

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Health Insurance Policies
 RULE NO.: 4-154

PURPOSE AND EFFECT: Review legislation relating to health insurance and health maintenance organizations that was passed during the 1999 session to develop necessary rules to interpret and implement the legislation.

SUBJECT AREA TO BE ADDRESSED: SB 232 (Chapter 99-264, Laws of Florida), SB 312 (Chapter 99-186, Laws of Florida), HB 377 (Chapter 99-299, Laws of Florida), HB 1927 (Chapter 99-393, Laws of Florida), HB 2125 (Chapter 99-397, Laws of Florida), HB 2231 (Chapter 99-356, Laws of Florida), and SB 2554 (Chapter 99-275, Laws of Florida).

SPECIFIC AUTHORITY: 624.308, 641.36 FS.

LAW IMPLEMENTED: 624.307, 626.883, 627.4236, 627.6645, 627.6675, 641.31, 641.3108, 641.3155, 641.316, 641.3903, 641.3915, 641.3922, 641.51 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., September 9, 1999

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Bracher, Chief, Managed Care, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0347, (850)413-2500

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Liz Morris, (850)413-5112.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

Written comments must be received no later than the day of the workshop.

DEPARTMENT OF INSURANCE

RULE TITLE: Workers' Compensation: Application and Audit Procedures
 RULE NO.: 4-189.003

PURPOSE AND EFFECT: The amendments address the recommendations in the Report on Workers' Compensation Fraud issued by the Fourteenth Statewide Grand Jury, Office of Statewide Prosecution regarding information in applications. The rule amendments update the standard application used by an employer for insurance coverage required by Section 440.38, Florida Statutes, adding requirements for additional information in workers compensation applications. The amendments also add audit

rules that were previously incorporated by reference, eliminate obsolete references and propose two changes in audit rules: (a) audits would be required within 90 days after expiration or termination of the policy, and (b) audits are required for leasing companies as well as for non-leasing companies.

SUBJECT AREA TO BE ADDRESSED: Information in workers compensation insurance applications and audits of payroll and classifications in order to evaluate the premium charged for workers compensation insurance.

SPECIFIC AUTHORITY: 440.381 FS.

LAW IMPLEMENTED: 440.381, 624.307, 624.308(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., September 14, 1999

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Watford, Actuary, Insurer Services, P & C Forms & Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5368

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-189.003 Workers' Compensation: Application and Audit Procedures.

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, Florida Statutes, shall use Form ACORD 130-FL (rev. 3/99 3/96) or Form ACORD 130-FL (rev. 6/94), "Florida Workers' Compensation Application," which is hereby adopted and incorporated by reference. Carriers are authorized to continue to use Form ACORD 130-FL (rev. 3/96), "Florida Workers' Compensation Application," which was previously adopted until the current supply of forms is exhausted. The form shall be completed and submitted to the carrier with which the employer wishes to contract for coverage.

(b) A carrier wishing to use its own application form shall submit the form to the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0330, for approval prior to its use. At a minimum the form shall require the employer to provide the following information: name, address, and legal status of the employer; federal employer identification number; type of business and contractor

licensing number if the employer is a contractor; rating information including past and prospective payroll; estimated revenue; locations; list of officers, sole proprietors and partners including their social security number; list of all employee names, employee's social security number and classifications; and previous workers' compensation experience; former business names and predecessor companies; former and current owners; all names under which the corporation operates; and any other information necessary to enable the carrier to accurately underwrite the employer. The application shall contain a statement that the filing of an application containing false, misleading, or incomplete information with the purpose of avoiding or reducing the amount of premiums for workers' compensation coverage is a felony of the third degree. The application shall contain a sworn statement by the employer attesting to the accuracy of the information submitted.

(c) Each employer applying for workers' compensation coverage in the Florida Workers' Compensation Joint Underwriting Association (FWCJUA) ~~shall~~ may be required by their carrier to use ACORD Form 130-FL (rev. 3/99 3/96) unless the FWCJUA files and receives approval by the Department of Insurance to use a different application form in accordance with paragraph (1)(b). The FWCJUA shall use ACORD Form 133-FL (rev. 4/96 4/96), "Florida Workers' Compensation Joint Underwriting Association, Inc., Addendum to ACORD 130-FL" and ACORD Form 134-FL (rev. 9/98), "Florida Workers' Compensation Joint Underwriting Association, Inc., Instructions for Completing ACORD 130 FL & ACORD 133 FL," (rev. 3/96) which ~~are~~ is hereby adopted and incorporated by reference. The completed instruction forms shall be submitted to the FWCJUA at the address on the form.

(d) The forms adopted in this subsection (1) may be obtained from ACORD, Number 1 Blue Hill Plaza, 15th Floor, Post Office Box 1529, Pearl River, New York 10965-8529.

(2)(a) An application complying with this rule is required for all policies having covered Florida exposure. For new business effective after the implementation of this rule, a carrier shall use an application which complies with this rule. When this new business policy is renewed, the carrier is not required to obtain another application. ~~For existing business on a carrier's books as of 90 days after the effective date of this rule, the carrier is required to obtain an application complying with this rule at the first renewal of this existing business. On subsequent renewals of this existing business, the carrier is not required to obtain another application.~~ These requirements also apply to policies written in other states where there is covered Florida exposure other than incidental Florida exposure.

(b) The applicant's signature on the application form shall be notarized. ~~The carrier is authorized to require it is not necessary for the producer's signature to be notarized.~~

(3) Each employer in the voluntary market or the FWCJUA may be required by their carrier to submit Form ACORD 175-FL (rev. 3/97), "Florida Workers' Compensation Monthly Change Sheet," which is hereby adopted and incorporated by reference. Carriers may use their own monthly change sheet containing the same information shown on the adopted form. This form is used to reflect any change in the required application. The monthly change sheet is applicable to new and renewal policies which have been issued with an application that complies with this rule. It is not necessary for an employer to submit a monthly change sheet if there are no changes to report.

(4)(a) In order to ensure that the appropriate premium is charged for workers' compensation coverage, each employer and carrier shall comply with the minimum auditing requirements in subsection (5) of this rule in accordance with ~~of~~ Section 440.381, Florida Statutes, ~~with "Florida State Special Audit Rules" (8/91), and with "Florida Assigned Risk Audit Rules" (7/91).~~ The "Florida State Special Audit Rules" (8/91) and the "Florida State Assigned Risk Audit Rules" (7/91) of the National Council on Compensation Insurance are hereby adopted and incorporated by reference. ~~Copies of the "Florida State Special Audit Rules" (8/91) and the "Florida Assigned Risk Audit Rules" (7/91) are contained in the workers' compensation manual issued by the National Council on Compensation Insurance.~~

(b)1. In addition, each employer shall submit a copy of the quarterly earning report required by Chapter 443, Florida Statutes, to the carrier at the end of each quarter.

2. Each carrier shall develop its own procedures for terminating coverage when the quarterly earning report forms are not received. However, such forms shall be considered timely if received within 45 days of the end of the quarter reported.

(c) The carrier shall retain new or renewal applications, monthly change sheets, and the quarterly earning reports for a minimum of three years from the date the applications, sheets, or reports were received.

(d) Telephone audits are not permitted in lieu of mail or physical onsite audits.

(e) An initial application is required only at the inception of a three-year fixed rate policy or at renewal, if the inception date was prior to the effective date of this rule. Audit procedures are required at the expiration of each policy.

(5)(a) Audits shall be completed, billed and recorded on the company records within 90 calendar days of policy expiration. Audits shall be completed, billed and recorded on the company records within 90 calendar days of the effective date of cancellation if initiated by the company and within 90 calendar days of notification of cancellation if initiated by the insured.

(b) For new or renewal policies, audits are to be conducted with the following minimum frequencies:

1. Estimated annual premium less than \$4,500: A final mail or physical onsite audit shall be completed annually on all risks regardless of governing classification code.

2. Estimated annual premium \$4,500 and over: A final physical onsite audit shall be completed annually on all risks regardless of governing classification code. For Employee Leasing Companies or Professional Employer Organizations the carrier shall also complete an annual physical onsite audit on each client company with annual workers compensation payrolls that produce \$4,500 or more of premium.

3. For all new business policies having construction classifications, a final physical onsite audit shall be completed for the new business policy and, at a minimum, every three years thereafter.

4. Per capita policies shall have a final mail or physical onsite audit biennially.

(c) A preliminary physical onsite audit conducted prior to the policy expiration shall be considered for any new policy having any of the following characteristics:

1. Construction risks with over \$10,000 in estimated annual premium;

2. Employee leasing companies;

3. Trucking companies;

4. Payroll inconsistencies on UCT-6 (Unemployment Compensation Tax) or monthly updates;

5. Any policy with over \$50,000 in estimated annual premium.

(d) Physical onsite audits shall be made whenever requested by the insured with reasonable grounds.

(e) Mail audit reports by the insured are permitted only where a physical onsite audit is not required. The mail audit shall include a sworn statement by an officer or principal of the employer attesting to the accuracy of the information contained in the audit.

(f) The most recent four UCT-6 forms or their equivalent shall be requested from the insured on all mail audits to assess the reasonableness of reported payroll.

(g) Records examined during the physical onsite audits shall include, but not be limited to, the use of the following records as applicable: ledgers, journals, registers, vouchers, contracts, UCT forms, federal tax reports, federal reports of employee income, payroll, cash disbursement journals, other acceptable accounting records, certificates of insurance for subcontractors, independent contractor documents and programs for storing and retrieving any of the above items.

(h) The rating organization or carriers shall conduct audits to ensure the accurate classification assignments for duties of employees.

(i) Upon the failure of the insured to return voluntary audit requests or the refusal to cooperate in completing a final physical onsite audit, the workers compensation carrier shall use payrolls that produce a charge up to a maximum of three

times the most recent estimated annual premium in accordance with Section 440.381(8), Florida Statutes, for purposes of determining the final premium subject to the following conditions:

1. The carrier shall make two good faith efforts to obtain the voluntary audit report or complete the physical onsite audit;

2. The carrier shall document the audit file regarding the above attempts to obtain the required audit information; and

3. After the two good faith attempts to obtain records, the carrier shall send a letter by certified mail to the insured advising them of the specific records that are required and the premium that shall be charged if the insured continues to refuse access to the records. A cancellation notice for the renewal policy shall be issued. The cancellation notice may be rescinded if the audit is performed.

(j) If the auditor is refused physical entry or during the course of the physical onsite audit the auditor is denied access to essential records, the carrier is authorized to impose a \$500 penalty on the insured in accordance with Section 440.381(5), Florida Statutes. The \$500 penalty shall be imposed only if the carrier has incurred actual travel expenses and the insured was made aware of the potential penalty in writing when access was denied. Denial of access to records by the agent or representative of insured shall be considered the same as a denial by the insured.

(k) In accordance with Section 440.381(6), Florida Statutes, if an insured intentionally understates or conceals payroll, or misrepresents or conceals employee duties so as to avoid proper classification for premium calculations, or misrepresents or conceals information pertinent to the computation and application of an experience rating modification factor, the employer, or his agent or attorney, shall pay to the insurance carrier a penalty of 10 times the amount of the difference in premium paid and the amount the employer should have paid and reasonable attorney's fees. The penalty may be enforced in the circuit courts of this state.

Specific Authority 440.381 FS. Law Implemented 440.381, 624.307, 624.308(1) FS. History--New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98.

DEPARTMENT OF INSURANCE

RULE TITLE:

RULE NO.:

Health Maintenance Organizations

4-191

PURPOSE AND EFFECT: Review legislation relating to health insurance and health maintenance organizations that was passed during the 1999 session to develop necessary rules to interpret and implement the legislation.

SUBJECT AREA TO BE ADDRESSED: SB 232 (Chapter 99-264, Laws of Florida), SB 312 (Chapter 99-186, Laws of Florida), HB 377 (Chapter 99-299, Laws of Florida), HB 1927 (Chapter 99-393, Laws of Florida), HB 2125 (Chapter 99-397, Laws of Florida), HB 2231 (Chapter 99-356, Laws of Florida), and SB 2554 (Chapter 99-275, Laws of Florida).

SPECIFIC AUTHORITY: 624.308, 641.36 FS.

LAW IMPLEMENTED: 624.307, 626.883, 627.4236, 627.6645, 627.6675, 641.31, 641.3108, 641.3155, 641.316, 641.3903, 641.3915, 641.3922, 641.51 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., September 9, 1999

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Bracher, Chief, Managed Care, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0347, (850)413-2500

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Liz Morris, (850)413-5112.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

Written comments must be received no later than the day of the workshop.

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE CHAPTER TITLE: Florida Birth-related Neurological Injury Compensation Plan

RULE CHAPTER NO.: 4J-6

RULE TITLE: Medical Panel Advisory Review

RULE NO.: 4J-6.001

PURPOSE AND EFFECT: Section 766.308(2), Florida Statutes, requires that the Department of Insurance develop a plan which provides procedures for the medical advisory panel to review NICA claims. The statute further requires that the Department obtain input from the Division of Medical Quality Assurance of the Department of Business Regulation and the Children's Medical Services Program office of the Department of Health and Rehabilitative Services regarding any proposed rules. The amendment will provide the procedures as required by section 766.308(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The establishment of procedures for the medical advisory committee to review NICA claims.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 766.308(2) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., August 31, 1999

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eugenia Tyus, Senior Management Analyst II, Division of Insurer Services, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3110, Ext. 4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4J-6.001 Medical Panel Advisory Review.

(1) Purpose. This rule provides the method and procedure for the medical advisory panel review required by Section 766.308, Florida Statutes. This procedure was developed in coordination with the Department of Health to determine compensability of claims filed against the Florida Birth-Related Neurological Injury Compensation Association.

(2) Definitions. In its review of claims made pursuant to the provisions of the Florida Birth-Related Neurological Compensation Plan, the medical advisory panel shall employ the following definitions, in addition to the definitions in Section 766.302, Florida Statutes:

(a) "Association" means the Florida Birth-Related Neurological Injury Compensation Plan.

(b) "Brain" means that portion of the cerebro-spinal axis which is contained within the cavity of the cranium and which consists of five major parts identified as the cerebrum, the cerebellum, the pons Varolii, the medulla oblongata, and the midbrain.

(c) "Spinal Cord" means an ovoid column of nervous tissue extending from the medulla oblongata to the second lumbar vertebra in the spinal canal.

(d) "Delivery" means that period of time beginning when the cervix reaches a dilation of 10 centimeters and ending upon the birth of an infant, or the surgical removal of the infant by Caesarian Section.

(e) "Labor" means that period of time, beginning with:

- (1) Progressive dilation of the cervix;
- (2) Progressive effacement of the cervix;
- (3) Progressive descent of the infant, and;
- (4) Simultaneous contractions ending upon the delivery of the infant.

(f) "Permanent and Substantial" means a neurological injury caused by oxygen deprivation or mechanical injury during labor, delivery or resuscitation in the immediate post-delivery period in a hospital which leaves the infant suffering an injury such that the infant is mentally and physically impaired to the extent that the infant's skills regarding ambulation, speech, toileting or feeding are either severely impaired or non-existent.

(3) A medical advisory panel appointed by the Insurance Commissioner in accordance with Section 766.308, Florida Statutes, shall review each claim for which a hearing has been scheduled for the purpose of determining the compensability of the claim.

(4) The medical advisory panel shall elect a panel member as chairperson. The chairperson shall delegate the various administrative duties required for the operation of the medical advisory panel, and when necessary, shall convene the medical advisory panel for the purpose of conducting the business of the medical advisory panel.

(5) Each medical advisory panel member shall be provided a complete copy of each claim submitted for review and shall consider therewith all relevant written information submitted by the Association which relates to the issue of whether or not the injury under review is a birth-related neurological injury within the meaning of Section 766.302(2), Florida Statutes.

(6) The medical advisory panel may request the Hearing Officer to order the production of additional information or records from any health care provider who has provided treatment to the infant or obstetrical care to the mother and, if necessary, may further request that the injured infant be examined by a physician or other professional selected by the medical advisory panel.

(7) As to each claim reviewed by the medical advisory panel, one member shall be designated by the chairperson to prepare a written report and recommendation (report) which reflects the evaluation of the medical advisory panel as to the causation and compensability of the claim. That report shall be filed with the Division of Administrative Hearings no later than 10 days prior to the date set for hearing.

(8) The member who prepares the report shall be available to testify in the event that the Hearing Officer requests the presence of the medical advisory panel member at the hearing on a reviewed claims.

(9) The report shall be approved by a majority of the medical advisory panel. The report shall contain the style of the case as established by the Division of Administrative Hearings and at a minimum shall identify the names, addresses and phone numbers of the panel members who participated in the review of the claim, a description of the findings of the panel and a recommendation of whether the claim should be accepted or denied. The report shall be signed by the panel member who prepared the report. The Association shall be responsible for the reasonable costs associated with the preparation and filing of the report.

Specific Authority 624.308 FS. Law Implemented 766.308(2) FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Articulation Between Universities, Community Colleges, and School Districts

6A-10.024

PURPOSE AND EFFECT: The purpose of this rule development is to propose for adoption by the State Board an amendment to Rule 6A-10.024, FAC, that reflects changes made by the Legislature to Section 240.115, Florida Statutes. Included in these changes was a requirement for the Articulation Agreement embodied in the rule to govern the articulation of applied technology diploma graduates into associate degree programs.

SUBJECT AREA TO BE ADDRESSED: Changes made by the Legislature in Section 240.115, F.S.

SPECIFIC AUTHORITY: 229.053(1), 240.115 FS.

LAW IMPLEMENTED: 240.115 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:30 p.m., September 15, 1999

PLACE: Articulation Coordinating Committee Meeting, 325 West Gaines Street, Room 1706, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bertha Easton, Office of Postsecondary Education Coordination, Department of Education, 325 West Gaines Street, Room 401, Tallahassee, Florida 32399-0400, (850)922-0344

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Reporting Information to the State

Board of Education

6A-16.026

PURPOSE AND EFFECT: Chapter 20.15, Florida Statutes, establishes the Commissioner of Education as the head of the Department of Education and the State Board of Education as the chief policy making body for public education. The purpose of this rule development is to determine what issues warrant reporting by the Commissioner of Education to the State Board of Education.

SUBJECT AREA TO BE ADDRESSED: Issues to be reported by the Commissioner of Education to the State Board of Education.

SPECIFIC AUTHORITY: 229.053(1) FS.

LAW IMPLEMENTED: 229.053(1), 229.75, 229.76 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400, (850)488-6539

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-16.026 Reporting Information to the State Board of Education.

The Commissioner of Education, as head of the Department of Education, shall report to the State Board, as chief policy making body, actions involving the following:

(1) Claims settlement, actions, causes of action and legal proceedings brought against the Department or its employees acting within the scope of his/her employment.

(2) Donations accepted and gifts of property or grants of money on behalf of the Department in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the State.

(3) Leases of real property for departmental operations.

(4) Proposed legal action to be taken by, or on behalf of the Board for Board ratification, except in defense of litigation instituted against the Board or where the emergent nature of a matter requires immediate action.

(5) Controversial or major policy issues as determined by members of the State Board arising in the Department of Education.

Specific Authority 229.053(1) FS. Law Implemented 229.053(1), 229.75, 229.76 FS. History—New

DEPARTMENT OF ELDER AFFAIRS

Administration of Federal Aging Programs

RULE TITLE: Area Agency on Aging Functions and Responsibilities

RULE NO.: 58A-1.007

PURPOSE AND EFFECT: This notice is in addition to five previous notices regarding amending 58A-1.007 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, waiting lists and revising the Manual will be discussed.

SUBJECT AREA TO BE ADDRESSED: Revision of the Manual, risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, September 13, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh or Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE TITLE: Administration

RULE NO.: 58C-1.003

PURPOSE AND EFFECT: This notice is in addition to five previous notices regarding amending 58C-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Manual, risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, September 13, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh or Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Administration of the Alzheimer's Disease Initiative

RULE TITLE: Program Administration
 RULE NO.: 58D-1.005

PURPOSE AND EFFECT: This notice is in addition to five previous notices regarding amending 58D-1.005 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Manual, risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, September 13, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh or Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE TITLE: Administration
 RULE NO.: 58H-1.003

PURPOSE AND EFFECT: This notice is in addition to five previous notices regarding amending 58H-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will

be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Manual, risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, September 13, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLES:	RULE NOS.:
Definitions	59A-23.002
Authorization Procedures	59A-23.003
Quality Assurance	59A-23.004
Medical Records	59A-23.005
Grievance Procedures	59A-23.006
Employee and Provider Education	59A-23.009

PURPOSE AND EFFECT: The Agency for Health Care Administration (AHCA) is proposing to amend rules 59A-23.002, 59A-23.003, 59A-23.004, 59A-23.005 and 59A-23.006, F.A.C.; and propose rule 59A-23.009, to implement subsection (25) of section 440.134, Florida Statutes. These proposed changes will specify: (a) Procedures for authorization and examination of workers' compensation managed care arrangements by the agency; (b) Requirements and procedures for authorization of workers' compensation arrangement provider networks and procedures for the agency to grant exceptions from accessibility of services; (c) Requirements and procedures for case management, utilization management, and peer review; (d) Requirements and procedures for quality assurance and medical records; (e) Requirements and procedures for dispute resolution; (f) Requirements and procedures for employee and provider education; (g) Requirements and procedures for reporting data

regarding grievances, return-to-work outcomes, and provider networks; and (h) clarify workers' compensation managed care arrangement definitions.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation Managed Care Arrangements.

SPECIFIC AUTHORITY: 440.134(25) FS.

LAW IMPLEMENTED: 440.134 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. – 12:30 p.m., September 1, 1999

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, 1st Floor, Conference Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hilda Bryant, Administrative Assistant I, Bureau of Managed Health Care, Agency for Health Care Administration, (850)922-6481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-27R

RULE CHAPTER TITLE: Permits **RULE CHAPTER NO.:** 62-4

RULE TITLE: Antidegradation Permitting Requirements; **RULE NO.:**

Outstanding Florida Waters; Outstanding National Resource Waters; Equitable

Abatement **62-4.242**

PURPOSE AND EFFECT: The Federal Clean Water Act requires states to conduct a comprehensive review of their surface water quality standards every three years ("triennial review"). The proposed rule development and associated public workshops are intended to meet this requirement. Preliminary issues that have been identified and may be addressed under this rulemaking include the State's antidegradation policies for surface waters.

SUBJECT AREA TO BE ADDRESSED: These workshops are being conducted as part of a comprehensive review of State surface water quality standards. Subject matter will include, but is not limited to, issues concerning the State's antidegradation policies for surface waters. Note that the public workshops will also include discussion of Chapter 62-302, FAC (notice published separately).

SPECIFIC AUTHORITY: 373.016, 373.171, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.171, 403.021, 403.061, 403.087, 403.088, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702 FS.

THE DEPARTMENT ALSO ANNOUNCES PUBLIC WORKSHOPS FOR RULE DEVELOPMENT TO BE HELD ON THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: 10:00 a.m., Tuesday, August 31, 1999

PLACE: Panama City Commission Chambers, City Hall, 9 Harrison Avenue, Panama City, Florida

DATE AND TIME: 10:00 a.m., Thursday, September 2, 1999

PLACE: Suntree Public Library, 335 Pineda Court, Unit 103, Suntree/Viera (north of Melbourne), Florida

If an Americans With Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT AND FROM WHOM A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Eric Shaw, Division of Water Resource Management, Mail Station 3575, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9929

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-52R

RULE CHAPTER TITLE: Surface Water Quality Standards **RULE CHAPTER NO.:** 62-302

PURPOSE AND EFFECT: The Federal Clean Water Act requires states to conduct a comprehensive review of their surface water quality standards every three years ("triennial review"). The proposed rule development and associated public workshops are intended to meet this requirement. Preliminary issues that have been identified and may be addressed under this rulemaking include total recoverable metals criteria, dissolved metals criteria, specific conductance, unionized ammonia, criteria table (Rule 62-302.530, FAC) changes, and site specific alternative criteria (SSACs).

SUBJECT AREA TO BE ADDRESSED: These workshops are being conducted as part of a comprehensive review of State surface water quality standards. Subject matter will include, but is not limited to, issues concerning total recoverable metals criteria, dissolved metals criteria, specific conductance, unionized ammonia, criteria table (Rule 62-302.530, FAC) changes, and site specific alternative criteria (SSACs). During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 62-302 of the Florida Administrative Code. Note that the public workshops will also include discussion of Rule 62-4.242, FAC (notice published separately).

SPECIFIC AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.414, 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.201, 403.502, 403.504, 403.702, 403.708, 403.802, 403.918 FS.

THE DEPARTMENT ALSO ANNOUNCES PUBLIC WORKSHOPS FOR RULE DEVELOPMENT TO BE HELD ON THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: 10:00 a.m., Tuesday, August 31, 1999

PLACE: Panama City Commission Chambers, City Hall, 9 Harrison Avenue, Panama City, Florida

DATE AND TIME: 10:00 a.m., Thursday, September 2, 1999

PLACE: Suntree Public Library, 335 Pineda Court, Unit 103, Suntree/Viera (north of Melbourne), Florida

If an Americans With Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT AND FROM WHOM A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Eric Shaw, Division of Water Resource Management, Mail Station 3575, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9929

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-26R

RULE TITLE: RULE NO.:

Classification of Surface Waters, Usage, 62-302.400
 Reclassification, Classified Waters

PURPOSE AND EFFECT: To discuss and receive public comment on potential surface water reclassifications from Class III to Class II under Rule 62-302.400, FAC. The primary purpose of these reclassifications is to address some discrepancies between areas approved for harvesting of shellfish by the Shellfish Evaluation and Assessment Section (SEAS) and waters that are not classified by the Department as "Shellfish Harvesting or Propagation" (Class II) waters.

SUBJECT AREA TO BE ADDRESSED: There are ten areas in the state that have been approved for shellfish harvesting that are not currently Class II waters under rule 62-302.400, FAC. These areas include certain waters within Choctawhatchee Bay, Apalachicola Bay, Horseshoe Beach, Cedar Key, Crystal River, Tampa Bay, Sarasota Bay, Indian River, Banana River, and Mosquito Lagoon. The workshops listed below are being conducted as part of the Department's rulemaking effort to coordinate the designated beneficial use of these waters with their actual use as designated by SEAS.

SPECIFIC AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS.

THE DEPARTMENT ALSO ANNOUNCES TWO PUBLIC WORKSHOPS FOR RULE DEVELOPMENT TO BE HELD AT THE DATES, TIMES, AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, August 31, 1999

PLACE: Panama City Commission Chambers, City Hall, 9 Harrison Avenue, Panama City, Florida

DATE AND TIME: 10:00 a.m., Thursday, September 2, 1999

PLACE: Suntree Public Library, 335 Pineda Court, Unit 103, Suntree/Viera (north of Melbourne), Florida

If an Americans With Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT AND FROM WHOM A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Janet Klemm, Division of Water Resource Management, Mail Station 3575, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9928

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: RULE NO.:

Credentialing 64B-8

PURPOSE AND EFFECT: To continue working on the Chapter 120 rulemaking process.

for standardized credentialing for health care practitioners

SUBJECT AREA TO BE ADDRESSED: Standardized credentialing for health care practitioners.

SPECIFIC AUTHORITY: 455.557 FS.

LAW IMPLEMENTED: 455.557 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or soon thereafter, August 27, 1999

PLACE: Embassy Suites, Orlando International Airport, 5835 T. G. Lee Boulevard, Orlando, Florida 32822, (407)888-9339

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND COPIES OF TEXT OF THE PROPOSED RULES IS: Donna Kirk (850)410-3334, Bureau of Operations, 2020 Capital Circle, S. E., Bin #C10, Tallahassee, Florida 32399-3260

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE TITLE: Trust Accounting Procedures
RULE NO.: 64B2-14.001

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to clarify trust fund accounting procedures with regard to a separate bank account.

SUBJECT AREA TO BE ADDRESSED: Trust Accounting Procedures.

SPECIFIC AUTHORITY: 460.413(1)(z), 460.405 FS.

LAW IMPLEMENTED: 460.413(1)(z) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Chiropractic/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-14.001 Trust Accounting Procedures.

(1) The provisions of this rule apply to all trust funds received or disbursed by chiropractors in the course of their professional practice. "Trust funds" are defined as unearned fees in the form of cash or property other than cash, which are received by a chiropractor prior to the chiropractor rendering his services or his selling of goods and appliances.

(2) The minimum trust accounting records which shall be maintained by all chiropractors practicing in Florida who receive or disburse trust money in the course of their professional practice are:

(a) A separate bank account other than the chiropractor's regular business or personal account ~~clearly labeled and designated for the deposit of such funds a trust account.~~

(b) through (e) No change.

(3) through (4) No change.

Specific Authority 460.413(1)(z), 460.405 FS. Law Implemented 460.413(1)(z) FS. History--New 1-10-80, Formerly 21D-14.01, 21D-14.001, 61F2-14.001, 59N-14.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions
RULE NO.: 64B3-2.003

PURPOSE AND EFFECT: The Board proposes an amendment to delete the definition for an alternative provider.

SUBJECT AREA TO BE ADDRESSED: Deletion of the definition of alternative provider.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.823 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.003 Definitions.

(1) through (12) No change.

~~(13) An alternate provider is any provider which has not been approved by the Board pursuant to rule 64B3-11.004, F.A.C.~~

(14) through (20) renumbered (13) through (19) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History--New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: General Requirements of Clinical Laboratory
RULE NOS.: 64B3-3.001

Personnel Training Programs 64B3-3.001
Personnel of Clinical Laboratory Personnel

Training Programs 64B3-3.002

PURPOSE AND EFFECT: The Board proposes amendments to the rules to clarify requirements of clinical laboratory personnel training programs.

SUBJECT AREA TO BE ADDRESSED: Clinical laboratory personnel training programs.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

(1) through (3) No change.

(4) Programs shall submit a self study at the time of the initial application ~~and every five (5) years thereafter~~ and shall update the self study within six (6) months of any major change in curriculum, sponsorship, faculty, student enrollment or clinical sites. The self study document shall be prepared on a form provided by the Department entitled "Clinical Laboratory Training Program Self Study Document," DH 1261 10/98, effective 1-11-99, which is hereby incorporated by reference and may be obtained from the Board office. If the program is accredited by NAACLS, CAAHEP, or ABHES, proof of accreditation may be substituted in lieu of; the self study document ~~shall be prepared on the form provided by the Department, or an accreditation self study document may be submitted provided all information requested on the Department form is covered.~~

(5) No change.

(6) Each training program shall:

(a) through (f) No change.

(g) upon initial application ~~and at each biennial renewal,~~ provide the names, addresses, license numbers, personnel rosters and latest licensure or certification survey reports of all affiliates which provide clinical training for the trainees enrolled in the program. If and if laboratory based, provide the same information initially and at each biennial renewal for the laboratory sponsoring the program.

(h) through (n) No change.

(o) ensure that each student receives a copy of Chapter 483, Part III, F.S., Chapter 455, Part II, F.S., and Rule 64B3, F.A.C.

(7) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 590-3.001, Amended 1-11-99, _____.

64B3-3.002 Personnel of Clinical Laboratory Personnel Training Programs.

(1) A clinical laboratory personnel training program shall have a director who holds national certification from ~~the American Society of Clinical Pathologists, the National Certification Agency,~~ or any Board listed in Rule 64B3-5.007(2) and (4) and:

(a) through (b) No change.

(2) through (4) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 12-28-94, Amended 3-28-95, 7-12-95, 4-24-96, Formerly 590-3.002, Amended 9-20-98, 12-13-98, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Trainee Registration RULE NO.: 64B3-4.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify trainee registration. SUBJECT AREA TO BE ADDRESSED: Trainee registration. SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(3),(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-4.001 Trainee Registration.

(1) An applicant for trainee registration shall apply to the Department on forms DH 1083 AHCA 6000-005, Clinical Laboratory Trainee Application, effective _____ ~~7-3-97,~~ which is incorporated by reference herein and which can be obtained from the Department.

(2) If the trainee is unable to complete the training by the date indicated on the application for initial registration, a letter must be submitted from the training program coordinator ~~director~~ to the Board of Clinical Laboratory Personnel explaining the reasons.

(3) Trainee registration may not be renewed except upon recommendation of the program director and approval by special authorization ~~of the Board~~ based on the following circumstances:

(a) through (d) No change.

(4) Upon graduation from a Board approved training program, a student who intends to work in a laboratory licensed under Chapter 483, Florida Statutes, shall apply for licensure ~~by examination.~~

(5) through (6) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(3),(4) FS. History—New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Public Health Laboratory Personnel

RULE NO.: 64B3-5.008

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to add the American Society of Clinical Pathologists to the rule.

SUBJECT AREA TO BE ADDRESSED: The addition of the American Society of Clinical Pathologists to the rule.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(2), 483.812 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.008 Public Health Laboratory Personnel.

(1) Applicants for director level licensure in the category of public health who are registered by the National Registry of Clinical Chemistry Certification, the American Society of Clinical Pathologists or the American Society of Microbiology shall pass the supervision and administration examination provided by rule 64B3-7.001(1).

(2) Applicants for supervisor level licensure in the category of public health who are registered by the National Registry of Clinical Chemistry Certification, the American Society of Clinical Pathologists or the American Society of Microbiology at the technologist level shall pass the supervision and administration examination provided by rule 64B3-7.001(2).

(3) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(2), 483.812 FS. History—New 5-26-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Manner of Application

RULE NO.: 64B3-6.001

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to incorporate a revised form.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a revised form.

SPECIFIC AUTHORITY: 455.564, 483.805(4) FS.

LAW IMPLEMENTED: 455.564, 483.815, 483.823 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.001 Manner of Application.

(1) All persons applying for licensure shall submit an application signed under oath to the Board on form DH 1051 DOH-6000-0008, Application for Licensure of Clinical Laboratory Director, Supervisor, Technologist, or Technician, effective 8-27-97, which is incorporated by reference herein and which can be obtained from the Department. The application must be accompanied by the appropriate application fee required by Rule 64B3-9.001.

(2) through (7) No change.

Specific Authority 455.564, 483.805(4) FS. Law Implemented 455.564, 483.815, 483.823 FS. History—New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Renewal of Clinical Laboratory Personnel Training Program License	64B3-8.003
Renewal of Clinical Laboratory Personnel Continuing Education Provider License	64B3-8.004
Delinquent Status License	64B3-8.005

PURPOSE AND EFFECT: The Board proposes the development of amendments to simplify the application and renewal documentation for clinical laboratory training program providers.

SUBJECT AREA TO BE ADDRESSED: Application and documentation with regard to clinical laboratory personnel training program providers.

SPECIFIC AUTHORITY: 455.564, 455.711, 483.805(4), 483.807(1) 483.811(2), 483.821 FS.

LAW IMPLEMENTED: 455.564, 455.711, 483.807, 483.821, 483.811 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.003 Renewal of Clinical Laboratory Personnel Training Program License.

(1) through (2) No change.

~~(3) The training program shall submit a new self study at least once every five years.~~

~~(3)(4) The training program shall state the following:~~

~~(a) names of all trainees.~~

~~(a)(b) names of the program director and all instructors, and if applicable the license number of the director and instructors.~~

~~(b)(e) name, address, license number, personnel roster, and most current licensure or certification survey report of the laboratory sponsoring the training program, if applicable, and all clinical affiliates.~~

~~(5) The training program shall state any major programmatic changes in the director, instructors, program, curriculum, and affiliates during the past biennium.~~

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.811 FS. History—New 2-22-94, Formerly 61F3-8.003, Amended 12-3-96, Formerly 59O-8.003, Amended _____.

64B3-8.004 Renewal of Clinical Laboratory Personnel Continuing Education Provider License.

(1) through (2) No change.

(3) The provider shall indicate any changes in the written plan required by Rule 64B3-11.003(4), F.A.C., ~~and shall submit a new plan at least once every five (5) years.~~

(4) No change.

Specific Authority 455.564, 483.807(1), 483.821 FS. Law Implemented 455.564, 483.807, 483.821 FS. History—New 2-22-94, Formerly 61F3-8.004, Amended 12-3-96, Formerly 59O-8.004, Amended _____.

64B3-8.005 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall submit an application and:

(a) pay either the active status fee of Rule 64B3-9.004, F.A.C., or the inactive status license fee of Rule 64B3-9.006, F.A.C., the delinquent status license fee of Rule 64B3-9.011, F.A.C., and, if applicable, the processing fee of Rule 64B3-9.010, F.A.C., and the change of status fee of Rule 64B3-9.013, F.A.C.; and

(b) upon request, demonstrate compliance with the continuing education requirements of Rule 64B3-11.001, F.A.C., and Rule 64B3-8.002, F.A.C.

Specific Authority 455.711, 483.805(4) FS. Law Implemented 455.711 FS. History—New 12-26-94, Amended 12-3-96, Formerly 59O-8.005, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Application Fees	64B3-9.001
Active Status Renewal Licensure Fee	64B3-9.004
Fee for Inactive Status	64B3-9.006
Change of Status Fee	64B3-9.013

PURPOSE AND EFFECT: The Board proposes the development of amendments to address changes in fees and to implement a change of status fee.

SUBJECT AREA TO BE ADDRESSED: Changes in fees and the implementation of a change of status fee.

SPECIFIC AUTHORITY: 455.587(3), 455.711, 483.807(1) FS.

LAW IMPLEMENTED: 455.587, 455.711, 483.807 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-9.001 Application Fees.

- (1) through (2) No change.
- (3) Addition of new specialty listing on supervisor license – ~~\$80~~ \$55.
- (4) through (8) No change.
- (9) Continuing education provider – ~~\$250~~ \$200.
- ~~(10) Alternate continuing education provider – \$15.~~
- ~~(10)(11)~~ Public Health Science Technician (3 year conditional license) – \$100.
- (11) Wall certificate – \$25.
- ~~(12) Cytology Technician Training Program (only) – \$100.~~

Specific Authority 455.587, 483.807(1) FS. Law Implemented 455.587, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.001, 59O-9.001, Amended 5-26-98, 5-13-99, 6-10-99, _____.

64B3-9.004 Active Status Renewal Licensure Fee.

- (1) through (5) No change.
- (6) Continuing education provider – ~~\$250~~ \$200
- ~~(7) Cytology Technician training program (only) – \$100~~

Specific Authority 455.587(3), 455.711, 483.807(1) FS. Law Implemented 455.587(3), 455.711, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly 59O-9.004, Amended 5-26-98, _____.

64B3-9.006 Fee for Inactive Status.

- (1) The fee for inactive status is \$50.
- (2) The fee for renewal of inactive status is \$50.

Specific Authority 455.587, 455.711, 483.807(1) FS. Law Implemented 455.587, 455.711, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.006, Amended 12-26-94, Formerly 59O-9.006, Amended 5-13-99, _____.

64B3-9.013 Change of Status Fee.

The fee for change of status is \$25.

Specific Authority 483.807(1) FS. Law Implemented 483.807(1) FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Continuing Education	64B3-11.001
Standards for Continuing Education Courses	64B3-11.002
Requirements for Continuing Education Providers	64B3-11.003
Provider Approval Procedures	64B3-11.004

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Continuing education courses.

SPECIFIC AUTHORITY: 455.564, 483.821 FS.

LAW IMPLEMENTED: 455.564, 483.821 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 3, 1999
 PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.001 Continuing Education.

(1) In order to renew a clinical laboratory personnel license, a minimum of 24 contact hours of continuing education shall be earned during each biennium including a minimum of one (1) contact hour for each of the categories in which the individual is licensed and one (1) contact hour of continuing education on HIV/AIDS. Directors and supervisors are required to obtain one (1) contact hour of continuing education in administration and supervision. A maximum of five (5) hours per biennium may be obtained by the use of videocassette courses.

(2) through (3) No change.

(4) Individuals initially licensed by a state of national examination taken within the biennium are exempt from the continuing education requirements for that biennium.

~~(5) Offerings presented by other than Board approved providers, known as alternate providers, may be submitted by the licensee to the Board for approval within the biennium in which the offering was taken. If the information submitted by the licensee documents that the offering meets or exceeds the requirements of Rules 64B3-11.002 and 64B3-11.003 or is from a regionally accredited college or university, continuing education credit shall be awarded. Licensees seeking approval of such courses shall:~~

~~(a) Submit the information on form AHCA 6000-0011 Alternate Provider Approval Form, effective 7-1-97, which is incorporated by reference herein and which can be obtained from the Department, and an application fee as provided by Rule 64B3-9.001. Such application must be made 90 days prior to the end of the biennium in which the continuing education was taken.~~

~~(b) If an application is received after March 31 in the second (even) year of the biennium for approval in the current biennium, the licensee is not assured of approval by June 30. If the licensee does not have sufficient approved continuing education hours and becomes delinquent, a delinquency fee as provided by rule 64B3-9.011 shall be imposed.~~

~~(c) A licensee submitting a request for approval under this section of any hours required for renewal after the expiration of the biennium shall be in non-compliance with the renewal requirements of chapter 64B3-8.~~

(6) Courses intended for use as continuing education taken at a regionally accredited college or university are ~~not~~ to be submitted to the Board and on alternate provider forms but shall be:

(a) through (b) No change.

(c) received by March 31 of even numbered years 90 days ~~prior to the end of the biennium in which the course was taken.~~

(d) through (g) No change.

(7) through (8) No change.

Specific Authority 455.564, 483.821 FS. Law Implemented 455.564, 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 590-11.001, Amended 3-19-98, Amended.

64B3-11.002 Standards for Continuing Education Courses Offerings.

Continuing education courses offerings approved by the Board shall meet the following standards:

~~(1) Provide learner objectives stating expected outcomes for the learner.~~

~~(1)(2)~~ Provide subject matter from one or more of the following:

(a) through (e) No change.

~~(f) educational methodologies and instructional technologies.~~

~~(f)(g)~~ No change.

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

Specific Authority 455.564(7), 483.821 FS. Law Implemented 455.564(7), 483.821 FS. History—New 2-22-94, Formerly 61F3-11.002, Amended 12-11-94, 7-1-97, Formerly 590-11.002, Amended.

64B3-11.003 Requirements for Continuing Education Providers.

Providers seeking Board approval shall meet the following requirements:

(1) All educational courses offerings conducted by the provider shall meet the standards for continuing education courses offerings as outlined in rule 64B3-11.002.

(2) No change.

(3) Providers shall designate a person to assume responsibility for continuing education courses offerings for clinical laboratory personnel.

(4) Providers shall submit the long range plan document ~~establish a written plan for ongoing evaluation of the program content, faculty, learning process and evaluation tools.~~

(5) Providers shall maintain a system of record keeping which provides for storage of individual course offering information for a period of at least 3 years.

(6) Providers shall furnish each participant with an authenticated certificate or letter of attendance which shall include the participant's name, license number, course offering title, number of contact hours earned, dates of attendance,

program provider's name, approval number, and instructor's signature location and provider agent's signature and any other Board assigned identifying information.

Specific Authority 455.564(7), 483.821 FS. Law Implemented 455.564(7), 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 590-11.003, Amended.

64B3-11.004 Provider Approval Procedures.

The provider seeking approval:

(1) Shall apply make application to the Department at least 90 days prior to the date of the offering for processing and shall submit the application fee prior to the first course being offered.

(2) Shall submit all courses offerings with evidence of adherence to standards for continuing education as set forth in rules 64B3-11.002 and 64B3-11.003.

~~(3) Shall determine whether partial credit may be granted for participants failing to complete the total number of hours for which a specific offering is planned and approved.~~

~~(3)(4)~~ No change.

~~(4)(5)~~ No change.

~~(5)(6) Shall use the provider and course approval numbers any Board assigned designation of the provider's course offerings.~~

~~(6)(7) Shall be granted authority to give continuing education programs without prior Board approval by meeting one of the following requirements:~~

~~(a) Be a recognized national organization and a Board approved provider Have been an approved continuing education provider for at least one biennium.~~

~~(b) Be a regionally accredited college or university as provided in Rule 64B3-11.001(6), F.A.C. Have satisfied the requirements of rules 64B3-11.002 and 64B3-11.003 for all offerings submitted during the past biennium.~~

~~(c) Be a recognized laboratory instrument corporation or vendor and a Board approved provider Shall submit the following information to the Board prior to each offering in order to obtain a course number:~~

~~1. Provider name and provider number~~

~~2. Course offering title~~

~~3. Contact hours to be awarded by specialty~~

~~(7)(d) Demonstrate continued compliance with the requirements of rules 64B3-11.002 and 64B3-11.003 through periodic review and random audits of continuing education offerings. Audits shall be conducted for cause and randomly during renewal of the continuing education provider.~~

Specific Authority 455.564, 483.807(1), 483.821 FS. Law Implemented 455.564, 483.807, 483.821 FS. History—New 2-22-94, Formerly 61F3-11.004, Amended 12-4-95, Formerly 590-11.004, Amended.

DEPARTMENT OF HEALTH Board of Pharmacy

RULE TITLE: Medicinal Drugs Which May be Ordered by Pharmacists

RULE NO.: 64B16-27.220

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address additions to the formulary.

SUBJECT AREA TO BE ADDRESSED: Additions to the formulary.

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., September 3, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.220 Medicinal Drugs Which May be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary, subject to the stated conditions:

- (1) through (4) No change.
- (5) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination, including nasal decongestants, may be ordered for patients above 6 years of age:
 - (a) through (f) No change.
 - (g) fexofenadine
 - (h) azelastine

The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise the patient of drowsiness and caution against the concomitant use with alcohol or other depressants.

- (i) ~~(g)~~ No change
- (j) ~~(h)~~ Phenylephrine
- (k) ~~(i)~~ Phenyltoloxamine
- (l) ~~(j)~~ Azatadine
- (m) ~~(k)~~ Diphenylpyraline

Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.

(6) through (20) No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History--New 5-1-86, Amended 10-7-90, Formerly 21S-18.003, Amended 7-30-91, Formerly 21S-27.220, 61F10-27.220, Amended 3-12-97, Formerly 59X-27.220, Amended 6-15-98, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Compresses Air Certification

RULE CHAPTER NO.: 64E-20

PURPOSE AND EFFECT: The purpose of the proposed rule is to codify the recently enacted legislation that requires the Department of Health to certify the quality of compressed air sold to the public throughout the state for SCUBA diving. The code will provide the method of sampling and testing that will be utilized; the interval of testing; will specify approved forms and certifications and will provide for enforcement.

SUBJECT AREA TO BE ADDRESSED: As this will be a new code and not a modification of an existing code all areas will be addressed.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m., August 30, 1999

PLACE: Room 103, 1317 Winewood Blvd., Tallahassee, FL

TIME AND DATE: 9:00 a.m., September 1, 1999

PLACE: Town Council Chambers, 7331 N. W. 74 Street, Medley, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Padraic R. Juarez, Environmental Manager, Bureau of Facility Programs, 2020 Capital Circle, S. E., BIN A08, Tallahassee, FL 32399-01710

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE: Florida Housing Finance Corporation

RULE CHAPTER NO.: 67-50

Demonstration Program Rule

67-50

PURPOSE AND EFFECT: This proposed rule chapter is to set guidelines and the receive comments for the Florida Housing Finance Corporation Demonstration Program.

SUBJECT AREA TO BE ADDRESSED: Rule Development for rules that will set guidelines for entities that will receive funding through the Florida Housing Finance Corporation Demonstration Program.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.507(14) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE CORPORATION HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: September 8, 1999, 3:00 p.m.
 PLACE: World Golf Village Resort Hotel, 500 South Legacy Trail, St. Augustine, FL 32092

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephanie Reaves, Housing Programs Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLES:	RULE NOS.:
Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species	68B-14.001
Definitions	68B-14.002
Size Limits: Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper	68B-14.0035
Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Exception, Wholesale/Retail Purchase Exemption	68B-14.0036
Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions	68B-14.0045

PURPOSE AND EFFECT: Last year the Marine Fisheries Commission (MFC) conducted a major reorganization of then Rule Chapter 46-14, FAC (present Rule Chapter 68B-14, F.A.C.), governing the harvest of various reef fish species. Since that time it became apparent that a handful of minor glitches in the rule chapter needed to be addressed. Accordingly, the Fish and Wildlife Conservation Commission (FWCC), the successor agency to the MFC, is now proposing the following rule amendments. An unintended provision that currently allows a five day lag to close state waters after adjacent federal waters close is corrected to enable state waters to close simultaneous with a federal closure; language is restored requiring a paperwork trail for a species otherwise legally obtained during a closure period; and the grouper aggregate bag limit is corrected to include speckled hind and warsaw grouper.

Additional proposed rule amendments merge Rule Chapter 68B-40, FAC, regulating amberjacks, into the reef fish chapter. Both the South Atlantic and the Gulf of Mexico Fishery Management Councils regulate amberjacks as reef fish, and most of the definitions, commercial harvest requirements, and prohibitions for these species are similar if not identical. In combining these chapters language is added to clarify amberjack commercial licensing requirements, and to increase the upper end of the slot limit for banded rudderfish and lesser amberjack to 22 inches in order to conform to the same change adopted by the Gulf Council.

The purpose of these proposed amendments is to correct minor errors remaining from a previous rulemaking, and to allow Florida's amberjack regulations to more closely mirror those of the federal councils. The effect will be to add greater clarity to the Commission's regulations, thus easing the regulatory burden on Florida's citizens.

SUBJECT AREA TO BE ADDRESSED: The harvest of reef fish species in Florida state waters.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING ON THE PROPOSED RULE AMENDMENTS WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES, AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m., each day, October 6-8, 1999
PLACE: Specific location of the Commission meeting will be announced later in this publication

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, is asked to advise the agency at least 5 calendar days before the meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Division Director, Division of Marine Fisheries, Fish and Wildlife Conservation Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

A PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES:	RULE NOS.:
General Provisions	3F-13.001
Definitions	3F-13.002
General Construction Specifications	3F-13.003