

- (5) Form DFS-F2-SI-5, Self-Insurer Payroll Report (eff. _____).
- (6) Form DFS-F2-SI-6, Self-Insurer’s Irrevocable Letter of Credit (eff. _____).
- (7) Form DFS-F2-SI-10, Parental Guaranty and Corporate Resolution (eff. _____).
- (8) Form DFS-F2-SI-11, Indemnity Agreement (eff. _____).
- (9) Form DFS-F2-SI-17, Unit Statistical Report (eff. _____).
- (10) Form DFS-F2-SI-19, Certification of Servicing for Self-Insurers (eff. _____).
- (11) Form DFS-F2-SI-20, Report of Outstanding Workers’ Compensation Liabilities (eff. _____).
- (12) Form DFS-F2-SI-22, Qualified Servicing Entity Application (eff. _____).
- (13) Form DFS-F2-SI-23, Qualified Servicing Entity Annual Report Form (eff. _____).
- (14) Form DFS-F2-SI-27, Biographical Statement and Affidavit (eff. _____).
- (15) Form DFS-F2-SI-206, Certificate of Self-Insurance (eff. _____).
- (16) NCCI Form 09-1, Application for Drug-Free Workplace Premium Credit (eff. _____).
- (17) NCCI Form 09-3, Certification of Employer Workplace Safety Program Premium Credit (eff. _____).

- 1A-31.0045
- 1A-31.030
- 1A-31.036
- 1A-31.040
- 1A-31.065
- 1A-31.075
- 1A-31.080
- 1A-31.085
- 1A-31.090

- Excluded Areas and Sites
- Project Archaeologist Qualifications
- Project Archaeologist Responsibilities
- Application Procedures
- Additional Requirements for Exploration Permits
- Permit Modification
- Permittee Required to Give Notice of Change
- Permit Suspension and Revocation
- Disposition of Archaeological Materials, Title to Archaeological Materials Conveyed

NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 39, of the September 26, 2008, issue of the Florida Administrative Weekly (FAW). A previous Notice of Change was published in Vol. 35, No. 12, of the March 27, 2009, FAW. The following changes are being made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee as well as comments received in response to the original notice of proposed rulemaking.

1. In Rule 1A-31.0012, in the second sentence, the word “salvage” shall be replaced with the word “recovery.”
2. In Rule 1A-31.0015, subsection (10) shall read:
 - (10) “Project Archaeologist” means the professional underwater archaeologist who meets both the Secretary of Interior’s minimum Standards for Professional Qualifications of January 1, 2009, which are incorporated herein by reference, and the specific standards set forth in Rule 1A-31.030, F.A.C.
3. In Rule 1A-31.0045(3), the phrase “herein incorporated by reference” shall be deleted.
4. In Rule 1A-31.0045, the last sentence of subsection (9) shall read: “Significance shall be measured against the criteria established for National Historic Landmark designation, per 36 C.F.R. sec. 65.4 “National Historic Landmark criteria,” effective as of February 2, 1983, which is herein incorporated by reference.”
5. In the second sentence of the introductory paragraph of Rule 1A-31.030, the phrase “or subsequent official version, herein incorporated by reference” shall be deleted.
6. In Rule 1A-31.036, subsection (1) shall read: “Ensure that professional archaeological standards, consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C., are maintained throughout the course of the project;”
7. In Rule 1A-31.036, subsection (4) shall read: “Based on their professional judgment, personally be present and visually inspect excavations when significant archaeological material clusters and/or areas of articulated ship’s structure are being

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief of Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Historical Resources

RULE NOS.:	RULE TITLES:
1A-31.0012	Purpose
1A-31.0015	Definitions

excavated, at such times as may be necessary to properly interpret the historic shipwreck site, and as needed in order to prepare an interim or final report consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C.;

8. In Rule 1A-31.036, subsection (5) shall read: Ensure that adequate records are maintained during all remote sensing, testing, excavation, recovery and conservation and stabilization of recovered artifacts as needed in order to prepare an interim or final report consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C.; and ”

9. In Rule 1A-31.040, subsection (1) shall read: “(1) Applications for permits issued under this chapter shall be made on forms prescribed by the division. Application forms may be requested in writing at the division’s address in Rule 1A-31.0032, F.A.C. Application for Exploration Permit (Form HR6E9001-08), (4/09) is herein incorporated by reference, effective _____. Application for Recovery Permit (Form HR6E9002-08), (4/09) is herein incorporated by reference, effective _____.”

10. In Rule 1A-31.065, subsection (1) shall read: “The division will approve the excavation and recovery of those artifacts which will assist in the identification of age and type of historic shipwreck site being investigated. No excavation or displacement of archaeological materials shall be conducted unless approved in writing by the division in the form of an amendment to the Exploration Permit. No archaeological materials shall be recovered unless approved in writing by the division in the form of an amendment to the Exploration Permit. All archaeological materials recovered under an Exploration Permit shall be included in the pool of artifacts considered for transfer to the permittee if a recovery permit is issued, per Rule 1A-31.090, F.A.C.”

11. Rule 1A-31.075 shall read: “Permit modifications may be requested in writing by the permittee. Requests for permit modifications will be evaluated against the conditions of the permit, the requirements of this chapter, and the project research design developed by the project archaeologist, per subsection 1A-31.036(2), F.A.C. The division will respond in writing to requests for modification within 30 days.”

12. In Rule 1A-31.080, the last sentence shall be deleted.

13. In Rule 1A-31.085, the introduction of subsection (2) shall read: Criteria for suspension or revocation of a permit are:”

14. In subsection 1A-31.085(2), a new subsection (h) shall be added to read: “(h) Changes in financial support, key personnel or equipment as reported to the division, per Rule 1A-31.080, F.A.C.”

15. In Rule 1A-31.090, subsection (1) shall read: “The division will ensure that materials are transferred so that the permittee receives approximately 80% of recovered

archaeological materials, with the division retaining approximately 20% of recovered archaeological materials;”
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGES IS: Ryan Wheeler at (850)245-6301.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0021
 RULE TITLE: Florida Teacher Certification Examinations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly. Sub-subparagraph (4)(a)1.b.-d. and paragraph (9)(s) of Rule 6A-4.0021 were amended to read:

6A-4.0021 Florida Teacher Certification Examinations.

(4)(a)1.b. Beginning January 1, 2009, a fifty (50) dollar fee for each first-time registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, each first-time registration for the professional education test, and each first-time registration for the general knowledge test or any combination of subtests for the general knowledge test. A fee of one hundred (100) dollars for each retake registration for a subject area specialty examination, the professional education test, or the general knowledge test, effective January 1, 2009. ~~Beginning September 1, 2009, a one hundred (100) dollar fee for each first-time or retake registration for the general knowledge test or any combination of subtests for the general knowledge test, each first-time or retake registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, and a one hundred (100) dollar fee for each first-time or retake registration for the professional education test.~~

c. Beginning September 1, 2009, registration fees shall be as follows:

<u>Examination</u>	<u>Fee</u>
<u>General Knowledge Test, First-Time</u>	<u>\$130.00</u>
<u>Registration</u>	
<u>General Knowledge Test, Retake</u>	<u>\$150.00</u>
<u>Registration</u>	
<u>Professional Education Test, First-Time</u>	<u>\$150.00</u>
<u>Registration</u>	
<u>Professional Education Test, Retake</u>	<u>\$170.00</u>
<u>Registration</u>	
<u>Subject Area Examination, First-Time</u>	<u>\$200.00</u>
<u>Registration</u>	
<u>Subject Area Examination, Retake</u>	<u>\$220.00</u>
<u>Registration</u>	

d. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraphs 6A-4.0021(4)(a)1.b. or 6A-4.0021(4)(a)1.c., F.A.C., for certification applicants taking a supplemental examination.

~~(9)(s) Effective October 1, 2009, the passing scores for the subject area specialty examinations listed below shall be a sealed score of at least two hundred (200):~~

~~1. Elementary Education K-6 Examination. In addition to the sealed score of at least two hundred (200), examinees must pass each of the five (5) sections of the examination: Language Arts and Reading; Social Science; Music, Visual Arts, Physical Education, and Health; Science and Technology; and Mathematics. The passing score for each section shall be a sealed score of at least sixty four (64).~~

~~2. Middle Grades Integrated Curriculum (MGIC) 5-9 Examination. In addition to the sealed score of at least two hundred (200), examinees must pass each of the four (4) sections of the MGIC: English, General Science, Mathematics, and Social Science. The passing score for each section shall be a sealed score of at least sixty four (64).~~

Rulemaking Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History-New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07, 5-19-08, 7-21-08.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.05271 Standards for the Use of Reasonable Force.

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 5, February 6, 2009 Florida Administrative Weekly has been continued from May 19, 2009 to September 15, 2009.

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:
33-401.701 Medical and Substance Abuse Clinical Files

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

33-401.701 Medical and Substance Abuse Clinical Files.

(1) The Department of Corrections Office of Health Services shall maintain a comprehensive medical file (including medical, dental and mental health components) on every person committed to the custody and care of the Florida Department of Corrections. Information included in the inmate's medical file is protected health information and shall be used or disclosed in accordance with the Health Insurance Portability and Accountability Act Privacy Rule of 1996; (HIPAA) and Florida law. The Department of Corrections shall also maintain a comprehensive substance abuse file, ~~should one exist,~~ on every inmate who receives substance abuse program services person committed to the custody and care of the Florida Department of Corrections. Information included in the inmate's substance abuse file is confidential in accordance with 42 C.F.R. Part II, the Health Insurance Portability and Accountability Act Privacy Rule of 1996; (HIPAA), and Florida law. The Department of Corrections' Reception and Medical Center Hospital shall maintain an inpatient hospital medical file on every inmate admitted for care and treatment at Reception Medical Center Hospital.

(2) Definitions.

(a) No change.

(b) Designated Records Set – refers to an inmate's medical, mental health, and dental files, Reception Medical Center Hospital's inpatient hospital file, and substance abuse clinical files that are maintained by the Department.

(c) Department workforce – includes employees, volunteers, interns, trainees and other persons whose conduct, in the performance of work for the Department, is under the direct control of ~~such~~ the Department, whether or not they are paid by the Department.

(d) through (e) No change.

(f) Hospital file – as used in this rule refers to an inmate's inpatient hospital patient records created and maintained by Reception Medical Center Hospital.

~~(g)(f)~~ Medical file – as used in this rule refers to the inmate's medical, mental health, and dental files maintained by the department.

~~(h)(g)~~ Personal Representative – as used in this rule, means, with respect to a deceased inmate, an executor, administrator, or other person with authority under Florida law to act on behalf of the deceased inmate or the inmate's estate. With respect to a living inmate, a personal representative means a health care surrogate, proxy, guardian, or other person with authority under Florida law to make decisions related to the inmate's health care.

(i) Privacy Officer – as used in this rule, refers to a designated employee in the Office of Health Services who is responsible for the development and implementation of the policies and procedures related to the HIPAA Privacy Rule. The privacy officer is the Department's contact person for HIPAA.

(h) through (l) renumbered (j) through (n) No change.

(3) Inmate and offender access to their own protected health information in a designated records set.

(a) Except as otherwise provided in this rule, an inmate shall be allowed to have access to his or her own protected health information contained in a designated records set. An inmate desiring access to his or her own medical file or Reception Medical Center hospital file shall submit a written request using Form DC6-236, Inmate Request, to the health services administrator or his or her designee. An inmate desiring access to his own substance abuse clinical file shall submit a written request using DC6-236, Inmate Request, to the substance abuse program manager or his or her designee. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) through (g) No change.

(h) Providing Access

1. Before any inmate reviews his or her medical file, hospital file, or substance abuse clinical file the Department will verify the inmate's identity using the inmate's ID card.

2. Medical and hospital files and substance abuse clinical files must be reviewed in a secure area in the presence of health record staff or the health service administrator.

3. No change.

(i) No change.

(4) through (9) No change.

(10) Use and disclosure of protected health information.

(a) Inmate protected health information shall be used or disclosed in accordance with the Health Insurance Portability and Accountability Act Privacy Rule of 1996, (HIPAA) and Florida law.

(b) Requests for access to a current inmate's medical file ~~protected health information~~ shall be submitted to the health services administrator at the institution where the inmate is housed. Requests for access to a former inmate's medical file ~~protected health information~~ shall be submitted to: Inactive Medical Records, Reception and Medical Center, P.O. Box 628, Lake Butler, Florida 32054. Requests for access to an inmate's hospital file shall be submitted to: Reception and Medical Center Hospital, Attention: Hospital Administrator, P.O. Box 628, Lake Butler, Florida 32054.

(c) No change.

(d) If use or disclosure of an inmate's protected health information is not otherwise permitted by law, an inmate must authorize the use or disclosure by giving written consent using Form DC4-711B, Consent and Authorization for Use and Disclosure, ~~for~~ Inspection and Release of Confidential Information, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency. Form DC4-711B is incorporated by reference in Rule 33-601.901, F.A.C.

(e) ~~Form~~ ~~The~~ DC4-711B or other authorization shall be submitted with the written request for access to an inmate's protected health information. A copy of the authorization shall be provided to the inmate and the inmate shall acknowledge receipt of the copy by signing in the appropriate location on the authorization. The authorization and acknowledgement of receipt of copy shall become a part of the inmate's medical file.

(f) Form DC4-711B ~~Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information~~ must be notarized when the authorization is not from a current inmate personally known to the witness or is from a source external to the Department. All authorization forms shall be witnessed by at least one person who can verify the fact that he witnessed the signing of the authorization by the inmate and that, to the best of his knowledge, the inmate knew what was signed.

(g) No change.

(h) In accordance with 45 C.F.R. § 164.502, a personal representative of a deceased inmate ~~or a deceased inmate's estate~~ shall have access to or authorize the disclosure of the deceased inmate's protected health information that is relevant to the personal representative's legal authority to act on behalf of the deceased inmate or the deceased inmate's estate. A certified copy of a letter of administration, court order, or other document demonstrating the legal such authority of the personal representative shall be filed in the inmate's medical file and Form DC4-711B, Consent and Authorization for Use and Disclosure, ~~for~~ Inspection and Release of Confidential Information must be signed by a personal representative.

(i) In accordance with 45 C.F.R. § 164.502, a personal representative of a living inmate shall have access to or authorize the disclosure of the inmate's protected health information that is relevant to the personal representative's legal authority to make health care decisions on behalf of the inmate. Form DC4-711B, Consent and Authorization for Use and Disclosure, ~~for~~ Inspection and Release of Confidential Information shall be signed by the inmate or the inmate's personal representative in accordance with Florida law. A copy of a health care surrogate form, durable power of attorney, or other ~~the~~ document demonstrating the personal representative's authority shall be filed in the inmate's medical file.

(j) In addition to the access described above, in accordance with Section 395.3025, Florida Statutes, an inmate's guardian, curator, personal representative, or in the absence of one of those persons, next of kin, shall have access to the protected health information contained in an inmate's hospital file created and maintained by the Reception Medical Center Hospital after the discharge of the inmate.

(j) through (l) renumbered (k) through (m) No change.

(11) through (12) No change.

Rulemaking Specific Authority 944.09, 945.10, ~~945.6034~~ FS. Law Implemented 119.07, 944.09, 945.10, 945.25, ~~945.6034~~ FS., ~~42 USCS 290 ee-3, 45 CFR Parts 160 and 164.~~ History–New _____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:
40B-1.901 General

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 8, February 27, 2009 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.: RULE TITLES:
59B-9.031 Definitions
59B-9.032 Ambulatory and Emergency
Department Data Reporting and
Audit Procedures
59B-9.034 Reporting Instructions
59B-9.035 Certification, Audits, and
Resubmission Procedures
59B-9.036 Penalties for Ambulatory Patient
Data Reporting and Deficiencies
59B-9.038 Ambulatory Data Elements, Codes
and Standards
59B-9.039 Public Records

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly.

59B-9.031 Definitions.

(5) “Emergency Department” means any department of any general hospital when a request is made for emergency services and care for any emergency medical condition which is within the service capability of the hospital as specified in Section 395.1041, F.S.

(5) through (7) renumbered (6) through (8) No change.

(8) “NUBC” means National Uniform Billing Committee. A national body that defines the data elements that are reported on the Uniform Bill UB-04 and annually publishes an Official UB-04 Data Specifications Manual.

~~(9) “NUCC” means the National Uniform Claims Committee. A national body that define the data fields that are reported on the HCFA-1500 which is published annually.~~

(10) through (13) renumbered (9) through (12) No change.

59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures.

(4) Any Ambulatory Surgical Center receiving which has a total of 200 or more patient visits during the reporting quarter periods outlined in per Rule 59B-9.033, F.A.C., are for the reporting period is required to report data as specified set forth in Rules 59B-9.037 and 59B-9.038, F.A.C.

(5) Ambulatory Surgical Centers (ASC) receiving with fewer than 200 patient visits during the reporting quarter periods outlined in Rule 59B-9.033, F.A.C in a quarter, may request an exemption from a quarters reporting requirement. To request an exemption, the ASC shall send a letter on facility letterhead stating the number of patient visits for the reporting quarter and signed by the entity’s chief executive officer or director. The exemption letter shall be received at the Agency office in Tallahassee on or prior to the deadline for submission of the quarterly report must have the entity’s chief executive officer or director to certify to the Agency in writing, that the ambulatory center has fewer than 200 patient visits per Rule 59B-9.033, F.A.C., for the reporting period, and the certification is to be received at the Agency office in Tallahassee on or prior to the deadline for submission of the report. This is not a onetime letter, but must be submitted for each quarter where there were fewer than 200 visits.

59B-9.034 Reporting Instructions.

(5) Beginning with the Ambulatory data report for the 1st quarter of the year 2010, reporting facilities must submit a zipped outpatient XML file by Internet according to the specifications in paragraphs (a) through (c) below. ~~Unless reporting by CD-ROM is approved by the Agency in a case of extraordinary or hardship circumstances.~~

59B-9.035 Certification, Audits, and Resubmission Procedures.

(1) All ambulatory centers submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall certify that the data submitted for each quarter period is accurate, complete and verifiable using Certification Form for Ambulatory Patient Data AHCA Form APD1, dated 7/1/95, revised 09/01/2000 and incorporated by reference. The Agency will send a final certification packet to to the reporting entity containing their summary reports generated by the Agency, the Certification of Ambulatory Patient Data certification form and Agency contact information and instructions. The facility must complete and sign the certification form thereby “certifying” that they have examined the ambulatory patient data report and, to the best of their knowledge and belief, the information contained in this report is true, accurate, and complete, and has been prepared from the books and records of this ambulatory center, except as noted. The completed certification form must be either mailed shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308. Attention: Florida Center for Health Information and Policy Analysis; or by facsimile to the Agency’s office; or a scanned certification submitted by electronic mail by the certification due date. Upon receipt of a facilities signed certification form by the Agency, the facility is considered “certified” for the reporting quarter.

(2) Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, facilities not certified within five (5) calendar months following the last day of the reporting

quarter shall be subject to penalties pursuant to Rule 59B-9.036, F.A.C. Extensions to this five (5) month period will ~~may~~ be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee, for a maximum of 30 days following the certification due date in response to a written request signed by the facilities chief executive officer, ambulatory center director or authorized executive officer designee.

(3) Changes or corrections to certified data will be accepted from facilities to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and Quality Assurance or designee will ~~may~~ grant approval for resubmitting previously certified data in response to a written request signed by the facility's chief executive officer, Ambulatory Center director or authorized executive officer designee.

59B-9.036 Penalties for Ambulatory Patient Data Reporting and Deficiencies.

(5) Any ambulatory center which is delinquent for a reporting deficiency other than submission of a false report shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1,000 per day of violation for the third or subsequent violations ~~to be fixed, imposed, and collected by the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine not to exceed a of \$1,000 per day per violation. to be fixed, imposed and collected by the Agency.~~ Violations will be considered those activities which necessitate the issuance of an administrative complaint by the Agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. All fines are to be fixed, imposed and collected by the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine not exceeding ~~of~~ \$1000 per day per violation, in addition to any other fine imposed hereunder, pursuant to Section 408.813, 408.08 F.S. ~~The fine shall be fixed, imposed and collected by the Agency.~~

59B-9.038 Ambulatory Data Elements, Codes and Standards.

Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, all data elements and data element codes listed below shall be reported. All facilities submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall report the following required data elements as stipulated by the Agency ~~and described in the Official Data Specifications Manual published by the NUBC and NUCC.~~

59B-9.039 Public Records.

~~(4) Requests shall be submitted by users sufficiently in advance to permit the staff to respond without disruption of its duties as provided in Section 119.07(1)(e) (b), F.S.~~

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:	RULE TITLES:
59E-7.025	Certification, Audits and Resubmission Procedures
59E-7.026	Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies
59E-7.028	Inpatient Data Elements, Codes and Standards
59E-7.029	Public Records

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly.

59E-7.025 Certification, Audits and Resubmission Procedures.

(1) All hospitals submitting data in compliance with Rules 59E-7.012 and 59E-7.021 through 59E-7.030, F.A.C., shall certify that the data submitted for each quarter is accurate, complete and verifiable using Certification Form for Inpatient Patient Discharge Data, AHCA Form 4200-002, dated 10/93, revised 04/27/2009, and incorporated by reference. The Agency will send a final certification packet to to the reporting entity containing their summary reports generated by the Agency, the Certification of Inpatient Patient Data certification form and Agency contact information and instructions. The facility must complete and sign the certification form thereby "certifying" that they have examined the inpatient patient data report and, to the best of their knowledge and belief, the information contained in this report is true, accurate, and complete, and has been prepared from the books and records of this facility, except as noted. The signed completed certification form must be either mailed shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308. Attention: Florida Center for Health Information and Policy Analysis; or by facsimile to the Agency's office; or a scanned certification submitted by electronic mail by the certification due date. Upon receipt of a facilities signed certification form by the Agency, the facility is considered "certified" for the reporting quarter.

(2) Beginning with the inpatient data reporting for the 1st quarter of the year 2010, hospitals whose data is not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule

64B5-2.014 (1)(a) shall read as:

(1) Submit at least 60 days prior to the examination:

(a) A completed application, Form DH-MQA 1182 (Revised 09/11/08), and incorporated herein by reference is available at on the appropriate form set forth in Rule 64B5-1.021, F.A.C. Form DH-MQA 1182 (Revised 09/11/08) can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0144
 RULE TITLE: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 50, December 12, 2008 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in a letter dated January 6, 2009. The change is as follows:

The PURPOSE AND EFFECT shall be changed to read as: The Board proposes the rule amendment to add language providing the form name, number and web address for the application required for sitting for the Florida Dental Hygiene examination; and to add new language to clarify requirements for sitting for the Florida Dental Hygiene examination as recommended by the Council on Dental Hygiene.

64B5-2.0144(1) shall read as:

(1) Submit at least 60 days prior to the examination:

(a) A completed application, Form DH-MQA 1182 (Revised 9/11/08), and incorporated herein by reference is available at on the appropriate form set forth in Rule 64B5-1.021, F.A.C. Form DH-MQA 1182 (Revised 9/11/08) can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>;

64B5-2.0144(10)(a) shall read as:

(10)(a) Applicants applying for licensure under Section 466.007(2)(b)2., F.S., whose applications do not indicate they have obtained Dental Hygiene clinical education to the level of the clinical experience required by an American Dental Association (ADA) accredited Dental Hygiene program in the areas set forth in paragraph (10)(4)(b) below, who have failed each initial examination, shall be required to obtain remedial coursework in those designated areas that applicant has not successfully completed that would meet the ADA clinical

requirements at an ADA accredited dental or dental hygiene school, before being permitted to re-take the dental hygiene examination. Such additional coursework shall be obtained from a program accredited by the ADA, only after the applicant satisfies and the Board approves the education and testing requirements of subsections (3) through (10) ~~above~~. Such additional coursework must be obtained by the applicant and approved by the Board prior to the applicant being allowed to sit for the Florida Dental Hygiene examination.

64B5-2.0144(10)(c) shall read as:

(c) The additional coursework required by paragraphs (10)(4)(a) and (10)(4)(b) of this rule must be obtained and approved by the Board prior to the applicant being allowed to sit for the Florida Dental Hygiene examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.006
 RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 10, March 13, 2009 issue of the Florida Administrative Weekly.

The change is in response to language that had been inadvertently omitted from the Rule Notice. The change is as follows:

64B5-16.006 (3)(k) shall read as:

(k) Insert and/or perform minor adjustments to sports mouth guards and custom fluoride trays.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.007
 RULE TITLE: Levels of Supervision for Dental Hygienists

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 10, March 13, 2009 issue of the Florida Administrative Weekly.

The change is in response to language that had been inadvertently omitted from the Rule Notice. The change is as follows:

64B5-16.007 (3)(b) shall read as “. . . film and sensors; and

64B5-16.007 (3) reference to (c) will be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.008 RULE TITLE: Formulary

NOTICE OF CORRECTION

The above-referenced rule notice was published in Vol. 35, No. 17, of the April 17, 2009, Florida Administrative Weekly. Although the rule notice stated that a Statement of Estimated Regulatory Costs (SERC) had been prepared and was available, the notice did not summarize the SERC. The following is a Summary of the Statement of Estimated Regulatory Costs:

- 1. The proposed change will allow Physician Assistants (PAs) to prescribe antipsychotics and parenteral preparations.
2. This rule change may affect up to 4,321 PAs and the physicians that supervise them.
3. The rule change will not require any government entity to incur additional costs or receive additional revenues.
4. No transactional costs will be incurred by any person or entity affected by this rule revision.
5. This proposed rule revision will have a positive impact on physician offices because it will expand access to direct patient care.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THIS RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.004 RULE TITLE: Manner of Application

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

The change corrects the revision date for the incorporated form and adds “mqa” to the web address that from which the new form can be obtained.

Subsection (2) of the said rule shall read as follows:

(2) All applications for examination shall be made on the form titled “Application for Optometry Examination” number DH-MQA 1128, Revised 2/09 DPR-OPA-0001 effective 4/8/02, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry’s website at http://www.doh.state.fl.us/mqa/optometry/index.html. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-6.0038 RULE TITLE: Formulary

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 15, April 17, 2009 issue of the Florida Administrative Weekly.

Section IV
Emergency 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 THE LOTTERY

RULE NO.: 53ER09-21 RULE TITLE: Firecracker MILLIONAIRE RAFFLE™

SUMMARY: This emergency rule describes the on-line game “Firecracker MILLIONAIRE RAFFLE,” for which the Department of the Lottery will sell tickets beginning May 15, 2009.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011