to remove reference to Section 456.033, Florida Statutes as it is no longer relates to initial licensure.

SUMMARY: The proposed substantial rewrite of the rule is to remove unnecessary language and to remove reference to Section 456.033, Florida Statutes as it no longer relates to initial licensure.

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

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

SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.007 ~~HIV/AIDS and~~ Medical Error Prevention Education for Initial Licensure.

~~(1) In order to comply with Section 456.033, Florida Statutes, each applicant for licensure as an Occupational Therapist must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 381.25, Florida Statutes.~~

~~(2) As part of the application, the applicant shall confirm completion of the required course by submitting a copy of the course completion certificate. If the course has not been completed at the time of licensure, the applicant shall, upon the submission of an affidavit of good cause, be allowed 6 months to complete this requirement.~~

~~(3) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the HIV/AIDS education listed on the form for a period of not less than four (4) years from the date the course was taken. The Board will audit at random a number of licensees as is necessary to assure that the HIV/AIDS education requirement has been met.~~

~~(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.~~

Specific Authority 456.013(7), ~~456.033~~, 468.204 FS. Law Implemented 456.013(7), ~~456.033~~ FS. History—New 12-11-96, Formerly 59R-61.016, Amended 7-28-99, 6-25-02, 2-19-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.005 RULE TITLE: Medical Error Prevention Education for Initial Licensure

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to remove unnecessary language and to remove reference to Section 456.033, Florida Statutes as it no longer relates to initial licensure.

SUMMARY: The proposed substantial rewrite of the rule is being done to remove unnecessary language and to remove reference to Section 456.033, Florida Statutes as it no longer relates to initial licensure.

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

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

SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4 052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.005 ~~HIV/AIDS~~ and Medical Error Prevention Education for Initial Licensure.

~~(1) In order to comply with Section 456.033, Florida Statutes, each applicant for licensure as an Occupational Therapy Assistant must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.~~

~~(2) As part of the application, the applicant shall confirm completion of the required course by submitting a copy of the course completion certificate. If the course has not been completed at the time of licensure, the applicant shall, upon the submission of an affidavit of good cause, be allowed 6 months to complete this requirement.~~

~~(3) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the HIV/AIDS education listed on the form for a period of not less than four (4) years from the date the course was taken.~~

~~(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after~~

July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), ~~456.033~~, 468.204 FS. Law Implemented 456.013(7), ~~456.033~~ FS. History—New 12-11-96, Formerly 59R-62.013, Amended 4-5-98, 7-28-99, 6-25-02, 2-19-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.:	RULE TITLE:
64B11-5.001	Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language removing reference to end of life care and palliative health care as well as HIV/AIDS education.

SUMMARY: The proposed rule amendment will remove unnecessary language removing reference to end of life care and palliative health care as well as HIV/AIDS education.

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

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

SPECIFIC AUTHORITY: 456.036., 468.219, FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219, 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (3) No change.

(4) HIV/AIDS – ~~As part of the twenty six (26) hours of continuing education required herein for license renewal, the licensee shall complete one (1) hour of HIV/AIDS education as set forth in Section 456.033, F.S., or a course in end of life care and palliative health care, so long as the licensee has completed an approved one (1) hour HIV/AIDS course in the immediately preceding biennium~~ no later than upon first renewal.

(5) through (7) No change.

(8) Exemption – Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two (2) hour prevention of medical errors course requirement referenced above and required by Section 456.013, F.S., ~~and except for the one (1) hour HIV/AIDS education or end of life care and palliative health care course referenced above as required by Section 456.033, F.S.~~

(9) through (15) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History–New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04, 10-24-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: July 21, 2006

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.:
64B11-5.003

RULE TITLE:
Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language for end of life palliative health care and HIV/AIDS education.

SUMMARY: The rule amendment will remove unnecessary language for end of life palliative health care and HIV/AIDS education.

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

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

SPECIFIC AUTHORITY: 456.036, 468.204, 468.219 FS.

LAW IMPLEMENTED: 456.036, 468.219 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) An inactive license for an occupational therapist or occupational therapist assistant shall be reactivated upon demonstration that the licensee has satisfied the following requirements:

(a) through (c) No change.

~~(d) Completed one (1) hour of approved continuing education in the area of HIV/AIDS or end of life palliative health care as authorized and prescribed in subsection 64B11-5.001(4), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.~~

~~(d)(e)~~ Completion of two (2) hours of approved continuing education relating to the prevention of medical errors, as authorized and prescribed in subsection 64B11-5.001(5), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.

(2) through (5) No change.

Specific Authority 456.036, 468.204, 468.219 FS. Law Implemented 456.036, 468.219 FS. History–New 4-17-95, Formerly 59R-64.020, Amended 10-18-01, 8-2-05, 5-29-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NOS.: RULE TITLES:
65-2.045 Hearing Request
65-2.056 Basis of Hearings
65-2.057 Conduct of Hearing
65-2.058 Appearances

PURPOSE AND EFFECT: The rule amendments are to clarify the rule language in areas of authorized representatives, the de novo nature of the hearing, align the confidentiality requirements with federal requirements, remove language that is duplicative of language of the uniform rules, and remove the language that provides for class action hearings.

SUMMARY: The proposed rule amendments address procedural guidelines for administrative hearings that are conducted within the Department of Children and Family Services for the federally funded public assistance programs.

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

SPECIFIC AUTHORITY: 409.285 FS.

LAW IMPLEMENTED: 409.285 FS.

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

DATE AND TIME: September 19, 2006, 1:30 p.m.
PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Pritchard, Chief of Appeal Hearings, Telephone (850)488-1429

THE FULL TEXT OF THE PROPOSED RULES IS:

65-2.045 Hearings Request.

(1) through (2) No change.

(3) A Request for Hearing may be made by the applicant/recipient or someone in his/her behalf. However, if the appeal is filed by someone other than the applicant/recipient, attorney, legal guardian, spouse, or next of kin, or the grantee relative in cash assistance, or a person allowed by the department as an authorized representative to participate in the eligibility determination, AFDC the person making the appeal must have written authorization of the applicant/recipient. Such written authorization must accompany the Hearing Request, or be presented by the time of the Hearing. Should the request be filed without the written

authorization, the authorization must be provided in response to a request from the department or hearing officer, prior to the appeal going forward. Without prior proper written authorization, the appeal will be dismissed.

(4) through (5) No change.

~~(6) This amendment is to be effective March 1, 1979.~~

Specific Authority ~~120.53, 20.05, 409.026,~~ 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58,~~ 409.285 FS. History–New 5-17-78, Amended 3-1-79, Formerly 10-2.45, 10-2.045, Amended _____.

65-2.056 Basis of Hearings.

(1) through (2) No change.

(3) The Hearing Officer must ~~shall~~ determine whether the department's decision on eligibility or procedural compliance ~~action by the agency~~ was correct at the time the decision was made ~~action was taken~~. The hearings are de novo hearings, in that, either party may present new or additional evidence not previously considered by the department in making its decision.

Specific Authority ~~120.53, 20.05, 409.026,~~ 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58,~~ 409.285 FS., ~~7 C.F.R. 271.1(e), 45 C.F.R. 205.10.~~ History–New 5-18-78, Formerly 10-2.56, 10-2.056, Amended _____.

65-2.057 Conduct of Hearing.

The Hearing is a formal proceeding and shall be conducted pursuant to these rules. At the request of the petitioner, the Hearing may be conducted as an informal proceeding pursuant to Section 120.57(2), F.S.

(1) through (8) No change.

(9) Federal regulations require that public assistance the welfare records shall be confidential. Hearings conducted pursuant to these rules are only not open to any person except a party or witness, except as provided in federal regulation without consent of the appellant.

~~(10) The parties or their representatives shall have an opportunity to submit a proposed findings of facts and orders, filed exceptions, to the Hearings Officer within 14 days after the Hearings.~~

~~(10)(11) A Hearings Officer shall not grant a motion for rehearing or reconsideration.~~

~~(11)(12) The Hearing Official shall insure that all relevant issues are considered.~~

~~(12)(13) The Hearing Official shall request, receive and make part of the record information determined necessary to decide the issues being raised.~~

~~(13)(14) Hearing request from households, such as migrant farm workers, shall be processed faster than others if necessary to enable them to receive a decision before they leave the area.~~

~~(15) These amendments are to be effective March 1, 1979.~~

Specific Authority ~~120.53, 20.05, 409.026,~~ 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58,~~ 409.285 FS. History–New 5-17-78, Amended 3-1-79, Formerly 10-2.57, 10-2.057, Amended _____.

65-2.058 Appearances.

(1) A person may be represented by an attorney, or other qualified representative or may appear on their own behalf. ~~A class of persons may be represented as provided in Rule 1.220, F.R.C.P., proceedings under these rules.~~

(2) The hearing shall be attended by a representative of the Department.

~~(3) Food Stamps regulations allows the attendance of friends or relatives of the household if the household so chooses. The Hearings Officer has the authority to limit the number of persons in attendance if space limitations exist.~~

~~(4) These amendments are to be effective March 1, 1979.~~

Specific Authority ~~120.53, 20.05, 409.026,~~ 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58,~~ 409.285 FS. History–New 5-17-78, Amended 3-1-79, Formerly 10-2.58, 10-2.058, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Pritchard, Chief of Appeal Hearings
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sheryl Steckler, Inspector General
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-211.320 RULE TITLE: Curriculum Standards for Special Designation

PURPOSE AND EFFECT: The rule adds Professional Property Insurance Adjuster (PPIA) and Certified Claims Adjuster (CCA) as special designations for curriculum standards as established by the rule in accordance with a recent amendment to Section 626.221(1), F.S.

SUMMARY: The amendment adds Professional Property Insurance Adjuster and Certified Claims Adjuster to the designations for which curriculum standards are specified by the rule.

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

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

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

DATE AND TIME: Tuesday, September 19, 2006, 9:30 a.m.

PLACE: Room 139, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Hazel Muhammad, (850)413-5460 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

(1) No change.

(2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), Professional Property Insurance Adjuster (PPIA) or Certified Claims Adjuster (CCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History–New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006