

Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health's rule 64B-1.005, F.A.C. The examination fee for an applicant seeking licensure by examination shall be \$150.00.

~~(6) The re-examination fee for an applicant seeking licensure by examination shall be \$150.00.~~

~~(6)(7) The biennial renewal fee shall be \$50.00 of which \$5.00 is specifically earmarked for the fund to combat unlicensed activity pursuant to Section 455.641, Florida Statutes.~~

~~(7)(8) The reactivation fee for inactive licenses shall be \$50.00 \$40.00.~~

~~(8)(9) No change.~~

~~(9)(10) The inactive status fee shall be \$25.00 \$40.00.~~

~~(10)(11) No change.~~

~~(11)(12) No change.~~

Specific Authority 468.507, 468.508, 455.711 FS. Law Implemented 468.508, 455.641, 455.711 FS. History—New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Temporary Permits  
 RULE NO.: 64B8-42.003

PURPOSE AND EFFECT: The Council proposes to make recommendations to the Board of Medicine to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Temporary permits.

SPECIFIC AUTHORITY: 468.507, 468.511 FS.

LAW IMPLEMENTED: 468.511 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 IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-42.003 Temporary Permits.

(1) No change.

(2) An applicant who has been issued a temporary permit based on apparent eligibility to take the for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice

dietetics and nutrition under the supervision of a licensed dietitian/nutritionist until notification of the results of the examination. An applicant must take the examination within six months of the issuance of a temporary permit. ~~A temporary permit shall expire one year from the date of issuance.~~ The expiration date shall be extended for an applicant who did not take the examination due to illness, death of a family member, jury duty, military service, or similar circumstances beyond the applicant's control, provided a notarized statement and supporting documentation is supplied. Such extension is valid only until notification of the results of the next examination.

(3) No change.

Specific Authority 468.511, 468.507 FS. Law Implemented 468.511 FS. History—New 4-9-89, Formerly 21M-48.003, 61F6-48.003, Amended 11-12-95, Formerly 59R-42.003, Amended 11-24-97,\_\_\_\_\_.

**Section II  
 Proposed Rules**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Chiropractic Services  
 RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Chiropractic Services Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 p.m., March 22, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room H, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.040 Chiropractic Services.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, ~~January 1999~~ ~~March 1997~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented ~~409.902, 409.906(7), 409.907, 409.908(3), 409.913(5)(e),(8)(h), 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Dental Services RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Dental Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Dental Coverage and Limitations Handbook, January 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

**NOTICE.**

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 p.m., March 22, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room G, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Millard Howard, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Coverage and Limitations Handbook, January 1999 ~~August 1998~~, and Florida Medicaid Provider Reimbursement Handbook, Dental 111, July 1996, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. All three handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Millard Howard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Podiatry Services RULE NO.: 59G-4.220

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 p.m., March 23, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room I, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.220 Podiatry Services.

(2) All podiatry providers must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98 10-13-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: RULE NO.:

Physician Assistant 59G-4.231

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 p.m., March 23, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room G, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.231 Physician Assistant Services.

(2) All physician assistant providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Belinda McClellan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Prison Rehabilitative Industries and 60A-7  
Diversified Enterprises (PRIDE)

RULE TITLE: RULE NO.:

Required Purchase of Corporation 60A-7.005  
Products; Exceptions

PURPOSE, EFFECT AND SUMMARY: To delete the requirement that state agencies notify PRIDE of their decisions to buy commodities or services available from PRIDE from another entity.

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

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

SPECIFIC AUTHORITY: 287.042(13) FS.

LAW IMPLEMENTED: 946.515(2), 287.042(1)(f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., Tuesday, March 23, 1999

PLACE: 4050 Esplanade Way, Suite 315L, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: H. P. Barker, Jr., Chief, Bureau of Procurement

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-7.005 Required Purchase of Corporation Products; Exceptions.

(1) Corporation products tested and approved in accordance with the provisions of Rule 60A-7.004 and certified by the Corporation pursuant to the provisions of 946.515(2), Florida Statutes, as meeting comparable performance specifications and comparable price and quality requirements shall be purchased from the Corporation in lieu of similar products and services from other sources if the category of products and services is necessary for use by a State agency.

~~Exceptions allowed are as follows:~~

(2) If Corporation products are available and not used, an agency ~~s shall make~~ "reasonable determination" of its needs, pricing, and quality requirements relating to the purchase of Corporation products ~~shall be in writing and will be forwarded to the Corporation 10 business days prior to any commitment by the agency to purchase from any entity other than the Corporation with a copy to the Division Director.~~ The determination shall state in factual detail the justification for any determination adverse to the Corporation addressing the following:

(a) Needs for the agency's use of the products or services shall be stated in quantitative terms identifying the scope and usage of the products and services, whether the requirements are long term or short term, quantities required, incompatibilities with existing equipment or usages, and any other facts justifying the needs determination.

(b) Pricing justification shall be stated in comparative terms showing the disparity in pricing as compared to similar goods or services, quantity discounts, or other cost factors pertinent to the price comparison.

(c) Quality justification shall address specific deficiencies or shortcomings which show that the product or service is not compatible or appropriate for agency use.

Specific Authority 287.042(13) FS. Law Implemented 946.515(2), 287.042(1)(f) FS. History--New 5-25-93, Amended 12-31-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

George Banks, Director of Purchasing

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Don Mills, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 25, 1998

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULE TITLE:

RULE NO.:

Examination Fees

61G2-3.003

PURPOSE AND EFFECT: Rule 61G2-3.003 is being amended to establish the fee schedules for examinations and re-examinations when conducted or not conducted by a professional testing service, pursuant to Section 455.2171, Florida Statutes.

SUMMARY: The rule is being amended to clarify the examination and re-examination fees.

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

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

SPECIFIC AUTHORITY: 468.386(1) FS.

LAW IMPLEMENTED: 455.2171, 468.385(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE

PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-3.003 Examination Fees.

~~The fee for the auctioneer examination is \$250. The fee for re-examination is \$250.~~

(1) When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the examination is conducted by a professional testing service

pursuant to Section 455.2171, Florida Statutes, \$237.00 payable to the Department plus \$13.00 payable to the testing service.

(2) When the re-examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the re-examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$237.00 payable to the Department plus \$13.00 payable to the testing service.

Specific Authority 468.386(1) FS. Law Implemented 455.2171, 468.385(4) FS. History—New 5-4-87, Amended 9-13-88, Formerly 21BB-3.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Auctioneers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Auctioneers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 1998  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 1998

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Determination of Opening for Licensed State Pilots or Certificated Deputy Pilot      RULE NO.: 61G14-11.001

PURPOSE AND EFFECT: This rule provision will prohibit a person from simultaneously becoming a certified deputy or licensed pilot in more than one port except in cases of cross licensing or in combined ports. This rule is necessary in order for the Board to carry out its duty of determining the need for deputies and pilots based on supply and demand.

SUMMARY: Rule 61G14-11.001 is being amended within subsection two (2) in order to prohibit a person from simultaneously becoming a certified deputy or licensed pilot in more than one port except in cases of cross licensing or in combined ports.

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

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

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.061, 310.081(1),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John P. Currie, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-11.001 Determination of Opening for Licensed State Pilots or Certificated Deputy Pilot.

(1) No change.

(2) Other than in instances of cross licensing as permitted by § 310.061, Florida Statutes, the licensing of a pilot to serve in more than one port, prevents the board from adequately performing its duty under § 310-061, Florida Statutes, to assess the need for additional pilots in any of the ports to which such pilot is licensed. Therefore, other than in instances of cross licensing as permitted by § 310.061, Florida Statutes, no person shall be eligible to become a certified deputy pilot or licensed state pilot in any Florida port so long as that person remains a licensed pilot in any other Florida port. This prohibition shall not apply where all ports for which certification or licensure is sought have been combined with each other for the purpose of licensing.

~~(3)~~(2) No change.

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

Specific Authority 310.185 FS. Law Implemented 310.061, 310.081(1),(2) FS. History—New 3-21-76, Formerly 21SS-5.06, Amended 1-19-77, 12-7-78, 1-10-80, Formerly 21SS-5.09, Amended 5-11-87, 11-28-90, Formerly 21SS-5.009, 21SS-11.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pilot Commissioners  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 1999

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE CHAPTER TITLE: Practitioner Profile      RULE CHAPTER NO.: 64B-2

RULE TITLE: Form of Practitioner Profile      RULE NO.: 64B-2.001

PURPOSE AND EFFECT: To identify the form of the practitioner profile that will be made available to the public through the World Wide Web and other commonly used means of distribution.

SUMMARY: The rule details the specific information that will be published on the world wide web including, but not limited to, the practitioner’s education and work experience, scope of practice, and previous liability claims.

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

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

SPECIFIC AUTHORITY: 455.5654 FS.

LAW IMPLEMENTED: 455.565, 455.5651, 455.5652, 455.5653, 455.5654, 455.5655, 455.5656 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 22, 1999

PLACE: Northwood Center, Board Room, 1940 North Monroe Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Chief, Bureau of Operations, 2020 Capital Circle, S. E., BIN #C-10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-2.001 Practitioner Profile.

(1) The Department is required to compile information submitted by the practitioner pursuant to s. 455.565 and s. 455.5651 into a practitioner profile of the applicant submitting the information. This practitioner profile shall be available on the world wide web beginning on July 1, 1999. The information available on the world wide web shall consist of the following:

(a) The licensee's license number, license status, year the practitioner began practicing medicine, primary business name, business address, business city and state, hospitals where practitioner has staff privileges, hospital city and state.

(b) Education and training shall consist of the name of the medical school where the practitioner received a degree, the degree title, and years attended. It will also consist of other health related degrees the practitioner has received, the degree title, years attended and date of graduation.

(c) Professional and postgraduate training shall consist of the program's name, program city, state and country, and years attended.

(d) Specialty shall consist of the name of the certifying body and the title of the certification.

(e) Other information may include, but is not limited to, the following:

1. professional or community service name and organization;

2. publication title, publication and the year it was published;

3. languages spoken other than English;

4. other affiliations organization name, office or position held;

5. other professional license number, state licensed in, license status and the year they began practicing;

6. other business office location address, city and state;

7. business phone number or e-mail address.

8. practitioner participation in the Medicaid program.

(f) Method of demonstrating financial responsibility in accordance with s. 458.320 or s. 459.0085.

(g) Criminal offenses that directly relate to the practitioner's ability to competently practice his or her profession shall consist of the offense, date of the offense and the jurisdiction of the offense, and shall include a warning that the criminal history information, if any exists, may be incomplete and that federal criminal history is not available. If the applicant indicates to the department and submits a copy of the document initiating an appeal, the department must state this on the profile.

(h) Final disciplinary action taken within the previous 10 years shall consist of the institution, board or organization name, address, city and state, the month, date and year of the discipline, description of the violation, and description of the action taken. If the applicant indicates to the department and submits a copy of the document initiating an appeal, the department must state this on the profile.

(2) Liability claims within the previous 10 years exceeding \$5,000.00 shall consist of the month date and year of the liability claim and the nature of the claim, and the statutory explanation of why a settlement may have occurred.

(3) When a profile question is not applicable to the practitioner being profiled, the profile will so indicate.

Specific Authority 455.5654 FS. Law Implemented 455.565, 455.5651, 455.5652, 455.5653, 455.5654, 455.5655, 455.5656 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Regina Davis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy C. Gee, Bureau Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 5, 1998, July 17, 1998, August 21, 1998 and January 22, 1999

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Licensure Examination Pursuant to Section 458.3115, Florida Statutes 64B8-5.002

PURPOSE AND EFFECT: The proposed rule is intended to set forth the examination passing scores and relative weights of questions with regard to the examination for licensure pursuant to section 458.3115, F.S.

SUMMARY: The proposed rule sets forth examination information with regard to passing scores, relative weights, content, etc., for the examination administered pursuant to section 458.3115, F.S.

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

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

SPECIFIC AUTHORITY: 455.574(1)(b), 458.3115(4) FS.

LAW IMPLEMENTED: 458.3115 FS.

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

TIME AND DATE: 6:00 p.m., April 8, 1999

PLACE: Westin Hotel, I-95 at Cypress Creek Road East, 400 Corporate Drive, Ft. Lauderdale, Florida 33334-3642

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-5.002 Licensure Examination Pursuant to Section 458.3115, Florida Statutes.

For the purpose of seeking licensure pursuant to section 458.3115, Florida Statutes, the Board of Medicine interprets the phrase “successful completion of the licensure examination” as requiring a passing score of no less than 75 on each part of the FLEX or a scaled score of 350 on the equivalent parts of the Department-developed examination (FMLE) within the time frame set forth in section 458.3115, F.S.

(1) The “Florida Medical Licensure Examination” (FMLE) shall be administered by the Department and the examination consists of two parts. An applicant who chooses to take the licensure examination is required to pass both parts of the examination in order to receive a restricted license to practice medicine in the state.

(2) The FMLE examination consists of the following parts:

(a) Part I – a general written examination containing approximately 400 equally weighted questions which is intended to measure knowledge and understanding of basic and clinical science principles and mechanisms underlying diseases and modes of therapy.

(b) Part II – a written examination containing approximately 400 equally weighted questions that is intended to assess the clinical knowledge and cognitive abilities required of a physician assuming general delivery of medical care to patients.

(3) The minimum passing score for Part I, the general written examination will be a scaled score of 350. The minimum passing score for Part II, assessing clinical knowledge, will be a scaled score of 350.

(4) The questions in Part I, the general written examination, may be drawn from the entire range of medical science content, including the following subject areas:

(a) Basic Sciences – 25% of Part I of the examination. The percent distributions shown below are approximate percentages.

- 1. General Principles 10%
- 2. Hematopoietic and Lymphoreticular Systems 1.5%
- 3. Central and Peripheral Nervous Systems 1.5%
- 4. Skin and Related Connective Tissue 1.5%
- 5. Musculoskeletal System 1.5%
- 6. Respiratory System 1.5%
- 7. Cardiovascular System 1.5%
- 8. Gastrointestinal System 1.5%
- 9. Renal/Urinary System 1.5%
- 10. Reproductive System 1.5%
- 11. Endocrine System 1.5%

(b) Disease Processes – 75% of Part I of the Examination. The percent distributions shown below are approximate percentages.

- 1. General Principles 5%
- 2. Infectious and Parasitic Diseases 6%
- 3. Diseases of the Blood and Blood-Forming Organs 4%
- 4. Psychiatric Disorders 3%
- 5. Diseases of the Nervous System 5%
- 6. Cardiovascular Disorders 6%
- 7. Diseases of the Respiratory System 6%
- 8. Nutritional and Digestive Disorders 5%
- 9. Gynecologic Disorders 6%
- 10. Renal, Urinary, and Male Reproductive Systems 5%

<u>11. Diseases of Pregnancy, Childbirth, and Puerperium</u>	<u>6%</u>
<u>12. Disorders of the Skin and Subcutaneous Tissues</u>	<u>3%</u>
<u>13. Diseases of the Musculoskeletal System and Connective Tissue</u>	<u>5%</u>
<u>14. Endocrine and Metabolic Disorders</u>	<u>5%</u>
<u>15. Disorders of the Eyes and Ears</u>	<u>2%</u>
<u>16. Immune Disorders</u>	<u>3%</u>

(5) The questions in Part II, assessing clinical knowledge may be drawn from the entire range of physician behaviors, and involve normal function or pathophysiology of the following systems which are shown with approximate percentage distributions:

<u>(a) Cardiovascular</u>	<u>15%</u>
<u>(b) Gastrointestinal</u>	<u>15%</u>
<u>(c) Neurologic</u>	<u>9%</u>
<u>(d) Psychologic/Interpersonal</u>	<u>6%</u>
<u>(e) Reproductive</u>	<u>7%</u>
<u>(f) Respiratory</u>	<u>15%</u>
<u>(g) Musculoskeletal/Dermatologic</u>	<u>12%</u>
<u>(h) Endocrine/Metabolic</u>	<u>13%</u>
<u>(i) Ophthalmologic/Otolaryngologic or Special Senses</u>	<u>3%</u>
<u>(j) Hematologic</u>	<u>5%</u>

(6) For each system listed in paragraph (5) above, the questions in Part II will cover the following clinical contexts:

- (a) well-care/preventive medicine;
- (b) acute, circumscribed problems;
- (c) ill-defined presentations or problems;
- (d) chronic or progressive illness;
- (e) emergency conditions, critical care; and
- (f) behavioral/emotional problems.

(7) For each system listed in paragraph (5) above, questions will cover the following physician behaviors:

- (a) data gathering;
- (b) diagnosis;
- (c) treatment;
- (d) prevention; and
- (e) applying scientific concepts in each content area.

(8) Applicants may use a combination of FLEX and FMLE scores to establish successful completion of both parts of the licensure examination (e.g., FLEX, Part I with a score of 75 and FMLE, Part II, with a scaled score of 350.)

Specific Authority 455.574(1)(b), 458.3115(4) FS. Law Implemented 458.3115 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 1998

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE CHAPTER TITLE: Midwifery Practice  
RULE TITLE: Requirement for Insurance  
RULE CHAPTER NO.: 64B24-7  
RULE NO.: 64B24-7.013

PURPOSE AND EFFECT: The Department proposes to amend this rule to change the date when midwives have to provide proof of professional liability insurance coverage.

SUMMARY: The rule changes the date to December 31, 1999 when midwives, licensed prior to December 31, 1997, must provide proof of professional liability insurance coverage.

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

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

SPECIFIC AUTHORITY: 409.908(12)(d), 467.005 FS.

LAW IMPLEMENTED: 409.908(12), 467.014 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., March 22, 1999

PLACE: Bldg. 6, Suite 240, 1309 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Ehrlich, Paralegal, Department of Health, General Counsel's Office, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-7.013 Requirement for Insurance.

(1) Except as provided herein, applicants for licensure, applicants for licensure reactivation, and applicants for licensure renewal shall at the time of application submit proof of professional liability insurance coverage in an amount not



less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000 from an authorized insurer as defined under s. 624.09, F.S., from a surplus lines insurer as defined under s. 626.914(2), F.S., from a risk retention group as defined under s. 627.942, F.S., from the Joint Underwriting Association established under s. 627.351(4), F.S., or through a plan of self-insurance as provided in s. 627.357, F.S. All midwives licensed prior to December 31, 1997 shall have until December 31, 1999 90 days from the effective date of this rule to provide proof of professional liability insurance coverage in accordance with this the subsection.

(2) through (4) No change.

Specific Authority 409.908(12)(d), 467.005 FS. Law Implemented 409.908(12), 467.014 FS. History—New 7-14-94, Formerly 59DD-7.013, Amended 5-4-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James H. “Pete” Peterson, III, General Counsel, Department of Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gloria C. Henderson, Director, Division of Medical Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF INSURANCE**

RULE NOS.:	RULE TITLES:
4-150.002	Applicability
4-150.003	Definitions
4-150.005	Form and Content of Advertisements
4-150.013	Identity of Insurer
4-150.016	Statements About an Insurer
4-150.102	Applicability
4-150.103	Definitions
4-150.105	Form and Content of Advertisements
4-150.106	Disclosure Requirements for Indeterminate Value Life and Annuity Contract Advertisements

4-150.114	Identity of Insurer
4-150.202	Applicability
4-150.203	Definitions
4-150.213	Identity of Small Employer Carrier

**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. 24, No. 30, July 24, 1998, of the Florida Administrative Weekly. These changes were made in response to comments made at the public hearing.

4-150.002 Subsection (2) – changed to read:

~~(2) Every insurer shall establish and at all times maintain a system of control over the content, form, and method of dissemination of all of its Health Insurance advertisements. All such advertisements, regardless of by whom written, created, designed or presented, shall be the responsibility of the insurer(s) benefiting directly or indirectly from their dissemination provided the insurer shall not be responsible for advertisements that are published in violation of written procedures or guidelines of the insurer.~~

(3) through (4) renumbered (2) through (3).

Law Implemented – Added 626.451(3).

4-150.003 Subsection (11) – changed to read:

(11)(a) “Invitation to Inquire” means an advertisement that:

1. Has as its objective the creation of a desire to inquire further about a health insurance policy;

2. Is limited to a brief description of coverage that shall include only:

a. A brief description of the loss for which benefits are payable;

b. The dollar amount of benefits payable; and

c. The period of time during which benefits are payable; and

3. Contains a provision in the following or substantially similar form: “This policy has (exclusions) (limitations) (reductions of benefits) (terms under which the policy may be continued in force or discontinued). For costs and complete details of the coverage call (or write) your insurance agent or company.” (whichever is applicable)

(b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the marketed health benefit plan;